



Staff Report

To: Francis City Planning Commission

From: Katie Henneuse

Report Date: May 3rd, 2021

Meeting Date: May 20th, 2021

Title: FT-99 Rezoning

Type of Item: Zone Map Amendment

Executive Summary:

The City Center zone was established in September 2019. The zone includes several parcels surrounding the four-way stop at the intersection of SR-32 and SR-35. It came to the attention of Staff in February 2021 that one parcel (FT-99) was not included in the City Center zone that likely should have been included. FT-99 is currently zoned Commercial (C-1).

City Code:

18.45 C-1 Commercial Zone

18.57 City Center Zone

Staff Recommendation:

Review the zone map amendment documentation and forward to City Council with a positive recommendation to change the zoning of parcel FT-99 from C-1 to CC.

Community Review:

Francis City invites you to attend a public hearing for this item by following the link below or by calling 1-346-248-7799 or 1-669-900-6833.

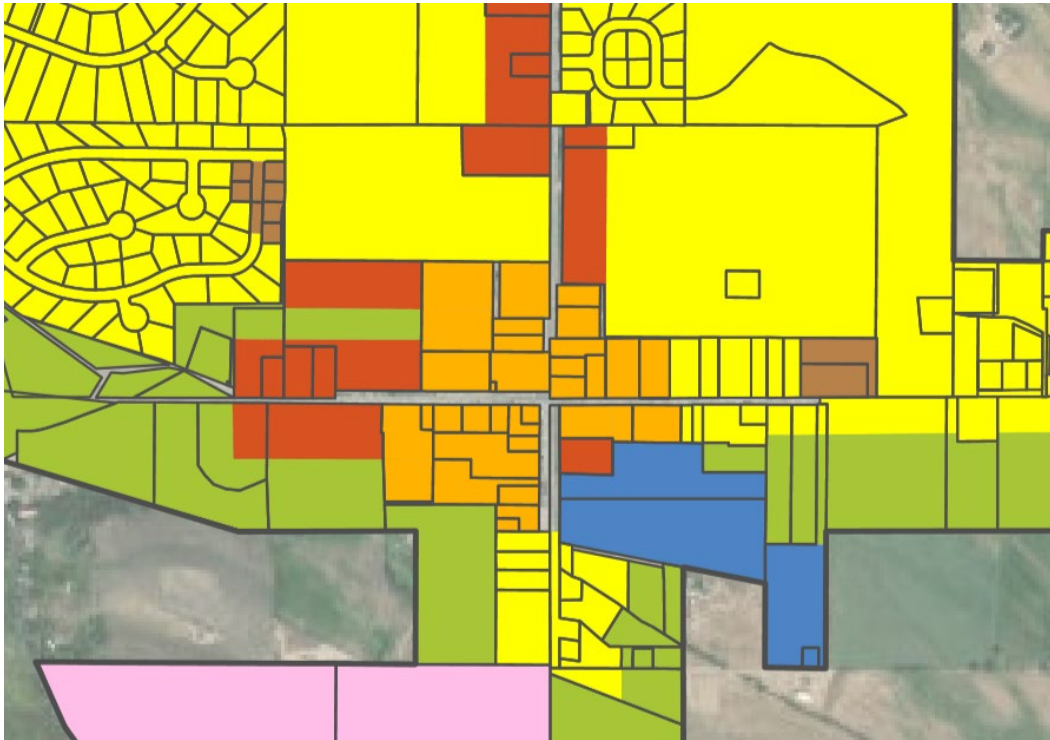
<https://us02web.zoom.us/j/86901417999?pwd=Q20rOXZOVWhqNExiYVY3UFJ2T1NjUT09>

Meeting ID: 869 0141 7999 Password: 090266

You can also comment by email to comments@francisutah.org

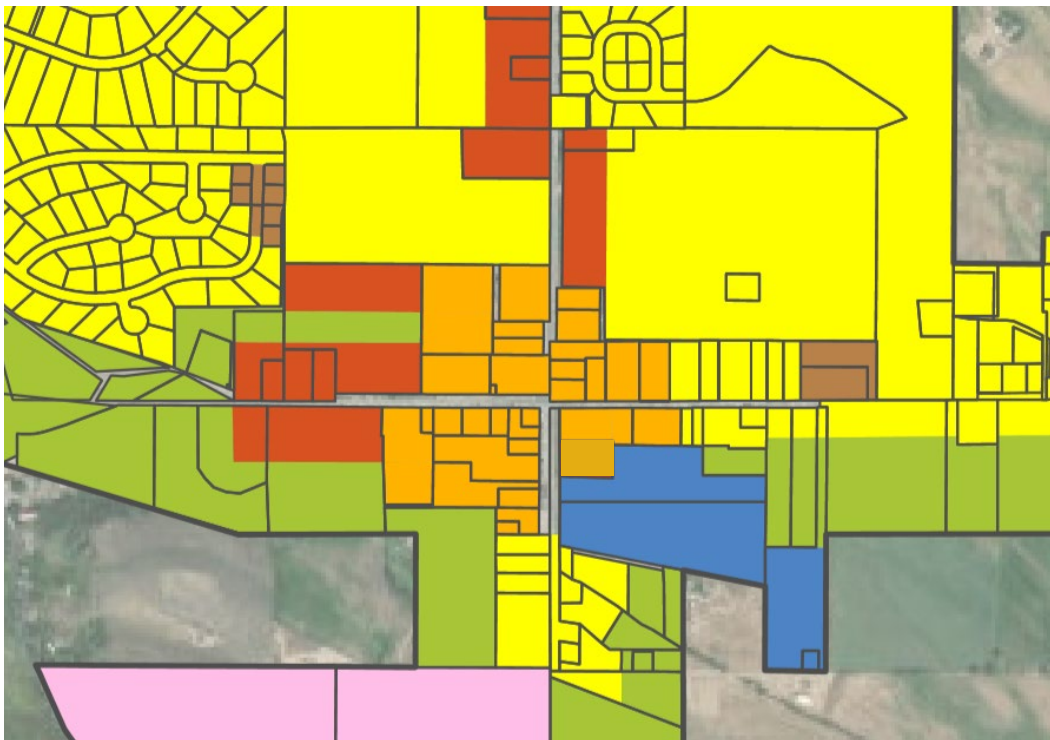
Published in the Park Record May 5th, 2021.

Current Zoning



- Agriculture (AG-1)
- Agriculture (AG-2)
- City Center (CC)
- Commercial (C-1)
- Light Industrial (L-1)
- Public Facilities (PF)
- Residential Cottage (R-C)
- Residential Half (R-H)

Proposed Zoning



- Agriculture (AG-1)
- Agriculture (AG-2)
- City Center (CC)
- Commercial (C-1)
- Light Industrial (L-1)
- Public Facilities (PF)
- Residential Cottage (R-C)
- Residential Half (R-H)



Staff Report

To: Francis City Planning Commission
From: Katie Henneuse
Report Date: May 6th, 2021
Meeting Date: May 20th, 2021
Title: Planned Development Overlay Zone
Type of Item: Code Text Amendment

Executive Summary:

In May 2020, the City Council approved a zone change from R-H to R-C for 2.67 acres of land, located on parcels FT-13-E-2 and FT-16-E-1 at 285 East 2200 South. Two concept plans were presented during the zone change hearings – one with 6 lots and another plan with 8 lots. The developer is moving forward with subdividing the land and is now proposing 10 single-family home lots, but the concept plan requires variations from City Code. The developer is proposing that Francis City adopt a Planned Development overlay zone and has submitted a code text amendment.

Staff has reviewed the code text amendment and has revised the amendment in coordination with the applicant.

Staff Recommendation:

Discuss the proposed code text amendments and make any necessary edits. Forward to the City Council with a positive recommendation.

Community Review:

Francis City invites you to attend a public hearing for this item by following the link below or by calling 1-346-248-7799 or 1-669-900-6833.

<https://us02web.zoom.us/j/86901417999?pwd=Q20rOXZOVWhqNExlYVY3UFJ2T1NjUT09>

Meeting ID: 869 0141 7999 Password: 090266

You can also comment by email to comments@francisutah.org

Published in the Park Record May 5th, 2021.

18.59 PLANNED DEVELOPMENT OVERLAY ZONE (PD)

18.59.010 Purpose

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

18.59.020 Requirements

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

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

The Planned Development zone may be used in combination with any zone set forth in FCC Title 18. However, it may not be overlaid on an individual flag lot. The provisions of the Planned Development zone shall be supplementary to the provisions of the zone with which it is combined and shall not be applied to any land area as an independent zone.

18.59.030 Process

The petition process for a Planned Development overlay zone shall follow the procedure for a zone map amendment as outlined in FCC Title 18, with the following additions to the process and application:

1. Concept plan. The applicant shall submit a conceptual plan for discussion with the Planning Commission prior to the submission of an official application. The concept plan shall meet all the requirements of FCC 17.15 (Concept Plan) as well as the following:
 - a. Density: The number and layout of residential units proposed per acre in the Planned Development shall be shown on the map.
 - b. Site area: The overall acreage of the project as well as the layout of open space, recreational facilities, commercial structures and parking, roadways, pedestrian and bike paths, other common community facilities and landscaped areas in public rights-of-way shall be depicted on the map.

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

3. Agreements. Creation of a development agreement that identifies land uses, zoning, residential densities, non-residential land uses, public and private funding obligations, construction of public and private amenities, impact fees or other development credits, and phasing for the development is required. The development agreement must place maintenance and ownership responsibilities for private streets and alleys within a Planned Development with the landowner(s) or an owner's association such as a Homeowner's Association (HOA). The development agreement shall be executed upon approval of the Planned Development overlay zone. The developer shall submit to the City an agreement between the developer and the City stating among other things:
 - a. That in the event of failure or neglect on the part of the owners, successors, assigns, or Homeowner's Association (HOA) to maintain water and sewage facilities, private roads and alleys, common areas, landscaping, or other improvements in good conditions, the City may perform the necessary work and charge the cost thereof, including reasonable attorney fees, to the owners or their successors and assigns.
 - b. That the owners, successors, assigns, or HOA will reimburse the City for all costs which the City incurs as a result of performing the necessary work along with any penalties due per FCC 18.145 "Penalties"; and
 - c. That the terms of the contract shall be binding upon the heirs, assigns, receivers, successors, and HOA of the project for the life of the project or development; and
 - d. Any other conditions that the Planning Commission, City Council, and/or City attorney deems to be reasonably necessary to carry out the intent of this ordinance.

Approval of the Planned Development overlay zone does not constitute approval to proceed with development. The developer is required to follow the procedure and obtain the approvals required in FCC Titles 17 and 18 and other City Ordinances to obtain Subdivision approval.

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

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

The City Council may, in its sole discretion, grant the applicant an extension of this deadline, for good cause shown, if application is made prior to expiration of the deadline.

18.59.040 Residential and Commercial Uses

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

1. Density: Reduced lot areas shall be a permitted use in a Planned Development provided total density does not exceed the density permitted by the underlying zone in which the development is situated. Total density shall be calculated as total square footage of the subject property divided by the minimum lot requirement. Private roads and alleys are not deducted from the total square footage.
2. Commercial Uses: Any commercial use allowed in FCC 18.45 shall be a permitted use with the Planned Development overlay of a C-1 zone provided such use is designed as an integral element of the Planned Development, including building and landscaping design which is consistent with design elements of the development.

18.59.050 Development Standard Variations

Variations from applicable development standards of an underlying zone and this title and Title 18 may be approved by City Council after receiving a Planning Commission recommendation as part of the Planned Development overlay zone approval, provided that such variations are explicitly noted in the ordinance granting Planned Development overlay zone approval and provided that the applicant demonstrates that:

1. A proposed project which includes a variation is the result of a substantial amount of advanced planning; and
2. Any adverse conditions which may result from the variation will be mitigated; and

3. Any variation for private streets or alleys complies with Section 503 and Appendix D of the International Fire Code; and
4. The variation will result in a substantial benefit not only to persons who live or work within the project, but also to Francis City and its residents generally.

Where a Planned Development establishes unique standards that conflict with the standards of this title and Title 18, Planned Development standards shall prevail. When a Planned Development is silent or does not establish development standards, the standards for the underlying zone shall apply as determined and interpreted by the City Planning Department.

18.59.060 Architectural Review and Standards

Proposed developments shall undergo an architectural review by the Planning Commission. The review will determine if the developer has effectively incorporated a mountain aesthetic with neutral colors that is in harmony with the surrounding landscape and structures into the development. Manufactured homes are prohibited in a Planned Development. Permanent structures including panelized or prefabricated homes are allowable. All structures must be placed upon a permanent foundation of reinforced concrete in accordance with International Building Code standards. All structures must satisfy the snow load requirements for their location.

18.10.060 "F" Definitions

"Failure" means the omission of expected or required action.

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

18.10.140 "N" Definitions

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



Staff Report

To: Francis City Planning Commission

From: Katie Henneuse

Report Date: May 4th, 2021

Meeting Date: May 20th, 2021

Title: Subdivisions – Level 2 Changes

Type of Item: Code Text Amendment

Executive Summary:

The purpose of this amendment is to make updates, revisions, and clarifications to the City's Subdivision code. In April, the Planning Commission decided to break the amendments up into three groups. The "Level 1" amendments (items which require little or no discussion) were reviewed in the last meeting. These "Level 2" amendments (minor changes to process) will be discussed today:

- Update annexation policy plan to reflect current process (17.10).
- Update concept plan application requirements (17.15.020).
- Reduce utility easements from 10 feet to 5 feet along sides and back of lots (17.25.320).
- Update preliminary plan requirements (17.30).
- Clarify that for phased subdivisions, the applicant must get final plat approval for at least one phase within a year of preliminary plan approval (17.30.070).
- Update the requirements for a final plat (17.35.060).
- Allow moderate income bonus density either under the moderate income housing code or as bonus density in a multi-family or city center zone, but not both (17.55.030).

City Code:

Title 17 SUBDIVISIONS

Staff Recommendation:

Review the amendment updates, provide comments, and forward to City Council with a positive recommendation.

Community Review:

A public hearing was held for this agenda item on April 15th, 2021. No public comments were made. A public hearing is not required at this time.

Title 17
SUBDIVISIONS

Chapters:

- 17.05 General Provisions**
- 17.10 Annexation Policy Plan**
- 17.15 Concept Plan**
- 17.20 Improvement, Design, and Layout Considerations**
- 17.25 Lot Improvements and Arrangement**
- 17.30 Preliminary Plan**
- 17.35 Final Plat**
- 17.40 Improvements**
- 17.45 Building Permits**
- 17.50 Minor Subdivisions**
- 17.55 Moderate Income Housing**
- 17.60 Conservation Subdivision**

Chapter 17.05
GENERAL PROVISIONS

Sections:

- 17.05.010 General provisions.
- 17.05.020 Introduction.
- 17.05.030 Purpose for standards and regulations.
- 17.05.040 Authority.
- 17.05.050 Jurisdiction.
- 17.05.060 Interpretation, conflict, and severability.
- 17.05.070 Amendments.
- 17.05.080 Vacation, alteration or amendment of subdivision plats.
- 17.05.090 Subdivision application procedure and approval process.

17.05.010 General provisions.

The standards and regulations set forth in this chapter relate to proposed subdivisions in the City of Francis. All subdivisions shall be consistent with this title and all other relevant sections of this title and FCC Title 18. All commercial projects will be reviewed under the provisions of Chapter 18.115 FCC.

These standards and regulations may be known, cited and referred to as the development standards and/or subdivision regulations of the City of Francis, Utah. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.1, 1993.)

17.05.020 Introduction.

Subdivisions in Francis shall be designed in a manner so that they may be used safely for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace, and land shall not be subdivided and developed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If necessary and required public facilities, infrastructure and safety protections are not in place or cannot be provided for, the subdivision will not be allowed.

Proposed public improvements shall conform to the general plan, streets master plan, official zoning map, and the capital budget and infrastructure improvement program of Francis. It is intended that these regulations supplement and facilitate the enforcement of the provisions and standards contained in the currently adopted International Building Code, this title and FCC Title 18, general plan, official zoning map, and capital budget and infrastructure improvement program as they are adopted and may be amended. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.2, 1993.)

17.05.030 Purpose for standards and regulations.

The development standards and subdivision regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare.
2. To guide future growth and development in Francis, in accordance with the comprehensive or general plan.
3. To provide for adequate light, solar access, open space, air, privacy, to secure safety from fire, flood, landslides and other geologic and natural hazards, and other danger, and to prevent overcrowding of the land and undue congestion of population.
4. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
5. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, trails, recreation, streets, and other public facilities.

6. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and the pedestrian traffic facilities, and to provide for the proper location and width of streets and building setbacks.
7. To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided land.
8. To insure that public facilities are available and will have a sufficient capacity to serve the proposed development.
9. To prevent the pollution or degradation of air, streams, and ponds, assure the adequacy of drainage facilities, protect subsurface water, minimize site disturbance and the removal of native vegetation and soil erosion, encourage the wise use and management of natural resources throughout the municipality, and preserve the integrity, stability, and beauty of the community and value of the land.
10. To provide for open spaces through efficient design and layout of the land using flexible density or cluster type zoning, and flexible width and area of lots, while preserving the overall density of land as established in Chapter 18.20 FCC. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.3, 1993.)

17.05.040 Authority.

By authority of ordinance and in accordance with Section 10-9a-601 et seq., Utah Code Annotated 1953 (as amended), and any other applicable federal, state, county or municipal laws, statutes, ordinances, and regulations of the state of Utah, the City Council hereby exercises the power and authority to review, approve, and disapprove plats for subdivision land within the corporate limits of Francis.

By the same authority, the City Council does also hereby exercise the power and authority to disapprove development in subdivisions.

1. If the plat or subdivision has been recorded in the County Recorder's office without a prior approval by the City. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.4, 1993.)

17.05.050 Jurisdiction.

These development standards and subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of Francis City. Application requirements that pertain to minor subdivisions of 4 lots or fewer are described in FCC 17.50.

No land shall be subdivided within Francis until the subdivider or agent submits a concept plan of the project to the Planning Commission (the concept plan shall not constitute an application for development approval, nor vest any rights to existing zoning or ordinances), obtains preliminary and final master plan approval from City Council for phased subdivisions, obtains a recommendation on approval of the preliminary plan and final plats from the Planning Commission, obtains approval of the final plats by the City Council, and the approved plat is filed with the County Recorder.

No building permit or certificate of occupancy will be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations unless approved under prior subdivision ordinance. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the applicable City regulations.

No owner, or agent, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a final subdivision plat has been approved by the City Council in accordance with the provisions of these regulations, and filed with the County Recorder. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. The City may approve metes and bounds descriptions for purposes of lot line adjustments and resolving conflicting boundary descriptions.

Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a class C misdemeanor. Appropriate actions and proceedings may be taken by law or in equity to prevent violation of these regulations, unlawful construction, to recover damages, restrain, correct, or abate a violation, or prevent illegal

occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.5, 1999; Ord. 66 § 6.5, 1993.)

17.05.060 Interpretation, conflict, and severability.

1. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

2. Conflict with Public and Private Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision or ordinance, rule or regulation, or law, whichever provision is more restrictive or imposes higher standards shall control.

Further, these regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall control. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of approval, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and conditions imposed; provided, however, that the City is under no obligation to enforce private covenants.

3. Severability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.6.1, 1999; Ord. 66 § 6.6, 1993.)

17.05.070 Amendments.

For the purpose of protecting the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by the development standards and subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and City Council in the manner prescribed by law and outlined in Chapter 18.05 FCC. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.8, 1993.)

17.05.080 Vacation, alteration or amendment of subdivision plats.

The City Council may, on its own motion, a recommendation by the Planning Commission, or pursuant to a petition, consider at a public hearing any proposed vacation, alteration or amendment of a subdivision plat, or any street, lot, alley or public use area contained in a subdivision plat, as provided in Sections 10-9a-608 through 10-9a-609, Utah Code Annotated 1953, as amended. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.9, 1993.)

17.05.090 Subdivision application procedure and approval process.

When subdivision of land is proposed and prior to any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the owner, or authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with this section.

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

All funds in applicant deposit accounts are available at all times for expenditure by the City to satisfy fees incurred by the City for the project. The City shall notify applicants when fees are incurred for the applicant's project. If the balance on deposit for an applicant drops below an amount sufficient to cover anticipated costs, the applicant must pay all outstanding billings for the month plus bring the deposit account back up to a sufficient amount, as set forth in the City's then-prevailing fee and rate ordinance. If at any time an applicant's deposit account does not comply with the provisions set forth herein, the City's staff and its contractors, agents and consultants shall stop work on the project until the account comes into compliance. At the conclusion or termination of a project, any unexpended

amounts in an applicant's deposit account shall be refunded to the applicant. (Ord. 2016-09 § 1, 2016; Ord. 2011-04, 2011; Ord. 66 § 6.10, 1993.)

Chapter 17.10
ANNEXATION POLICY PLAN

Sections:

- 17.10.010 Purpose.
- 17.10.020 General requirements.
- 17.10.030 Property owner initiation of annexation.
- 17.10.040 Procedures for consideration of petition and plat.
- 17.10.050 Annexation petition review.
- 17.10.060 Municipal initiation of annexation.
- 17.10.070 Annexation declaration area map.

17.10.010 Purpose.

This chapter shall be the Francis City annexation policy plan and shall replace in full all prior versions of an annexation policy plan adopted by Francis City.

The annexation requirements specified in this chapter are intended to protect the general interests and character of the Francis City municipal community (“City” or “Francis City”) by assuring the orderly growth and development through: coordinating and planning utilities and public services; preserving open space, enhancing parks and trails; ensuring environmental quality; protecting entry corridors, view sheds and environmentally sensitive lands; preserving historic and cultural resources; creating buffer areas; protecting public health, safety, and welfare; and ensuring that annexations are approved consistent with the Francis City general plan, the Francis City vision and applicable laws of the state of Utah.

In meeting the goals of Francis City’s annexation policy plan, contained herein, the Planning Department and City Council shall strive to avoid gaps between or overlaps with the expansion areas of other municipalities; consider the population growth projections for Francis City and adjoining areas for the next 20 years; consider current and projected costs of infrastructure, urban services, and necessary public facilities; facilitate full development of areas within Francis City; expand infrastructure, services, and facilities into the area being considered for inclusion in the expansion area when practical and feasible; consider, in conjunction with Francis City’s general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development; consider the reasons for including agricultural lands, forests, recreation areas, and wildlife management areas in Francis City; and be guided by the following principles:

The areas into which Francis City may be expanded are depicted by the annexation declaration map, attached hereto as Exhibit “A” and incorporated by reference. The lands within the expansion area are presently outside the City limits and are mostly within the ~~Francis City sanitation district and Summit County Fire District boundaries. In addition, the Francis City culinary water system extends beyond the City limits and serves parts of the surrounding unincorporated area.~~

If practical and feasible, the boundaries of an area proposed for annexation shall be drawn to:

1. Eliminate islands and peninsulas of territory that are not receiving municipal type services;
2. Facilitate the consolidation of overlapping functions of local government; and
3. Promote the efficient delivery of services.

It is the intent of this chapter to ensure that property annexed to the City will contribute to the attractiveness of the community and will enhance the rural image which is critical to the economic viability of the community, and that the potential fiscal effect of an annexation does not impose an unreasonable burden upon City resources and tax base.

This chapter hereby incorporates by reference all applicable provisions of Sections 102-401 through 102-428, Utah Code Annotated 1953, as amended (hereinafter, “Utah Code”). (Ord. 2007-12 § 1, 2007.)

17.10.020 General requirements.

The following specific requirements are hereby established for annexation to Francis City:

1. Property under consideration for annexation must be considered a logical extension of the City boundaries.
2. Annexation of property to the City must be consistent with the intent and purpose of this chapter and the Francis City general plan, in addition to the master plan for water, sewer, and roads.
3. Every annexation shall include the greatest amount of contiguous property area, which is also contiguous to the City's municipal boundaries.
4. Piecemeal annexation of individual small properties shall be discouraged if larger contiguous parcels are available for annexation within a reasonable time frame in order to avoid repetitious annexations.
5. Islands of county jurisdiction shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be strongly discouraged.
6. In addition to services provided by existing districts, such as sewer, fire protection, and public schools, the following urban level services, consistent with those normally provided in the rest of the incorporated boundaries will be provided to annexed areas:
 - a. Law enforcement protection;
 - b. Snow removal on public streets, subject to standard City snow removal policies;
 - c. Maintenance of existing public streets, provided that such streets have been constructed or reconstructed to City street standards or are acceptable to the City Engineer and City Council;
 - d. Planning, zoning, and municipal code enforcement;
 - e. Access to municipal sponsored parks and recreational activities and cultural events and facilities;
 - f. Water and sewage waste disposal services as the area is developed. Existing facilities for water treatment, storage and delivery, and/or for sewage removal and treatment may be inadequate to provide water and sewer services to a proposed annexation area. The City shall determine the timing of and necessary capacity for the extension of water and sewer service to a proposed annexation area. New development in an annexation area shall pay the cost of improvements necessary for the extension and connection of new developments to City water and sewer lines and systems, as well as contribute to the cost of additional capital improvements, including, but not limited to, storage and distribution facilities as necessary for safe, reliable, and efficient water flows and waste removal.
7. Before considering requests for annexation, the City shall carefully analyze the impacts of annexation of the area proposed by taking into consideration whether the area will create negative impacts on the City and considering whether the City can economically provide services to the annexed area. Community issues such as location and adequacy of schools and community facilities, traffic, fire protection, particularly in wildfire/wildland interface areas, usable open space and recreation areas, protection of sensitive lands, conservation of natural resources, protection of view corridors, protection and preservation of historic resources, affordable housing, balance of housing types and ownership, adequate water and sewer capacity to serve the future needs of the proposed annexation area shall be considered.
8. Where it is in the public interest to preserve certain lands from development in flood plains, where geologic hazards exist, where slopes are severe, or where the need for preservation of community open space and/or agricultural lands is consistent with the general plan, annexations may be used as a means to retain those lands in a natural state.
9. Francis City shall consider annexation of unincorporated areas of Summit County that are within the annexation declaration area on its own initiative in order to promote the policies set forth in FCC 17.10.010.

10. In general, the annexation of unincorporated territory which should be located within another municipality is not favored, nor the annexation of unincorporated territory solely for the purpose of acquiring municipal revenues, nor for retarding the capacity of another municipality to annex. (Ord. 2007-12 § 2, 2007.)

17.10.030 Property owner initiation of annexation.

When initiated by a property owner, an annexation shall be initiated by filing a petition with the City Recorder, which shall contain and comply with the following:

1. The petition shall satisfy the criteria and formats established by the City, as well as comply with the statutory requirements set forth in Sections 10-2-401, 10-2-402, and 10-2-403, Utah Code Annotated.
 - a. The signatures of property owners whose real property covers a majority of the private land area within the proposed annexation area, which is also equal in value to at least one-third of the value of all private real property within said area.
 - b. If the area is within an agriculture protection area created under Title 17, Chapter 41, Utah Code Annotated, 100 percent of the private land area within the area proposed for annexation must be included.
 - c. If the property is owned by a public entity other than the federal government, the signature of the owner of all of the publicly owned property within the area proposed for annexation.
 - d. The designation of up to five of the petitioners as sponsors, one of whom shall be designated as the contact sponsor, along with the mailing address of each sponsor.
 - e. Certification that a notice of intent to annex, with accurate map of the proposed annexation area attached, has been hand delivered or mailed to all owners of real property within the annexation area and all owners of real property located within 600 feet of that area.
2. Attached to and as part of the petition shall be an accurate certified survey plat of the property to be annexed, prepared by a surveyor licensed to practice in Utah, accurately describing the existing City boundaries and each individual ownership sought to be annexed, including an accurate legal description of the property to be annexed.
3. A representation as to the anticipated timetable for development, if applicable, of the property being annexed.
4. If the proposed area is intended for development, a complete copy of the development concept plan, which shall also be filed at the same time (or earlier) with the City Planner. The petition shall also identify and depict any requested zoning designation on the plan or a suitable map. Impact mitigation considerations in the annexation agreement will be based on the density permitted under the requested or applied zone requirements.
5. Depending on the scope and intensity of proposed development of the annexation area and the anticipated impact on adjacent lands, the applicant shall prepare and submit a review and analysis of the surrounding property, as provided in FCC 17.10.050(5), including but not limited to a wetlands delineation.
6. Zoning requests are subject to independent review and recommendation by the Planning Commission, with final approval by the City Council concurrent with public hearings on the proposed annexation.
7. There shall also be attached to the annexation petition a full disclosure statement of any and all waters owned or historically utilized on the property to be annexed.
8. The annexation petition shall not propose annexation of any land area proposed for annexation to a municipality in a previously filed petition that has not been granted, denied, or rejected.
9. The annexation petition shall not propose annexation of any land area being considered as part of any area proposed for incorporation as a municipality under Utah state law.
10. On the date of filing the annexation petition with the City Recorder, the petition sponsor(s) shall also deliver ~~or mail~~ a copy of the petition to the clerk of the county or counties in which the annexation area is located ~~and to the Chair of the City Planning Commission.~~ (Ord. 2017-04 § 1, 2017; Ord. 2007-12 § 3, 2007.)

17.10.040 Procedures for consideration of petition and plat.

The procedure for processing an annexation petition and plat shall be as follows:

1. A petition and proper plat certified by a licensed surveyor shall be submitted to the City Recorder in accordance with Section 10-2-403(2)(C), Utah Code Annotated, together with such other information as may be required by the City Planner to enable the staff to prepare [an annexation impact report](#) [written recommendation](#).
2. Prior to City Council action on the petition, the petition and plat shall be reviewed by the City Planner, who shall evaluate the feasibility of the subject expansion of the City's boundaries and who shall prepare a written recommendation for consideration by the City Council.
3. If the City Council determines that the annexation petition provides the information and representations required by FCC 17.10.030, the petition may be accepted for further consideration under FCC 17.10.050 and delivered to the City Recorder for consideration of certification pursuant to Section 10-2-405, Utah Code Annotated.
4. The City Recorder shall determine, within the time frame and according to the provisions of Section 10-2-405, Utah Code Annotated, whether the petition should be certified. If the petition is certifiable, the City Recorder shall publish notification thereof in accordance with Section 10-2-406, Utah Code Annotated.
5. If certified by the City Recorder, the Planning Commission, ~~upon referral from the City Planner, may determine to shall~~ hold a public hearing and thereafter make a recommendation on the annexation proposal, including any requested zoning designation, to the City Council.
6. After receipt of the Planning Commission's recommendation, completion of the review and evaluation provided for by FCC 17.10.050, and after giving notice pursuant to Section 102-407, Utah Code Annotated, the City Council shall hold a public hearing on the proposed annexation. Following public hearing, the City Council may either grant the petition, with or without conditions, or deny it. If granted, and upon compliance with all conditions, an ordinance affirming the annexation shall be enacted; provided, however, that protests to an annexation petition shall be dealt with as set forth in Section 10-2-407, Utah Code Annotated. Denial of or granting the petition while a protest is pending is subject to Section 10-2-408, Utah Code Annotated.
7. Once the City Council enacts an ordinance annexing an unincorporated area or adjusting a boundary all applicable zoning and land management code provisions shall apply to the annexed property.
8. As a condition to recordation of the annexation ordinance, the City may require the execution of an annexation agreement pursuant to FCC 17.10.050(3).
9. Within 30 days after enacting an ordinance annexing an unincorporated area or adjusting a boundary, the City shall:
 - a. Record with the Summit County Recorder a certified copy of the ordinance approving the annexation or boundary adjustment, together with the annexation plat or map prepared by a licensed surveyor and approved by the City, showing the new boundaries of the affected area.
 - b. File with the Lieutenant Governor of the state of Utah the amended articles of incorporation reflecting the annexation or boundary adjustment, as provided in Section 10-1-117, Utah Code Annotated.
 - c. Comply with the notice requirements of Section 10-1-116, Utah Code Annotated. [The City Recorder shall mail written notice of certification to the school district, fire district, any special service district, Rocky Mountain Power, and the County Clerk.](#) (Ord. 2007-12 § 4, 2007.)

17.10.050 Annexation petition review.

1. Staff Review Team. After the acceptance of a petition by the City Council and certification thereof by the City Recorder, the procedure for annexation shall comply with the Utah Code; provided, however, the City Council shall not take final action on any petition until the same has been reviewed by the City Planning Commission and by the staff review team. ~~For purposes of annexation petition review, the staff review team shall be composed of at least the following, or their designees:~~

~~City Engineer, Planning and Zoning Administrator, Director of Public Works, Fire Marshal, County Sheriff, representatives from applicable utility providers and South Summit School District Superintendent.~~

2. Annexation Evaluation and Staff Report. The staff review team will review each annexation and zoning request. The Planning Department will prepare a staff report based thereon and with recommendation to the Planning Commission. The staff report shall include an evaluation of the proposed annexation and shall include at least such of the following information as deemed necessary and appropriate in consideration of the scope of the proposed annexation:

Commented [KH1]: Staff review team is planner and engineer. Notice is mailed to school district, fire district, and other affected entities.

- a. The ability to meet the general annexation requirements set forth in FCC 17.10.020.
- b. An accurate map of the proposed annexation area showing the boundaries and property ownership within the area, the topography of the area and major natural features, e.g., drainage, channels, streams, wooded areas, areas of high water table, very steep slopes, sensitive ridgeline areas, wildfire/wildland interface areas, and other environmentally sensitive lands.
- c. Identification of current and potential population of the area and the current residential densities.
- d. Land uses presently existing and those proposed.
- e. Character and development of adjacent properties and neighborhoods.
- f. Present zoning and proposed zoning.
- g. A statement as to how the proposed area, and/or its potential land use, will contribute to the achievement of the goals and policies of the Francis City general plan and Francis City vision.
- h. Assessed valuation of the properties within the annexation area.
- i. Potential demand for various municipal services and the need for land use regulation in the area, e.g., consideration of the distance from existing utility lines, special requirements for sensitive lands review and fire protection in wildfire or wildland areas, location within hazardous soils areas, and feasibility of snow removal from public streets.
- j. The effect the annexation will have upon City boundaries and whether the annexation will ultimately create potential for future islands, undesirable boundaries, and difficult service areas.
- k. A proposed timetable for extending municipal services to the area and recommendation on how the cost thereof will be paid.
- l. Comparison of potential revenue from the annexed properties with cost of providing services thereto.
- m. An estimate of the tax consequences and other potential economic impacts to residents of the area to be annexed.
- n. Recommendations or comments of other local government jurisdictions regarding the annexation proposal and potential impact of the annexation on general county economic needs, goals, or objectives.
- o. Location and description of any historic or cultural resources.

3. Conditions of Annexation Approval and Annexation Agreement. The following conditions must be met prior to approval of an annexation, unless the City Council determines that the particular circumstances of a proposed annexation do not require the imposition of some, or all, of such conditions. These conditions shall be applied consistently for each proposal; however, unusual or unique circumstances may exist which require the imposition of additional, special conditions. The conditions of approval may be required to be formalized by written annexation agreement. The annexation agreement shall be approved by the City Attorney, reviewed by the Planning Commission, signed by the City Council and recorded with the Summit County Recorder.

- a. Identification of usable water rights to be transferred to Francis City to serve the proposed development.
 - b. Additional improvements as necessary which may be required in order to improve the water system.
 - c. Identification of usable water rights to be transferred to Francis City to serve the proposed development. Dedication of necessary streets, trails, utilities, and rights-of-way consistent with the subdivision standards of this code.
 - d. Phasing of the development and the annexed area to insure adequacy of public facilities if necessary.
 - e. Agreement to an annexation fee in the amount of \$8,000 per equivalent residential unit constructed on the annexation property, but this fee may be adjusted up or down or waived by the City Council for any particular annexation, but only for just cause, as determined in the City Council's sole discretion in findings to be set forth in writing.
 - f. Dedication of open space or conservation areas.
 - g. Payment of other fees required by the City, including planning, engineering, legal and other professional and consulting fees.
 - h. Provision of affordable housing in accordance with any affordable housing resolution as may be in effect at the time of petition filing.
 - i. Submittal of site plans and architectural plans for review.
 - j. A sunset clause setting a deadline on the applicant's density allowance specified in the annexation agreement (if any).
 - k. Flood plain management or preservation of environmentally sensitive lands including compliance with the sensitive lands provisions of the City code.
 - l. Analysis and survey of any historic and cultural resources located on the property.
 - m. Analysis of the fiscal impacts of the development as determined necessary by the City. The fiscal impact analysis format, including the revenue and cost assumptions, shall be approved by the City. If necessary, the City may retain a qualified consultant to perform the fiscal impact analysis, at the expense of the applicant.
 - n. Fees paid in lieu of satisfying certain conditions, as may be approved by the City Council.
 - o. Review of surrounding property as described in subsection (5) of this section.
 - p. Any other condition reasonably related to a health, safety, or welfare issue or negative impact of the annexation and any proposed development thereof.
4. Amendments to the Annexation Agreement. Subsequent amendments to an annexation agreement which are substantive in nature shall be subject to review by the Planning Commission and approval by the City Council, following reasonable public notice. Substantive amendments shall also be recorded with the Summit County Recorder.
5. Review and Analysis of Surrounding Property. Upon consideration of the impact of the proposed annexation, the City Planner may require that a land use review and analysis of surrounding property be submitted with the annexation petition. This analysis of surrounding property shall be in sufficient detail for the City to determine the long-term community impacts of the proposed annexation on these properties. This analysis may include, but is not limited to, all property within one-half mile of the boundaries of the proposed annexation. The City Planner may modify the study area one-half mile more or less to achieve a suitable and logical study area. The review and analysis of surrounding property shall be performed by a qualified land use planner with assistance from other professionals, such as traffic engineers, civil engineers, wildlife biologists, hydrologists, and soils scientists. The

City reserves the option of selecting the qualified professionals to perform this analysis with the cost to be paid by the applicant. The review and analysis shall include, but is not limited to, a study of the following:

- a. Slope, wetlands, vegetation, wildlife habitat, view corridors, existing historic and cultural resources, and significant geological features.
- b. Existing and proposed road systems.
- c. Existing and proposed utilities and major utility extension plans.
- d. Location of existing and proposed open space, recreational areas and trail systems.
- e. Existing and proposed land uses including type and density of residential areas.
- f. Existing and proposed locations of community facilities such as fire stations, schools, parks, recreation centers, etc. (Ord. 2017-04 § 1, 2017; Ord. 2007-12 § 5, 2007.)

17.10.060 Municipal initiation of annexation.

It shall be the policy of Francis City to annex on its own initiative such areas which meet all of the following criteria:

1. The area is an island within or a peninsula contiguous to the City;
2. The majority of each island or peninsula consists of residential or commercial development;
3. The area requires the delivery of municipal-type services;
4. The City has provided most or all of the municipal-type services to the area for more than one year; and
5. Annexation of the area is supported by the goals of the Francis City general plan, including open space, land use, affordable housing, recreation, growth management and economic development.

Such annexations shall be processed as provided under Section 10-2-418, Utah Code Annotated, including all noticing and public hearing requirements. This review shall be in addition to the review required in FCC 17.10.050.

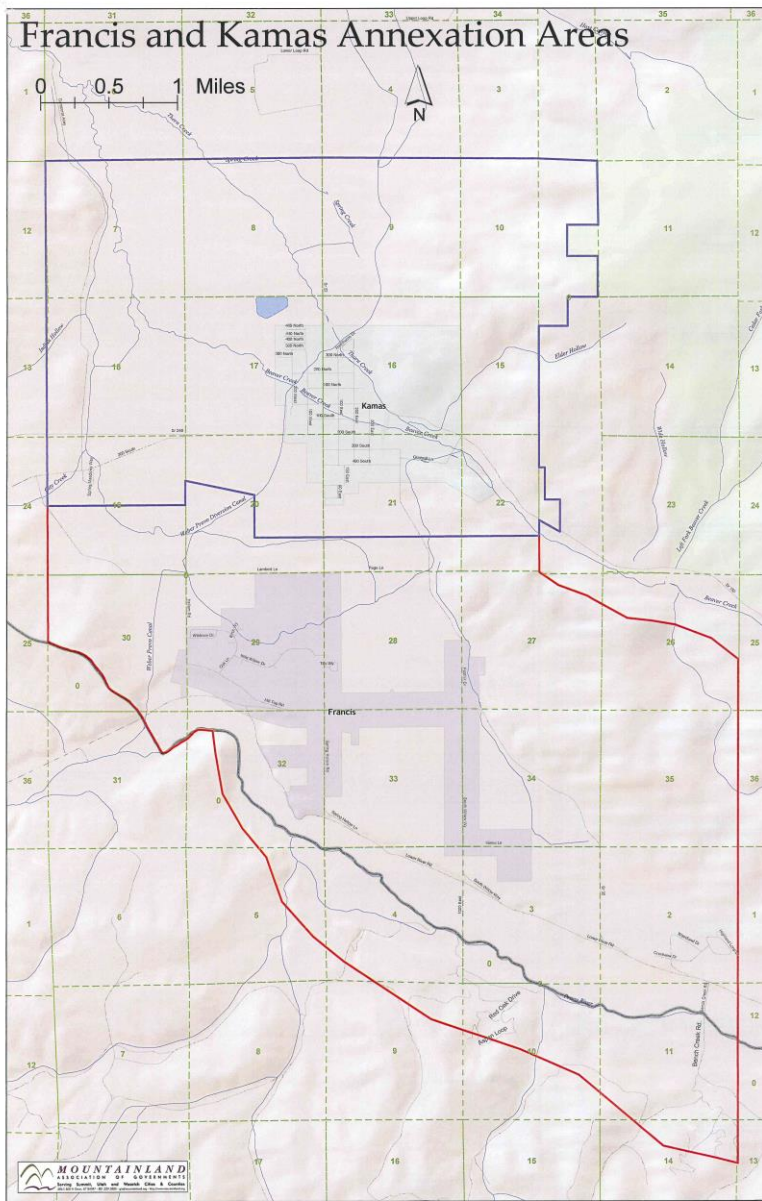
The City may not adopt an annexation ordinance based on its own initiative unless the Summit County Commission has previously approved the annexation.

If written protest to such annexation is timely filed and complies with Section 10-2-418(3), Utah Code Annotated, the City may not adopt an ordinance annexing the area proposed for annexation, and the annexation proceedings under this section shall be considered terminated. (Ord. 2007-12 § 6, 2007.)

17.10.070 Annexation declaration area map.

1. The annexation declaration area map is included as Exhibit A. The map may be altered to change the proposed annexation boundaries of Francis City upon action by the City Council upon recommendation by the Planning Commission and following public hearing duly noticed.
2. The following criteria were used as justification to exclude lands from the expansion area:
 - a. Topography and other physical constraints to efficient delivery of basic services;
 - b. Overlapping utility services already being supplied by other providers;
 - c. Level of existing services, or quality of construction and condition of existing roads and habitable structures below City standards, requiring expensive upgrades;
 - d. Other negative fiscal consequences to the City. (Ord. 2007-12 § 7, 2007.)

**Exhibit A
Annexation Declaration Map**



The Francis City Code is current through Ordinance 2020-11, passed August 13, 2020.

Chapter 17.15 CONCEPT PLAN

Sections:

- 17.15.010 Purpose.
- 17.15.020 Concept plan application procedure and requirements.
- 17.15.030 Staff review of concept plan.
- 17.15.040 Planning Commission review of concept plan.
- 17.15.050 Planning Commission action.

17.15.010 Purpose.

The concept plan provides an opportunity for the applicant, City Planner and Planning Commission to meet and discuss the proposed project in the conceptual stage (the concept plan shall not constitute an application for development approval, nor vest any rights to existing zoning or ordinances). The applicant can use the concept plan meeting to ask questions of the Planning Commission and City Planner, and receive some direction on project layout. At the concept plan meeting the City Planner and Planning Commission will inform the applicant what zone the proposed project is located in and what uses are allowed in the zone. The Planning Commission and City Planner may also discuss the procedure for approval of a subdivision plat and the specifications and requirements as to general layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services.

The Planning Commission may also advise the applicant, where appropriate, to discuss the proposed subdivision with those agencies who must eventually approve those aspects of the subdivision plat coming within their jurisdiction, including, but not limited to, the current South Summit Fire District, South Summit School District, and the various utility service providers. Neighbors of the planned project should also be consulted to get their views and concerns. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.11, 1999; Ord. 66 § 6.11, 1993.)

17.15.020 Concept plan application procedure and requirements.

Prior to any process or procedure for subdividing land as contained in this code, excepting a minor subdivision of 4 lots or fewer, an owner of the land or an authorized agent shall submit an application for a concept plan and a pdf file of the concept plan. The plan shall:

1. Include the legal description of the property and all contiguous holdings of the owner with an indication of the portion which is proposed to be subdivided; ~~accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office.~~
2. Be accompanied by a review fee in accordance with the adopted fee schedule.
3. Include an address, email, and telephone number of the applicant.
4. Include a general written and graphic representation of the proposed project, all approvals being sought (rezone, subdivision, variance, etc.), and any other information the applicant believes is necessary to present to the Planning Commission or City staff. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.11.1, 1993.)

17.15.030 Staff review of concept plan.

The City staff shall consider the concept plan and prepare a report to be presented at the next regular meeting of the Planning Commission. The City staff shall direct the applicant to transmit the concept plan for review to appropriate officials or agencies of the local government, adjoining counties or municipalities, schools, fire districts, the Army Corps of Engineers, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. City staff will consider all the reports submitted by the officials and agencies concerning the plan and shall submit a report for proposed action to the Planning Commission for the next available regular meetings.

Commented [KH2]: The City Planner can check ownership records online on the Summit County website.

The scale or complexity of a project or City Planner workload will dictate the processing period. The City Planner will provide the applicant when an application is filed as to the projected time frame. If the workload is too great for processing by available City Planner in a time frame acceptable to the applicant or additional expertise is required, the project review may be sent out to a consulting planner, engineer or architect approved by the City. The developer would be responsible for all fees incurred in any plan or development review process undertaken by an outside agency or consultant. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.12.2, 1999; Ord. 66 § 6.11.2, 1993.)

17.15.040 Planning Commission review of concept plan.

The Planning Commission shall study the concept plan and City staff report, taking into consideration the requirements of this title, FCC Title 18 and the general plan. Particular attention will be given to the arrangement, location and width of streets, sewerage disposal, drainage, utilities, erosion, location of natural or geologic hazards, lot sizes and arrangement, the further development of adjoining lands, and the requirements of the official zoning map, land use map(s) and streets master plan, as adopted by the Planning Commission and City Council. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.11.3, 1993.)

17.15.050 Planning Commission action.

There is no approval of a concept plan required or given. After reviewing and discussing the concept plan, City staff report and other reports as submitted by invited agencies and officials, the Planning Commission will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the preliminary plan. The Planning Commission may require additional changes as a result of further study of the subdivision in final form. The Planning Commission will grant the applicant the right to move forward with authorization to prepare and submit a preliminary master plan for phased subdivisions or preliminary plan for subdivisions that will not be phased.

Although approval is not required, the Planning Commission shall not review any preliminary plan, excepting a minor subdivision of 4 lots or fewer, without completing a review of the concept plan. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.11.4, 1993.)

Chapter 17.20

IMPROVEMENT, DESIGN, AND LAYOUT CONSIDERATIONS

Sections:

- 17.20.010 Generally.
- 17.20.020 Plats straddling or bordering municipal boundaries, annexations.
- 17.20.030 Monuments.
- 17.20.040 Unsuitability.
- 17.20.050 Subdivision name.
- 17.20.060 Ridgeline and hillside development.
- 17.20.070 Open space.
- 17.20.080 Drainage ways and irrigation ditches.
- 17.20.090 Limits of disturbance/vegetation protection.
- 17.20.100 Fire sprinkling.
- 17.20.110 High water table areas.

17.20.010 Generally.

The criteria in this section and section 17.25 shall be used as a guide in preparing the preliminary master plan (if applicable) and the preliminary plan. The Planning Commission and City Council will also use this criteria in its consideration of approving the preliminary plan and final plat.

In addition to the requirements established herein, all subdivision plats shall comply with all applicable statutory provisions, sensitive lands overlay zone regulations, International Building Code and related codes, City design standards and specifications, the official streets master plan, the general plan, the official zone map, the trails master plan, public utilities plans, capital improvements program of the City or any other local government having jurisdiction in the development, including all streets, trails, drainage systems, and parks shown on the official map or general plan as adopted or amended for the subdivision, and the rules of the Utah Department of Transportation if the subdivision or any lot contained therein abuts a state highway.

If the owner places restrictions on any of the land contained in the subdivision greater than those required by this title, FCC Title 18 or these regulations, such restrictions or reference thereto may be required to be indicated on the final plat, or the Planning Commission and City Council may require that restrictive covenants be recorded with the County Recorder in form to be approved by the City Attorney. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.12, 1993.)

17.20.020 Plats straddling or bordering municipal boundaries, annexations.

Whenever a subdivision is proposed that includes property under the jurisdiction of another entity, the Planning Commission and City Council may require the annexation of the property involved.

If the area in the county is not annexed, the City and county shall work together in a cooperative arrangement or through an interlocal agreement, if necessary, to insure that the portion of the development lying in the county is as compatible as possible with the City codes, development regulations and general plan.

When a development lies entirely within the county but gains access from a City street or across property within the City's jurisdiction, the developer must receive a conditional use permit to guarantee that the proposed development will not have a negative impact on City services, streets or public interest. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.13.1, 1999; Ord. 66 § 6.12.1, 1993.)

17.20.030 Monuments.

The applicant shall place permanent reference monuments in the subdivision as required herein or as otherwise approved by the City Engineer.

Monuments shall be installed in accordance with the Francis design standards, construction specifications and standard drawings and located on street right-of-way lines, at street intersections, and angle points of curves. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.

All monuments shall be properly set in the ground and approved by a registered land surveyor prior to the time the Planning Commission and City Council recommends approval of the final plat unless a performance guarantee is established in accordance with the provisions of this chapter. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.12.2, 1993.)

17.20.040 Unsuitability.

If the City Council, upon recommendation of the Planning Commission, finds lands unsuitable for subdivision or development due to natural hazards, flooding, improper drainage, fire, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, unsuitable for service of public utilities, wildlife habitats that cannot be reasonably mitigated, or other natural features, including ridgelines and hilltops, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or surrounding areas, the land shall not be subdivided or developed.

The development may be made suitable if adequate methods are formulated by the developer and approved by the City, upon recommendation of a qualified planner or engineer hired by the developer and approval of the City Engineer, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. Unsuitable land shall be set aside or reserved for uses as shall not involve such a danger or severe environmental impact. Lands located in sensitive lands areas may be further regulated by FCC Title 18.

Additionally, consideration must be given to soil conditions and ground water existence and may include appropriate setbacks and conservation requirements. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.12.3, 1993.)

17.20.050 Subdivision name.

The proposed name of the subdivision and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area covered by these regulations or nearby communities. The City Council shall have final authority to approve the name of the subdivision and to select street names. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.12.4, 1993.)

17.20.060 Ridgeline and hillside development.

Protection of ridges from development which would be visible against the skyline from prominent areas or designated vantage points (as per Chapter 18.120 FCC) in Francis will be maintained. Hillside development which may disturb agricultural uses may be prohibited unless it can be shown that the development and improvements will be constructed or clustered in a way to minimize impacts. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.12.5, 1993.)

17.20.070 Open space.

Units may and should be clustered in the most developable and least sensitive portions of the site with common open space corridors separating clusters. The open space corridors should be designed to coincide with significant vegetation and in many cases left natural. Open space areas will be the maintenance responsibility of a homeowners association, unless dedicated and accepted by the City. Open space conservation easements dedicated in perpetuity to a qualified land trust are encouraged to prevent future development of open space. Note that roads and rights-of-way shall not be used in the calculations for open space nor density. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.13.6, 1999; Ord. 66 § 6.12.6, 1993.)

17.20.080 Drainage ways and irrigation ditches.

Existing natural drainage and irrigation ditches or rights-of-way shall be preserved. Notification and a recommendation from irrigation companies may be required for development in certain circumstances as determined by the City if the development impacts irrigation works or access.

When required, a committee shall be organized to review impact on drainage ways and irrigation ditches. The committee shall include the following as a minimum: a member from the City Council, a member from the Planning Commission, the City Engineer, the development engineer, and a representative from each water company. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.12.7, 1993.)

17.20.090 Limits of disturbance/vegetation protection.

A separate plan which addresses limits of disturbance and vegetation protection during construction and revegetation of disturbed areas may be required. This shall include construction necessary for all project improvements such as roads and utilities. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.12.8, 1993.)

17.20.100 Fire sprinkling.

Fire sprinkler systems may be required in projects pursuant to the applicable fire code. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.13.9, 1999; Ord. 66 § 6.12.9, 1993.)

17.20.110 High water table areas.

1. Water Table Review. In areas that are known for the potential of ground water impacts, a ground water investigation shall be made by a geotechnical engineer and provided to the City for review with the application for final plat approval to include the following:

- a. What mitigation measures should be taken to assure that homes will be protected from potential ground water impacts, including a proposed method of ground water disposal to be reviewed and approved by the City Engineer or his/her designee.
- b. The developer shall provide ground water information to each lot purchaser/owner and disclose the information on the plat.
- c. Any proposed or existing drainage plans for high water table areas.

2. Drainage Systems. Ground water drainage systems, if required, shall be designed and installed in accordance with construction standards and specifications determined by the City Engineer. All drainage systems shall be extended to the outermost boundaries of the subdivision by the developer.

3. Existing Infrastructure. The developer shall install or replace, when required by the City, all sewer and water systems within a high water table area to eliminate or minimize possible damage to such systems.

4. Lot Restrictions in High Water Table Areas. The City may prohibit basements in high water table areas upon recommendation from the City Engineer. Sump pumps, French drains, or other like devices which drain into the sanitary sewer system are prohibited. Due to the high water tables in Francis City, basements are strongly discouraged. Plats in high water table areas shall have a warning printed on the plat stating that basements are strongly discouraged and that the City of Francis assumes no responsibility or liability for damage done by high water tables to basements. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.12.10, 1993.)

Chapter 17.25

LOT IMPROVEMENTS AND ARRANGEMENT

Sections:

- 17.25.010 Double frontage lots and access to lots.
- 17.25.020 Grading, drainage and seeding.
- 17.25.030 Debris and waste.
- 17.25.040 Fencing.
- 17.25.050 Performance guarantee to include lot improvements.
- 17.25.060 Roads and streets.
- 17.25.070 Grading and improvement plan.
- 17.25.080 Topography and arrangement.
- 17.25.090 Ingress and egress.
- 17.25.100 Blocks.
- 17.25.110 Access to highway, arterial or collector streets.
- 17.25.120 Road names.
- 17.25.130 Road regulatory signs.
- 17.25.140 Streetlights.
- 17.25.150 General design standards.
- 17.25.160 Road surfacing and improvement.
- 17.25.170 Excess right-of-way.
- 17.25.180 Intersections.
- 17.25.190 Road dedications and reservations.
- 17.25.200 Drainage and storm sewers.
- 17.25.210 Accommodation of upstream drainage areas.
- 17.25.220 Effect on downstream drainage areas.
- 17.25.230 Areas of poor drainage.
- 17.25.240 Floodplain areas.
- 17.25.250 Dedication of drainage easements.
- 17.25.260 Water rights and facilities.
- 17.25.270 Existing system.
- 17.25.280 Fire hydrants.
- 17.25.290 Proof of water rights and facilities.
- 17.25.300 Sewer facilities.
- 17.25.310 Sidewalks, curbs, trails, and paths.
- 17.25.320 Other utilities.
- 17.25.330 Preservation of natural features and amenities.

17.25.010 Double frontage lots and access to lots.

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the Planning Commission and City Council may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials or collectors. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.13.1, 1993.)

17.25.020 Grading, drainage and seeding.

1. Final Grading. Topsoil should not be removed from residential lots or used as spoil, but should be redistributed to provide suitable soils for vegetation. Slope stabilization and erosion control, as determined necessary by the City Engineer, will also be required to be installed according to the approved specification.

2. Lot Drainage. Lots shall be laid out to provide positive drainage away from all buildings in accordance with the International Building Code and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed to avoid concentration of storm drainage water from any lot to adjacent lots.

3. Landscaping and Revegetation. All lots should be revegetated to avoid erosion and improve the visual quality of the development. The Planning Commission and City Council may impose planting requirements if deemed necessary. If revegetation is required, all lots shall be improved from the roadside edge of the right-of-way back to a distance of 20 feet behind the principal residence on the lot. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.13.2, 1993.)

17.25.030 Debris and waste.

Unless otherwise approved by the City Engineer and Building Official, no cut trees, timber, debris, earth, rocks, stones, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy on a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.13.3, 1993.)

17.25.040 Fencing.

Each applicant shall be required to furnish and install fences when the Planning Commission and City Council determines that a hazardous condition may exist. The fences shall be constructed according to standards to be established by the City Engineer and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.13.4, 1993.)

17.25.050 Performance guarantee to include lot improvements.

The performance guarantee shall include an amount to guarantee completion of all requirements contained in this chapter, the supplemental regulations (Chapters 18.15 and 18.75 through 18.145 FCC) and in the regulations including, but not limited to, final grading, lot drainage, landscaping, lawn-grass seeding, curb, gutter and sidewalk, removal of debris and waste, fencing, and all other lot improvements required by the Planning Commission and City Council. Whether or not a certificate of occupancy has been issued, at the expiration of the performance guarantee, the City may enforce the provisions of the guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.13.6, 1993.)

17.25.060 Roads and streets.

All road and street layout and design is subject to approval of the City Engineer. All roads and streets in subdivisions shall meet the applicable requirements of the standards document available from the City Engineer. All subdivisions shall have frontage on and access to an existing public street. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14, 1993.)

17.25.070 Grading and improvement plan.

Streets shall be graded and improved in conformance with the Francis design standards, construction specifications and standard drawings as adopted and shall be approved as to design and specifications by the City Engineer. All road construction plans are required to be submitted prior to final plat approval. Prior to final plat approval the City shall make the determination as to whether each street is to be public or private. Such status shall be shown on the plat.

At present, it is the intention of the City for all subdivision streets to be dedicated public streets. However, if private streets are approved, they must be constructed to meet all requirements of public streets in case the City is required to maintain the streets in the future. Any private streets approved as part of a subdivision must be accompanied by a maintenance plan by which the home owners association (HOA) will operate. The developer shall be responsible for maintenance and snow plowing the private road(s) until such time that more than 75 percent of the lots have been built upon, at which point the HOA will assume full responsibility of the maintenance. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.1, 1993.)

17.25.080 Topography and arrangement.

Roads shall be related appropriately to the topography. All streets shall be arranged to obtain as many building sites at, or above, the grades of the streets as possible. Grades of streets shall conform as closely as possible to the

original topography with all cut and fill sections adequately stabilized and revegetated. Steep grades and/or curves as well as large cut and fill sections will not be allowed. All cuts and fills shall conform to the requirements found in FCC 18.120.090(3) regardless of whether the subdivision is located in the sensitive lands overlay zone or not.

All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the general plan, streets master plan and zoning map. Streets shall be laid out to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission and City Council such an extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective safety protection, efficient provision of utilities, and where such continuation is in accordance with the streets master plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnaround shall be provided on all temporary dead-end streets, with the notation on the final plat that land outside the normal street right-of-way shall revert to adjacent owners when the street is continued. The Planning Commission and City Council may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission and City Council for access to adjoining property, its terminus shall normally not be nearer to such boundary than 50 feet. However, the Planning Commission and City Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, snow removal/storage or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with construction standards and specifications. The length of the permanent and temporary dead-end streets shall be determined by the regulations relating to each individual zone found in Division II of FCC Title 18. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.2, 1993.)

17.25.090 Ingress and egress.

In order to provide adequate emergency access to and from the development and proper circulation, two points of ingress and egress will be required in all subdivisions with the following exceptions:

1. Any subdivision which cannot provide two points of ingress and egress shall be limited to no more than 12 residential lots or units.
2. Subdivision which will be served by more than one point of ingress and egress in the future may receive approval for more than 12 lots provided that no more than 12 units are constructed until a second point of ingress and egress is provided, and so indicated on the final plat. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.3, 1993.)

17.25.100 Blocks.

Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, or waterways. The lengths, widths, and shapes of blocks shall be appropriate for the locality and the type of development contemplated. Block lengths in residential areas should not exceed 1,200 feet or 12 times the minimum lot width required in the zoning district, whichever is greater. When practicable, blocks along major arterials and collector streets shall be not less than 1,000 feet in length. In long blocks the Planning Commission and City Council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

Pedestrian ways or crosswalks, not less than 10 feet wide, may be required by the Planning Commission and City Council through the center of blocks more than 800 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, trails, or other community facilities. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.4, 1993.)

17.25.110 Access to highway, arterial or collector streets.

Where a subdivision borders on or contains an existing or proposed highway, arterial or collector, the Planning Commission and City Council may require that access to such streets be limited by one of the following means:

1. The subdivision lots back onto the highway, arterial or collector and front onto a parallel local street with no direct access to the primary arterial or collector, and screening provided by a strip of land along the rear property line of such lots.
2. A series of U-shaped streets or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the highway, arterial or collector roadway. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.5, 1993.)

17.25.120 Road names.

The Planning Commission and City Council shall inform the applicant of the preferred street names for all streets at the time of preliminary approval. The local postmaster shall be consulted prior to Planning Commission and City Council approval. Names shall be sufficiently different in sound and in spelling from other road names in Summit County or Francis to eliminate confusion. A street which is or is planned as a continuation of an existing road shall bear the same name. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.6, 1993.)

17.25.130 Road regulatory signs.

The applicant shall erect or post acceptable guarantees ensuring placement of each road and safety signs required by the City Engineer. All road signs shall be installed before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within and abutting the subdivision, the type, design and location of which to be approved by the City Engineer. Street signs shall be designed according to City specifications and standards. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.7, 1993.)

17.25.140 Streetlights.

Installation of streetlights may be required in accordance with Francis design and specification standards. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.8, 1993.)

17.25.150 General design standards.

In order to provide for roads in suitable locations, with proper width, and improvements to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road maintenance equipment, and to coordinate roads to compose a convenient system and avoid undue hardships to adjoining properties, the design standards for roads are hereby required to be in compliance with the Francis design standards, construction specifications, and standard drawings, and the streets master plan, as adopted, or determined by the City Engineer, or City Council.

Street grades may not exceed five percent unless approved by the City Engineer. The City Engineer shall approve grades more than five percent only when conditions are present which warrant that safety and economy of road maintenance can be secured.

Street widths for collector streets shall conform to the width requirement on the major street plan when a development falls in an area for which a major street plan has been adopted. For areas where a street plan has not been completed at the time the preliminary plan is submitted, streets shall be provided as follows:

1. The minimum street width for a local street shall be 30 feet and the minimum street right-of-way shall be 60 feet. Private streets shall meet the same standards.
2. The minimum street width for a collector street shall be 44 feet and the minimum street right-of-way shall be 70 feet. Private streets shall meet the same standards.
3. Cul-de-sacs shall have a maximum length as described in Division II of FCC Title 18 and in the adopted construction specifications. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.9, 1993.)

17.25.160 Road surfacing and improvement.

After sewer and water and other applicable utilities have been installed by the developer, the applicant shall construct curbs and gutters (if required) and shall surface or cause to be surfaced roadways to the widths prescribed in FCC 17.25.150 and the Francis City design standards. Types of pavement shall be determined by the City Engineer. The minimum street grades shall be 0.3 percent and the maximum grade for roads in all zones shall be five percent. Adequate provision shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the City and shall be incorporated into the construction plans required to be submitted by the developer for plat approval. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.10, 1993.)

17.25.170 Excess right-of-way.

Right-of-way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography or other features such as irrigation ditches or other easements, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one, unless specifically approved by the City Engineer. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.11, 1993.)

17.25.180 Intersections.

Streets shall be laid out to intersect as near as possible at right angles. A proposed intersection of two new streets at an angle within 10 degrees of perpendicular is required. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least 100 feet. Not more than two streets shall intersect at any one point unless specifically approved by the Planning Commission, City Council and City Engineer.

Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any intersections on the opposite side of the street. Street jogs with centerline offsets of less than 150 feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous. Intersections of major streets shall be at least 800 feet apart.

Minimum curb radius at the intersection of two local streets shall be at least 20 feet and minimum curb radius at an intersection involving a collector street shall be at least 25 feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having less than a two percent slope for a distance of 100 feet, measured from the nearest right-of-way line of the intersecting street.

Where any street intersection will involve earth banks or existing vegetation inside any lot corner that could create a traffic hazard by limiting visibility, the developer shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

The cross-slopes on all streets, including intersections, shall be three percent or less. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.12, 1993.)

17.25.190 Road dedications and reservations.

Street systems in new subdivisions shall be laid out to eliminate or avoid new perimeter half-streets. The Planning Commission and City Council may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width.

Where a subdivision borders an existing narrow road or when the general plan, streets master plan or zoning map indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant may be required to improve and dedicate such areas for widening or realignment of such roads that are necessary and for the benefit of the subdivision. Frontage roads and streets shall be improved and dedicated at the applicant's expense to the full width as required by these subdivision regulations. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.14.14, 1993.)

17.25.200 Drainage and storm sewers.

The Planning Commission shall not recommend approval of any final plat which does not make adequate provision for storm or flood water runoff. Plans shall be reviewed for compliance with the Francis design standards, construction specifications, and standard drawings or other standards as may be adopted. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the rational method, or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with construction plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded, catch basins shall be used to intercept flow. Surface water drainage patterns shall be shown for each and every lot and block.

The applicant may be required by the Planning Commission and City Council, upon the recommendation of the City Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

Underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved outfall. Inspection of facilities shall be conducted by the City Engineer. If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer, Planning Commission and City Council, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the subdivision plat.

No subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.15, 1993.)

17.25.210 Accommodation of upstream drainage areas.

Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The developer shall hire a qualified engineer to determine the necessary size of the facility based on the provisions of the construction standards and specifications assuming conditions of a 100-year storm event. The City Engineer must review and approve the design. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.15.1, 1993.)

17.25.220 Effect on downstream drainage areas.

The City Engineer shall also require the developer's engineer to study the effect of the subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff will overload an existing downstream drainage facility, the Planning Commission and City Council may require the applicant to improve the facility in order to serve the subdivision with approval of the owner of the downstream drainage facility. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.15.2, 1993.)

17.25.230 Areas of poor drainage.

Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission and City Council, upon recommendation of the City Engineer, may approve the subdivision provided that the applicant fills the affected area of the subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of 12 inches above the elevation of the 100-year flood event, as determined by the City Engineer. The plat shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the City Engineer. Development in areas of extremely poor drainage will not be allowed. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.15.3, 1993.)

17.25.240 Floodplain areas.

The Planning Commission may, upon recommendation of the City Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the 100-year floodplain of any stream or drainage course. These floodplain areas should be preserved from any and all

destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission and City Council. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.15.4, 1993.)

17.25.250 Dedication of drainage easements.

Where a subdivision is traversed by a watercourse, drainage way, channel, river or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction adequate for the purpose. Where possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

Where topography or other conditions make the inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the final plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated.

The applicant shall dedicate to the City, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Planning Commission, City Council and City Engineer. Note: An open channel may require fencing with chain link fencing or equivalent, as determined by the Planning Commission and City Council, for the safety, health and welfare of residents. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.15.5, 1993.)

17.25.260 Water rights and facilities.

Necessary action shall be taken by the applicant to extend or create a safe water supply system for the purpose of providing a water supply capable of providing domestic water use and fire protection. All improvements, whether on or off site, which provide direct benefit to the subdivision, shall be constructed and paid for by the developer. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.16, 1993.)

17.25.270 Existing system.

Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the state and City. All water mains shall conform with the adopted Francis City construction standard. Water main extensions and water facilities improvements shall be approved by the City Engineer and the City Council and only in areas that can be reasonably served. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.16.1, 1993.)

17.25.280 Fire hydrants.

Fire hydrants shall be required in all subdivisions. Fire hydrants shall be located no more than 500 feet apart; no home shall be more than 250 feet away from a fire hydrant. The locations of fire hydrants shall be approved by the South Summit Fire District and City Engineer. In some instances, the City may determine that due to wildland fire potential, hydrants will be required to be located closer than 500 feet apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements, shall be installed before any final paving of a street shown on the plat. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.17.4, 1999; Ord. 66 § 6.16.4, 1993.)

17.25.290 Proof of water rights and facilities.

All applicants for a subdivision, as well as all applicants for a building permit for a new structure not located in a subdivision, shall transfer to the City ownership of net 0.45 acre feet of wet water for culinary use for each equivalent residential unit in the parcel or project. In addition, all applicants shall transfer to the City net three acre feet of wet water for irrigation of each one acre of land in the parcel or project. For purposes of this total acreage calculation, the City shall exclude acreage to be covered by streets serving the project and shall exclude an average footprint acreage for each structure proposed for permanent human occupancy, based on average sizes of comparable structures on comparable lots located within the City.

Wet water is defined as water rights in quantity, quality, duration and availability as determined by the Utah State Engineer sufficient when converted to culinary use to meet the required amount. Availability is defined as the existence of a spring, well or other source proven capable of delivering actual water in the required amounts to the proposed lots.

If the applicant proposes to transfer the point of diversion of the water rights in question to one of the City's wells or other sources of wet water, the applicant must demonstrate all of the following:

1. That the State Engineer will approve of the change of point of diversion of the necessary quantity of water to such source; and
2. That such source has the necessary excess capacity to produce the required quantity of wet water.

If the City accepts a source of wet water which is not part of its current water system, the applicant shall be required to develop and improve such source to the point that it meets all Summit County, state of Utah and federal government requirements for a public culinary water system and the applicant shall be required to transfer to the City all such sources, improvements, distribution systems and all necessary land and easements reasonably necessary to connect such source and distribution system to the current City water system and to vest ownership in the City of such source, improvements and distribution system and permit ongoing servicing and upgrading of such system.

All such procedures and full vesting of ownership of all necessary water rights, improvements and land interests shall be approved as part of final approval and shall be completed prior to recording of the plat. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.16.5, 1993.)

17.25.300 Sewer facilities.

The applicant shall install sanitary sewer facilities in the manner prescribed by the City construction standards and specifications. All plans shall be designed in accordance with current City, state and EPA rules, regulations, and standards. Necessary action shall be taken by the applicant to extend sanitary sewer service for the purpose of providing sewerage facilities to the subdivision. Off-site requirements may be necessary to meet impacts imposed by the development on the City's sewer facilities.

Sanitary sewerage facilities shall connect with the public sanitary sewer at sizes required by the City and the City Engineer. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted in the part of the City serviced by the sewer system and within 300 feet or less of that system as measured from the subdivision property line closest to the system lines. Sanitary sewerage facilities (including the installation of laterals in the right-of-way and dedication of easements) shall be subject to the City specifications, rules, regulations, and guidelines and this title and FCC Title 18. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.17, 1993.)

17.25.310 Sidewalks, curbs, trails, and paths.

1. Location. Sidewalks, if required, shall be built pursuant to currently applicable City and state standards. Concrete curbs may be required for all roads where sidewalks are required by these regulations and run along roads or where required in the discretion of the Planning Commission and City Council.
2. Trails and Paths. Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer in accordance with any state, county or local trail plan, and where otherwise necessary as determined by the Planning Commission and City Council. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, and other significant natural features. Trails shall be built to City specifications and easements shall be dedicated for trails. The trails shall be constructed at the time of road construction, unless the Planning Commission and City Council determine otherwise, in which case cash deposits shall be required pursuant to this title and FCC Title 18 for improvements. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.19.2, 1999; Ord. 66 § 6.18, 1993.)

17.25.320 Other utilities.

Utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new subdivisions when underground location does not violate safety standards of the particular utility and underground location does not impose any potential additional maintenance burden on City streets and water/sewer personnel in the opinion of the City Council. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the subdivider and shall be marked on the surface, as shall casings or conduits for all other underground utilities as determined by the City Engineer.

1. Easements Revised. A 10-foot utility easement shall be provided on the frontage of each lot, and a 5-foot utility easement on the sides and rear of each lot in the subdivision for both private and municipal utilities. Proper coordination shall be established by the subdivider between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties.

Where topographical or other conditions make it impractical to include utilities within these easements, perpetual unobstructed easements at least 10 feet in width shall be provided with satisfactory access to the road. All easements shall be indicated on the plat. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.19, 1993.)

17.25.330 Preservation of natural features and amenities.

Existing features which add natural value or historical amenities to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from development which would be visible from prominent areas or vantage points, as defined in Chapter 18.120 FCC. Existing natural vegetation should also be retained as much as possible. Vegetation protection will be required during construction so that disturbance is limited. Existing features such as watercourses, rivers, irrigation works, wetlands, historic sites, critical meadowlands, important vistas, and other irreplaceable assets shall be preserved in the design of the subdivision. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The preliminary plan shall show the general number, size, and location of existing trees and indicate all those marked for retention. Any project falling within the sensitive lands area overlay zone may be subject to additional requirements and regulations as outlined in the sensitive lands regulations contained in Chapter 18.120 FCC. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.20, 1993.)

Commented [KH3]: This reduces the 10' PUE perimeter currently required to 10' along frontage and 10' between two lots.

Chapter 17.27

PRELIMINARY MASTER PLAN

Sections:

- 17.27.010 Preliminary master plan.
- 17.27.020 General.
- 17.27.030 Features to be shown on preliminary master plan.
- 17.27.040 Planning Commission preliminary master plan approval.

17.27.010 Preliminary master plan.

Following presentation of a concept plan to the Planning Commission, the applicant may proceed with submitting a preliminary master plan. A master plan is required for any subdivisions with phased development (the approval and recording of separate final plats for each individual phase over time). These preliminary master plan requirements are the minimum. Other information may be required by the Planning Commission or as the need dictates.

17.27.020 General.

The preliminary master plan shall be prepared by a land surveyor or engineer, licensed to practice in the state of Utah. The applicant shall supply the City with a pdf file of the preliminary master plan, along with a completed application, at least two weeks prior to the scheduled meeting of the Planning Commission.

A master plan request must demonstrate that approval of the project in multiple phases can occur such that the project can still function autonomously if subsequent phases are not completed. Therefore, the master plan application must demonstrate that sufficient property, water rights, roads, sensitive lands protection, and open space are proposed with the first phase to allow the project to function without subsequent phases.

17.27.030 Features to be shown on preliminary master plan.

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this title or FCC Title 18, the Planning Commission or City staff on the preliminary master plan whether included in this list or not. Failure to show any feature required by this title or FCC Title 18, the Planning Commission or City staff may result in denial of the plan.

The preliminary master plan shall, at a minimum, show the following:

1. The date of the map, approximate true north point, scale, and name of the subdivision.
2. The location of property with respect to surrounding property and streets, the names of adjoining streets, and the location and dimensions of all boundary lines of the property.
3. The location of existing streets, easements, wetlands, water bodies, rivers, water sources, streams, irrigation systems and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Planning Commission and City Council.
4. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-way. Proposed street names are optional.
5. The location of all proposed lots with lots numbered and approximate acreage or square footage of each lot. All lots in each block shall be consecutively numbered.
6. The location of all property proposed to be set aside for park or playground use, trails, or other public or private reservations and open space dedications.
7. Phasing plan of proposed lots (generally color-coded on map), construction sequence, and expected timeline of phasing.

8. Explanation of drainage and site easements, if any.
9. All utility facilities existing and proposed throughout the subdivision.
10. Indication of the nearest location of all public and private utilities.
11. Indication of all slopes greater than 25 percent.
12. The location and actual setbacks of existing structures within the preliminary plan boundaries, and a notation as to whether the existing structures will remain or be demolished.
13. A table which details the density calculations for the plan, to include total acreage of plan, total acreage of lots, total acreage of streets, total acreage of open space, etc. and percentages of these items to the total acreage.

17.27.040 Planning Commission preliminary master plan approval.

After the Planning Commission has reviewed the preliminary master plan, City staff report, and any City recommendations, the applicant shall be advised of any required conditions, changes, or additions to gain approval of the preliminary master plan.

The Planning Commission shall not approve any preliminary master plan until all review fees have been paid in full according to the fee schedule.

An approval of the preliminary master plan by the Planning Commission is in no way meant to be final approval. Until the final plat of a subdivision has been approved by the City Council, the Council, Planning Commission, and City staff may continue to review the subdivision for compliance with this title or FCC Title 18.

Chapter 17.28

FINAL MASTER PLAN

Sections:

- 17.28.010 Final master plan.
- 17.28.020 General.
- 17.28.030 Features to be shown on final master plan.
- 17.28.040 Planning Commission recommendation of final master plan approval.
- 17.28.050 Council approval of final master plan.
- 17.28.060 Effective period of final master plan approval.

17.28.010 Final master plan.

Following approval of a preliminary master plan, the applicant may proceed with submitting a final master plan, in conjunction with submittal of the preliminary plans. A master plan is required for any subdivisions with phased development (the approval and recording of separate final plats for each individual phase over time). These final master plan requirements are the minimum. Other information may be required by the Planning Commission, City Council, or as the need dictates.

17.28.020 General.

The preliminary master plan shall be prepared by a land surveyor or engineer, licensed to practice in the state of Utah. The applicant shall supply the City with a pdf file of the final master plan, along with a draft of the development agreement at least thirty days prior to the scheduled meeting of the Planning Commission.

17.28.030 Features to be shown on final master plan.

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this title or FCC Title 18, the Planning Commission, City Council or City staff on the preliminary master plan whether included in this list or not. Failure to show any feature required by this title or FCC Title 18, the Planning Commission, City Council or City staff may result in denial of the plan.

The preliminary master plan shall, at a minimum, show the following:

1. All the requirements of the preliminary master plan as approved and/or amended. Please refer to FCC 17.27.030 for further detail.
2. Proposed street names.

17.28.040 Planning Commission recommendation of final master plan approval.

After the Planning Commission has reviewed the final master plan, development agreement, and preliminary plans, City staff report, and any City recommendations, the applicant shall be advised of any required conditions, changes or additions to gain a positive recommendation of the final master plan.

The Planning Commission shall not recommend approval of any final master plan until all review fees have been paid in full according to the fee schedule.

A recommendation for approval of the final master plan by the Planning Commission is in no way meant to be final approval. Until the final plat of a subdivision has been approved by the City Council, the Council, Planning Commission, and City staff may continue to review the subdivision for compliance with this title or FCC Title 18. After the Planning Commission has recommended approval, conditional approval, or disapproval of the final master plan, their recommendation shall be forwarded to the City Council.

17.28.050 Council approval of final master plan.

The Council may approve, approve with conditions, or disapprove the final master plan, utility layout plan, and development agreement, in conjunction with the preliminary plans. If the Council approves or approves with conditions the final master plan and preliminary plans, the applicant may prepare final plats.

Approval of the final master plan by the City Council is in no way meant to be final approval. Until the final plat of a subdivision has been approved by the City Council, the Council, Planning Commission, and City staff may continue to review the subdivision for compliance with this title or FCC Title 18.

17.28.060 Effective period of final master plan approval.

The approval of a final master plan shall be effective for a period of one year at the end of which time final plat approval of at least one subdivision phase must have been obtained from the City Council. Any plan not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application and preliminary master plan subject to all new review requirements, zoning restrictions and subdivision regulations that may be in effect. The Council may extend the approval, if deemed appropriate, for a specified length of time.

Chapter 17.30

PRELIMINARY PLAN

Sections:

- 17.30.010 Preliminary plan.
- 17.30.020 General.
- 17.30.030 Features to be shown on preliminary plan.
- 17.30.040 Public hearings.
- 17.30.050 Planning Commission recommendation of preliminary approval.
- 17.30.060 Council approval of preliminary plan and construction plans.
- 17.30.070 Effective period of preliminary approval.
- 17.30.080 Zoning regulations.

17.30.010 Preliminary plan.

~~Following presentation of a concept plan to the Planning Commission to meet and discuss the proposed project in the conceptual stage and to give the applicant an opportunity to ask questions of the Planning Commission and City Planner, and receive some direction on project layout, the Planning Commission will inform the applicant that an application for preliminary plan may be submitted and a plan may be prepared (the concept plan shall not constitute an application for development approval, nor vest any rights to existing zoning or ordinances). The Planning Commission may also discuss the procedure for approval of a subdivision plat and the specifications and requirements for the general layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services.~~

~~There is no approval of a concept plan required or given. After reviewing and discussing the concept plan, City Planner staff report and other reports as submitted by invited agencies and officials, the Planning Commission will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the preliminary plan. The Planning Commission may require additional changes as a result of further study of the subdivision in final form. Although approval is not required, the Planning Commission shall not review any preliminary plan without completing a review of the concept plan.~~

Commented [KH4]: This entire section is directly copied from 17.15.050 and is redundant.

Following presentation of a concept plan to the Planning Commission (excepting minor subdivisions of 4 lots or fewer), and City Council approval of a preliminary master plan (for phased subdivisions), the applicant may proceed with submitting a preliminary plan. These preliminary plan requirements are the minimum. Other information may be required by the Planning Commission, City Council, or as the need dictates. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.22, 1999; Ord. 66 § 6.21, 1993.)

17.30.020 General.

The preliminary plan shall be prepared by a land surveyor or engineer, licensed to practice in the state of Utah, at a scale of not more than one inch equals 100 feet. The applicant shall supply the City with a pdf file and a full-size paper copy (if requested) of the preliminary plan, along with a completed subdivision application, at least thirty days prior to the scheduled meeting of the Planning Commission. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.21.1, 1993.)

17.30.030 Features to be shown on preliminary plan.

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this title or FCC Title 18, the Planning Commission, City Council or City staff on the preliminary plan whether included in this list or not. Failure to show any feature required by this title or FCC Title 18, the Planning Commission, City Council or City staff may result in denial of the plan.

The preliminary plan shall, at a minimum, show the following:

1. The date of the map, approximate true north point, scale, and name of the subdivision.
2. Contour lines at five-foot intervals, unless expressly exempted by the staff.3. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of adjoining developments, the names of adjoining streets, and the location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
4. The location of existing streets, easements, wetlands, water bodies, rivers, water sources, streams, irrigation systems and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Planning Commission and City Council.
5. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-way.
6. The location, dimensions, and areas of all proposed or existing lots complete with utility easements, lot numbers, proposed addresses, acreage or square footage of each lot or parcel, and building setback lines. All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.
7. The location and dimensions of all property proposed to be set aside for park or playground use, trails, and other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation or reservation.
8. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.
9. Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines which would enable the engineer to reproduce the lines upon the ground, and the location of all proposed monuments.
10. Names of all new streets.
11. Indication of the use of all lots or parcels whether single-family, multi-family, agricultural, commercial, open space as well as all uses other than those specified that are proposed by the subdivider.
12. All information required by the Planning Commission and City Council or City staff after review of the concept plan and preliminary master plan (if applicable).
13. Explanation of drainage and site easements, if any.

Commented [KH5]: Addresses are assigned on the final plat.

14. Explanation of reservations and conservation easements, if any.
15. Owner's dedication and consent to record as required by applicable state law.
16. Signature blocks for endorsement by the Planning Commission Chair, Mayor, City Engineer, City Attorney, current South Summit Fire District, South Summit School District, utility companies, applicable irrigation company(s) and any other signatures required by the City Council.
17. All utility facilities, including the location of water and sewer lines, existing and proposed throughout the subdivision.
18. A plan designating limits of disturbance or building pads, if required, and utilities corridors and connections for each parcel and for subdivision improvements, such as utilities and roads.
19. If the plan does not include all contiguous property of the owner of the subdivision, an indication of future use of the additional property.
20. Indication of the nearest location of all public and private utilities.
21. Indication of all slopes greater than 25 percent.
22. A vegetation or revegetation plan if required herein.
23. The location and actual setbacks of existing structures within the preliminary plan boundaries, and a notation as to whether the existing structures will remain or be demolished.
24. A table which details the density calculations for the plan, to include total acreage of plan, total acreage of lots, total acreage of streets, total acreage of open space, etc., and percentages of these items to the total acreage.

The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a preliminary plan. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.22.2, 1999; Ord. 66 § 6.21.2, 1993.)

17.30.040 Public hearings.

The Planning Commission shall hold a public hearing on the preliminary plan to inform the public about the project and receive comment. The hearings shall be advertised in accordance with the requirements of Chapters 18.05 and 18.60 through 18.70 FCC. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.21.4, 1993.)

17.30.050 Planning Commission recommendation of preliminary approval.

After the Planning Commission has reviewed the preliminary plan, City staff report, and any City recommendations together with any testimony or exhibits submitted at the public hearing, the applicant shall be advised of any required conditions, changes or additions to gain a positive recommendation of the preliminary plan. Before the Commission recommends approval of a preliminary plan showing land for public use (other than proposed public streets) proposed to be dedicated to the City, the Planning Commission shall obtain preliminary approval of the park or land reservation from the City Council. If the project involves a conservation type easement, the Commission must receive approval or comments from an approved land trust involved in the transaction.

The Planning Commission shall not recommend approval of any preliminary plan until all review fees have been paid in full according to the fee schedule.

A recommendation for approval of the preliminary plan by the Planning Commission is in no way meant to be final approval. Until the final plat of a subdivision has been approved by the City Council, the Council, Planning Commission, and City staff may continue to review the subdivision for compliance with this title or FCC Title 18. After the Planning Commission has recommended approval, conditional approval, or disapproval of the preliminary plan and construction plans, their recommendation shall be forwarded to the City Council. An applicant shall be entitled to appeal a conditional approval or recommendation for disapproval of the preliminary plan by the Planning Commission to the City Council. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.21.5, 1993.)

17.30.060 Council approval of preliminary plan and construction plans.

The recommendation for approval of a preliminary plan shall be the subject of a public hearing before the City Council. The Council may approve, approve with conditions, or disapprove the recommendation of the Planning Commission. If the Council approves or approves with conditions the recommendation of the Planning Commission the applicant may prepare a final plat containing all the requirements found herein and any requirements of the Council, Planning Commission, or City staff. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.21.6, 1993.)

17.30.070 Effective period of preliminary approval.

The approval of a preliminary plan ~~and construction plans~~ shall be effective for a period of one year at the end of which time final approval ~~of at least one phase of~~ the subdivision must have been obtained from the City Council. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application and preliminary plan subject to all new review requirements, zoning restrictions and subdivision regulations that may be in effect. The Council may extend [the approval](#), if deemed appropriate, for a specified length of time. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.21.7, 1993.)

Commented [KH6]: Construction plans are approved with the final plat.

17.30.080 Zoning regulations.

Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any preliminary plan which has received approval shall be exempt from any subsequent amendments to this title or FCC Title 18 rendering the plan nonconforming as to bulk or use, provided the final approval is obtained within the one-year period. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.21.8, 1993.)

Chapter 17.35

FINAL PLAT

Sections:

- 17.35.010 Construction plans.
- 17.35.020 Construction plans – Format.
- 17.35.030 Construction plans – Submission and presentation.
- 17.35.040 Final plat.
- 17.35.050 Revisions.
- 17.35.060 Features to be shown on final plat.
- 17.35.070 Council approval of final plat.
- 17.35.080 Dedications.
- 17.35.090 Proof of utility service.
- 17.35.100 Outstanding obligations.
- 17.35.110 Vested rights.
- 17.35.120 Signing and recording of final plat.
- 17.35.130 Expiration of approval.

17.35.010 Construction plans.

Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one inch equals 50 feet, and map sheets shall be of the same size as the preliminary plan. These requirements are the minimum; other information may be required by the Planning Commission, City Council, or City staff as the need dictates.

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this title or FCC Title 18, the Planning Commission, City Council or City staff in the construction plans whether included in this list or not. Failure to show any feature required by this title or FCC Title 18, the Planning Commission, City Council or City staff may result in denial of the plan.

The following features, at a minimum, shall be shown:

1. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within 100 feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
2. The Planning Commission and City Council may require, upon recommendation by the City Engineer, where steep slopes exist, that typical cross sections of all proposed streets be shown.
3. Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitudes, rights-of-way, manholes, and catch basins; the locations of street trees, streetlights, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections to any existing or proposed utility systems, and exact location, shut-off valves and size of all water, gas, or other underground utilities or structures.
4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies or impoundments, streams, and other pertinent features such as swamps, wetlands, buildings, features noted on the official zoning map, at the point of connection to proposed facilities and utilities within the subdivision, and each tree or group of trees to be preserved. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the City Engineer's or USGS datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than 20 feet back from the ordinary high-water mark of such waterways.

5. Topography at the same scale as the preliminary plan with a contour interval of five feet, referred to sea-level datum. All datum provided shall be the latest applicable U.S. Geodetic Survey datum and should be so noted on the plat.

6. All other specifications, details, and references required by the design standards, construction specifications, and standard drawings, including a site grading plan for the entire subdivision.

7. Notation of approval by the owner, City Engineer and all utility providers.

8. Title, name, address, signature, and seal of the licensed engineer preparing the plans, and date, including revision dates.

9. A limit of disturbance and revegetation plan. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.21.3, 1993.)

17.35.020 Construction plans – Format.

The applicant will provide a pdf file of the construction plans to the City. The construction plans should provide signature blocks for and be signed by the Mayor, City Engineer, and the applicant's engineer and surveyor. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.21.3.1, 1993.)

17.35.030 Construction plans – Submission and presentation.

The construction plans shall be presented to the City staff at least thirty days prior to the scheduled meeting of the Planning Commission along with a completed final plat application and final plat. The Planning Commission will refer the proposed construction plans to the City staff for technical review and may hold work sessions to review any recommendations or reports. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.21.3.2, 1993.)

Commented [KH7]: The city accepts and reviews construction plans separately from the final plat.

17.35.040 Final plat.

Following the approval of the preliminary plan and final master plan (for phased subdivisions) ~~and construction plans~~, the applicant may proceed with the subdivision by filing an application for a final plat. The final subdivision plat shall be prepared by a licensed engineer and certified on the plat. The final plat shall contain the same information, except for any conditions, changes or additions indicated in the approval of the preliminary plan. These requirements are minimum; other information may be required by the City Council, Planning Commission, or City staff, as the need dictates. The applicant shall provide the City with a pdf file and a full-size paper copy (if requested) of the final plat prepared in a format approved by the City Engineer. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.22, 1993.)

17.35.050 Revisions.

All revision dates must be shown as well as notation of any self-imposed restrictions. If any revision is included on the final plat which was not present on the preliminary plan or a requirement of approval by the City Council, it is the applicant's responsibility to inform the Planning Commission and City Council of the changes. Failure to inform the Planning Commission or City Council of revisions not present on the preliminary plan or a requirement of approval may result in revocation of any or all approvals. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.22.1, 1993.)

17.35.060 Features to be shown on final plat.

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this title or FCC Title 18, the Planning Commission, City Council or City staff on the final plat whether included in this list or not. Failure to show any feature required by this title or FCC Title 18, the Planning Commission, City Council or City staff may result in denial of the plat.

The final plat shall comply in all respects with the preliminary plan, as approved. The final plat shall be presented to the City staff at least thirty days prior to the regular meeting of the Planning Commission in which the project will be addressed.

The final plat shall be drawn to scale no smaller than one inch equals 100 feet and, at a minimum, shall show the following:

1. All the requirements of the preliminary and construction plans, except the location of the water and sewer lines, as approved and/or amended. Please refer to FCC 17.35.020 for further detail.

2. Blocks for the names and stamps of the engineer and/or surveyor of the subdivision. An Owner's dedication block.

3. Signature lines for the Mayor, Planning Commission Chair, City Engineer, City Attorney, current South Summit Fire District, South Summit School District, utility companies, applicable irrigation company(s) and other signatures required by City Council.

4. A boundary description. Also, all existing survey monuments and survey monuments to be installed with the construction of the subdivision shall be shown and properly labelled and referenced.

5. All easements of record shall be shown on the final plat.

6. All lot numbers and addresses. Also, all bearings, distances, and curve data for all lot lines street center lines, right-of-way lines, etc. Address table.

7. All public utility easements as required by the Planning Commission.

8. A vicinity map showing the location of the subdivision in relationship to the City.

9. Any notices to purchasers required by the Planning Commission and City Council.

10. Any notes required by the City Engineer.

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17.35.070 Council approval of final plat.

Following a recommendation for approval, approval with conditions, or denial of a final plat by the Planning Commission, the final plat shall be placed on the agenda for a public hearing and possible approval by the City Council. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 6.23.4, 1999; Ord. 66 § 6.22.3, 1993.)

17.35.080 Dedications.

At the time of final plat approval, all dedications shall be completed accompanied by all formal irrevocable offers of dedication to the public of all required streets, public uses, utilities, parks, and easements, in a form approved by the City Attorney. A title report issued no more than 30 days prior ~~to submittal~~ recording the plat shall accompany the submitted final mylar plat. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.22.4, 1993.)

17.35.090 Proof of utility service.

Prior to obtaining final approval, the applicant shall demonstrate to the satisfaction of the City Engineer that all necessary utility services are available to each proposed building site. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.22.5, 1993.)

17.35.100 Outstanding obligations.

At the time of final plat approval, the applicant shall provide a report from the County Treasurer showing -evidence that all property taxes are current and that no other debts or obligations are outstanding and no liens are placed on the property. Furthermore, all review fees owed to the City shall be paid in full prior to final plat approval. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.22.6, 1993.)

17.35.110 Vested rights.

Vesting for purposes of zoning occurs upon the filing of a complete application as provided in FCC 18.05.130. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the subdivision or to all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the final plat. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.22.7, 1993.)

17.35.120 Signing and recording of final plat.

The Chair of the Planning Commission and the Mayor, and all others required by City code, will sign a reproducible mylar original of the final plat. It shall be the responsibility of the City Recorder to file the original mylar plat with the County Recorder within 30 days of the date of signature. (Ord. 2016-09 § 1, 2016; Ord. 2008- § 6.22.8, 2008; Ord. 66 § 6.22.8, 1993.)

17.35.130 Expiration of approval.

Any plat not recorded within one year of final approval by the City Council shall be null and void, and the developer shall be required to resubmit a new application and preliminary plan subject to all new review requirements, zoning restrictions and subdivision regulations that may be in effect.

The City Council may, in its sole discretion, grant the applicant an extension of this deadline, for good cause shown, if application is made prior to expiration of the deadline. The City Council may condition its granting of the extension on specific requirements set by the City Council in its sole discretion. (Ord. 2016-09 § 1, 2016; Ord. 2008-§ 6.22.9, 2008; Ord. 66 § 6.22.9, 1993.)

Chapter 17.40
IMPROVEMENTS

Sections:

Article I. Assurance for Completion and Maintenance of Improvements

- 17.40.010 Dedication of improvements.
- 17.40.020 Performance guarantees.
- 17.40.030 Temporary improvements.
- 17.40.040 Costs of improvements.
- 17.40.050 Acceptance of dedication offers.

Article II. Inspection of Improvements

- 17.40.060 General procedure and fees.
- 17.40.070 Release or reduction of performance guarantee.

Article III. Maintenance of Improvements

- 17.40.080 Prior to completion.
- 17.40.090 Warranty after acceptance and dedication.

Article I. Assurance for Completion and Maintenance of Improvements

17.40.010 Dedication of improvements.

Before the final plat is signed by the Chair of the Planning Commission and the Mayor, all applicants shall be required to dedicate all applicable public improvements to the City as well as any water right transfers, conservation easements or dedications of public lands to land trusts, free and clear of all liens and encumbrances on the property and public improvements thus dedicated. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.23.1, 1993.)

17.40.020 Performance guarantees.

The applicant shall post an acceptable guarantee at the time of application for final plat approval in an amount estimated by the City Engineer and Public Works Director as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the required improvements. The posting of guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall also secure all lot improvements on the individual lots of the subdivision as may be required. Such performance guarantee shall comply with all City policies and statutory requirements of Utah Code and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in this title or FCC Title 18.

The period within which required improvements must be completed shall be specified by the City Council in the resolution approving the final plat and shall be incorporated in the guarantee and shall not in any event exceed two years from the date of final approval. Such guarantee shall be approved by the City Council and Engineer with satisfactory surety and conditions. The City Council may extend the completion date set forth in such guarantee for a maximum period of one additional year. The City Council may at any time during the period of such guarantee accept a substitution of principal or sureties. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.23.2, 1993.)

17.40.030 Temporary improvements.

The applicant shall build and pay for all costs of temporary improvements required by the City and shall maintain them for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate suitable guarantee, in accordance with this title or FCC Title 18, for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained, and removed. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.23.3, 1993.)

17.40.040 Costs of improvements.

All on-site or project-specific improvements required to provide adequate public facilities in order to provide service to a subdivision at acceptable level of service standards shall be made by the applicant, at their expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.23.4, 1993.)

17.40.050 Acceptance of dedication offers.

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by the signature of the Mayor on the plat. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.23.5, 1993.)

Article II. Inspection of Improvements

17.40.060 General procedure and fees.

The City Engineer or Building Official shall provide inspection of required improvements during construction and insure their satisfactory completion. The applicant shall, in accordance with the City fee schedule, pay to the City an inspection fee and the final plat shall not be signed by the Chair of the Planning Commission or Mayor unless the fees have been paid pursuant to the escrow account procedures set forth in this chapter (refer to FCC 17.05.100). These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, the applicant and the issuing company shall be severally and jointly liable for completing the improvements according to specifications. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.24.1, 1993.)

17.40.070 Release or reduction of performance guarantee.

Subject to the maintenance provisions contained in this title and FCC Title 18, the City will not accept dedication of required improvements, or release or reduce a performance guarantee, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" survey plats of the subdivision indicating location, dimensions, materials, improvements and other information required by the City Engineer, that the layout of the line and grade of all public improvements is in accordance with the City-approved construction plans for the subdivision. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

1. Reduction of Performance Guarantee. A performance guarantee may be reduced upon actual completion and acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance guarantee be reduced below 25 percent retainage of the principal amount until total completion. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.24.2, 1993.)

Article III. Maintenance of Improvements

17.40.080 Prior to completion.

The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until over 50 percent of the lots within the subdivision are occupied. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.26.1, 1993.)

17.40.090 Warranty after acceptance and dedication.

The applicant shall be required to file a maintenance guarantee with the City, prior to acceptance, in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one year after the date of their acceptance by the City and dedication of same to the City. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.26.2, 1993.)

Chapter 17.45
BUILDING PERMITS

Sections:

17.45.010 Issuance of building permits and certificates of occupancy.

17.45.010 Issuance of building permits and certificates of occupancy.

No building permits shall be issued for any lots in a subdivision until the required subdivision improvements have been inspected and approved by the City Engineer as substantially complete.

No certificates of occupancy for any structures in a subdivision shall be issued until the required subdivision improvements have received a satisfactory final completion inspection by the City Engineer. (Ord. 2016-09 § 1, 2016; Ord. 66 § 6.27, 1993.)

Chapter 17.50
MINOR SUBDIVISIONS

Sections:

17.50.010 Application requirements.

17.50.010 Application requirements.

A minor subdivision may contain up to four lots. Applicants for a minor subdivision approval are not required to submit a concept plan in accordance with Chapter 17.15 FCC, but are required to complete all other requirements of this title, with the exception that the Planning Commission may recommend that the preliminary plan be accepted by the City Council as the final plat if it meets all requirements of a final plat. (Ord. 2016-09 § 1, 2016; Ord. 2008- § 6.29, 2008; Ord. 66 § 6.29, 1993.)

Chapter 17.55

MODERATE INCOME HOUSING

Sections:

- 17.55.010 Purpose.
- 17.55.020 Definitions.
- 17.55.030 Standards.
- 17.55.040 Residential developments.
- 17.55.050 Process.

17.55.010 Purpose.

To provide affordable housing to the citizens of Francis City and to accomplish the goals of the moderate income housing element of the Francis City general plan. (Ord. 2020-07 § 1 (Exh. A), 2020; Ord. 2016-09 § 1, 2016; Ord. 2008- § 6.30, 2008; Ord. 66 § 6.30, 1993.)

17.55.020 Definitions.

“Affordable” is defined as the ability of a household to occupy a dwelling unit paying no more than 30 percent of the household’s gross income for housing costs, including utilities.

“Area median income (AMI)” is defined as the median household income for a household in Eastern Summit County.

“Moderate income housing” is defined as owner-occupied dwelling units that are offered for sale at a rate that is affordable to those households having incomes that are 81 to 120 percent of the AMI. (Ord. 2020-07 § 1 (Exh. A), 2020.)

17.55.030 Standards.

1. The provisions of this section may apply to (each “development”):

- a. Large single-family subdivisions (50 lots or more);
- b. Multiple-family developments (25 units or more);
- c. Conservation subdivision developments; and
- d. Mixed-use developments.

2. A development meeting the criteria in subsection (1) of this section, as an incentive to provide moderate income housing as part of the development, may exceed what would otherwise be the maximum allowed number of dwelling units with one bonus market rate unit for each moderate income housing dwelling unit included in the project, up to five bonus units. [The bonus density in this section may not be combined with bonus density given for multi-family developments as outlined in FCC 18.58.020 or City Center residential mixed use as outlined in FCC 18.57.070.](#) (Ord. 2020-07 § 1 (Exh. A), 2020.)

17.55.040 Residential developments.

New residential developments in the R-H (half acre residential), R-C (residential cottage zone) C-C (city center zone) or R-M (multifamily residential) zoning districts are encouraged to provide moderate income housing units as part of the project. Projects including moderate income housing units may apply for the following density bonuses:

1. Those lots in a new single-family conventional subdivision which are proposed to contain moderate income housing dwelling units may be reduced in area by up to 20 percent of the minimum lot size and frontage of the underlying zoning district. Reduced lot size and frontage applies only to lots on which moderate income housing dwelling units will be built.

Commented [KH8]: This closes a loophole that could allow developers bonus density twice.

2. The density bonus shall be used to include moderate income housing dwelling units as a part of a larger development, as a means of avoiding concentrating such housing in any given area of the subdivision and/or the City.

- a. The moderate income housing dwelling units shall be of a similar size and scale as the rest of the development's units.
- b. The moderate income housing dwelling units or lots shall be built in conjunction with the rest of the project and built before 50 percent or ratable of the development is completed.
- c. The moderate income housing dwelling units shall be dispersed throughout the development without being built on adjacent lots or clustered in one part of the development. (Ord. 2020-07 § 1 (Exh. A), 2020.)

17.55.050 Process.

1. Prior to approval of the final plat for any dwelling unit in a development for which density bonus units have been awarded, the developer shall enter into a moderate income housing development agreement with Francis City that identifies which lots are intended to be the moderate income housing units, identifies the builder of each moderate income housing dwelling unit, and guarantees for 30 years their continued use and availability to households that qualify for moderate income housing by means of a deed restriction or other means.
2. The terms and conditions of the agreement shall run with the land, be noticed to title, shall be binding upon the successor in interest of the developer, and shall be recorded in the office of the Summit County Recorder.
3. The deeds to the designated units shall state that the developer or his/her successor in interest shall confirm the continued use of the designated units for households that qualify for moderate income housing. (Ord. 2020-07 § 1 (Exh. A), 2020.)

Chapter 17.60
CONSERVATION SUBDIVISION

Sections:

- 17.60.005 Definitions.
- 17.60.010 Purpose.
- 17.60.015 Applicability.
- 17.60.020 Process.
- 17.60.025 Dimensional standards.
- 17.60.030 Design standards.
- 17.60.035 Use regulations.
- 17.60.040 Conservation land and design standards.
- 17.60.045 Permanent protection of conservation lands.
- 17.60.050 Ownership of conservation lands.
- 17.60.055 Maintenance of conservation lands.

17.60.005 Definitions.

“Conservation subdivisions” (CSDs) are subdivisions that preserve 30 to 60 percent of undivided, buildable tracts of land as communal open space for residents. Land to be conserved is first identified and buildable lots are identified after the open space requirements are met.

The permitted maximum density allowed in a development that is subject to the open space requirements of this chapter shall be calculated by dividing the total density-qualifying acreage of the project by the minimum lot size requirement of the zone in which the development is located and then adding any density additions or bonuses allowed by this title.

“Open space” is defined as a portion of a development site that is permanently set aside for public or private use and that will not be developed.

- a. Open space shall not be satisfied by any areas contained within a designated building lot, P.U.E., land proposed to be devoted to vehicular streets or roads, parking, and drives.
- b. Open space is required along major collector roads and to give a buffer to development.
- c. Sensitive lands, as defined elsewhere in this title, may be counted as open space, provided the lands also satisfy the other characteristics of open space set forth herein and shall be protected by the proposed development agreement.
- d. Development alterations of any sensitive lands shall be prohibited except as allowed and defined elsewhere in this title.
- e. Open space shall be planned and designed to encourage and promote its proper use, care and ongoing maintenance. Specifics of vegetation, landscaping, amenities, improvements, recreational facilities, etc., within the open space shall be proposed by the applicant, approved by the Planning Commission and City Council, and then set forth in detail in the development agreement for the project. (Ord. 2018-06 § 1 (Exh. A), 2018.)

17.60.010 Purpose.

The purpose of this chapter is to:

1. Encourage the preservation of open land for its scenic beauty and to enhance open space, forestry, agricultural and recreational use.
2. Provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences.

3. Provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce the length of roads, utility easements, and the amount of paving required for residential development.
4. Encourage innovation and promote flexibility, economy and ingenuity in development.
5. Preserve the natural environment, including those areas containing natural features such as meadows, streams, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, and open space.
6. Protect areas of Francis City with productive agricultural land by conserving blocks of land large enough to allow for viable farm operations.
7. Protect sensitive lands, including those areas containing sensitive and undevelopable features such as steep slopes, floodplains and wetlands. (Ord. 2018-06 § 1 (Exh. A), 2018.)

17.60.015 Applicability.

The option to develop property as a conservation subdivision is voluntary and provided to developers as an alternative to the development of property pursuant to other provisions of this land use ordinance. The intent of this chapter is to encourage the creation and development of flexibly designed open space subdivisions. Conservation subdivisions may be developed within the Agricultural AG-2, AG-1 and R-H zones. Conservation subdivisions shall be developed in accordance with and subject to the development standards, conditions, procedures and regulations of this chapter and the general design standards for subdivisions as contained in this title and with all other applicable subdivision ordinances and zoning regulations of Francis City. (Ord. 2018-06 § 1 (Exh. A), 2018.)

17.60.020 Process.

Applications for a conservation subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in this title, including submission and approval of concept, preliminary and final plans and any additional procedural requirements set forth in this chapter, including, but not limited to, submission of a subdivision yield plan and development agreement.

A subdivision yield plan would exhibit the base density allowed in the underlying zone. Open space will account for any area that is deemed as wetlands, irrigation ditches, waterways, floodplains and steep slopes. Each application for a conservation subdivision shall demonstrate that these four design steps were followed by their site designers in determining the layout of their proposed streets, home sites, and open space.

1. Designation of Open Space and Conservation Areas (Primary and Secondary).
 - a. Primary conservation areas may include bodies of water, easements, floodplains, steep slopes, soils, waterways, wetlands, wooded areas, etc.
 - b. Secondary conservation areas may include buffers, historic components, landmarks, prime views, public vistas, etc., as determined by the Planning Commission and City Council.
2. Location of Building Sites. Home sites should be clustered and located not closer than 50 feet to wetland areas.
3. Street and Lot Layout. Alignment of proposed streets should provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be in a way that avoids or minimizes adverse impacts on open space.
4. Lot Lines. These are generally drawn midway between house locations. (Ord. 2018-06 § 1 (Exh. A), 2018.)

17.60.025 Dimensional standards.

1. Density. The permitted density for development within a conservation subdivision shall be determined in accordance with the development incentive chart below. The percentage increase noted as the “multiplier” in the chart are percentage increases from the base density identified in the approved subdivision yield plan for the proposed development.

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

Development Incentive Chart

Zone	Typical Lot Area	Lot sizes shall vary with a min. of 7,000 sq. ft.	Required Open Space	Incentive Multiplier
AG-2	2 acres	7,000 sq. ft.	60%	20%
AG-1	1 acre	7,000 sq. ft.	50%	15%
R-H	0.5 acre	7,000 sq. ft.	30%	10%

2. Lot Requirements.

- a. **Street Frontage.** The minimum street frontage for lots within a conservation subdivision shall be a minimum of 70 feet from the property line, except along the circumference of a cul-de-sac improved to City standards where a minimum of 35 feet may abut the street.
- b. **Front Setback.** The developer shall designate the building pads for main buildings in a conservation subdivision. Front setbacks shall be a minimum of 20 feet from the property line.
- c. **Rear Setback.** The minimum rear yard setback for main buildings within a conservation subdivision shall be 20 feet from the property line.
- d. **Side Setback.** The minimum side yard setback for main buildings within a conservation subdivision shall be 10 feet from the property line.
- e. **Side Corner Setback.** The minimum side corner setback for main buildings within a conservation subdivision shall be 20 feet from the property line in compliance with clear vision standards. (Ord. 2018-06 § 1 (Exh. A), 2018.)

17.60.030 Design standards.

- 1. **Individual Lots.** Individual lots in conservation subdivisions shall be laid out pursuant to the dimensional standards set forth in FCC 17.60.025. Individual residential lots shall not encroach upon or contain any of the required minimum designated conservation land for the subdivision.
- 2. **Buffer from Road.** All new dwellings shall be arranged and located a minimum of 100 feet from all external roads.
- 3. **Conservation Lands.** Standards pertaining to the quantity, quality, configuration, use, permanent protection, ownership and maintenance of conservation land within a conservation subdivision shall be in compliance with all provisions contained herein.
- 4. **Sensitive Lands.** Restrictions and regulations regarding the preservation, protection, ownership and maintenance of sensitive lands within a conservation subdivision shall be in compliance with this chapter of the Francis City land use ordinance. (Ord. 2018-06 § 1 (Exh. A), 2018.)

17.60.035 Use regulations.

- 1. **Subdivision.** Subject to use and development restrictions of sensitive lands, open land within conservation subdivisions may be used for the following purposes:

Permitted Uses.

- a. Conservation of open land in its natural state; i.e., meadow, grassland, trees, farmland, etc.

- b. Agricultural and horticultural uses, including raising crops that support an active, viable agricultural or horticultural operation.
- c. Pastureland for sheep, cows and horses, excluding commercial livestock operations involving swine, poultry and mink.
- d. Noncommercial outdoor equestrian facilities.
- e. Underground utility easements for drainage, access, sewer or water lines, or other public purposes.
- f. Above-ground utility and street rights-of-way may traverse conservation land, provided areas encumbered by such facilities and/or rights-of-way shall not be counted towards the minimum required conservation land for the subdivision.
- g. Neighborhood open space uses such as common areas, picnic areas, trails, and similar recreational uses.
- h. Fencing, when deemed necessary and appropriate for the particular use, condition, purpose and/or location of the conservation land.
- i. Improvements such as gazebos may be included within the open space requirement along with uncovered recreational facilities such as playing fields, bikeways, basketball or tennis courts and playgrounds. (Ord. 2018-06 § 1 (Exh. A), 2018.)

17.60.040 Conservation land and design standards.

Designated conservation land within a conservation subdivision shall meet the following standards:

1. Significant Areas and Features. Conservation land should include the most unique and sensitive resources and significant features of the property within the subdivision.
2. Recreation Uses. A substantial amount of the minimum required conservation land may be comprised of the active recreation facilities such as playing fields, golf courses, tennis courts, etc., exclusive of parking lots; provided, at least 20 percent of the minimum required conservation land remains available for the common use and enjoyment of the residents and/or the public.
3. Buffering. Conservation land shall be designed to provide buffers and to protect scenic views looking from or towards existing roadways.
4. Pedestrian Access. Adequate pedestrian access to conservation land shall be provided.
5. Maintenance Access. Sufficient maintenance access to all conservation land and sensitive land will be provided.
6. Landscaping. All conservation land that is not wooded, farmed, or maintained as conservation meadows, grassland, or steep slopes or other approved open space, shall be landscaped. For each remaining open space acre, there shall be required on the project site at least two deciduous trees at least two-inch caliper in size and one conifer tree at least six feet in height. (Ord. 2018-06 § 1 (Exh. A), 2018.)

17.60.045 Permanent protection of conservation lands.

1. Conservation Easement. All conservation land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to Francis City. Under no circumstances shall any development be permitted in the conservation land, except for those permitted uses listed herein and approved with the conservation subdivision. All methods of protection and preservation of conservation land shall be approved by Francis City and recorded prior to or concurrent with the recording of the final plat for the conservation subdivision.
2. Terms and Conditions. All conservation easements, or other acceptable method of protection and preservation of the conservation land within a conservation subdivision, shall include the following terms and/or conditions:
 - a. Legal description of the easement.

- b. Description of the current use and condition of the property.
- c. Permanent duration of the easement.
- d. Permitted uses.
- e. Maintenance responsibilities and duties.
- f. Enforcement rights and procedures.
- g. Other terms or conditions as deemed necessary by the Planning Commission and City Council. (Ord. 2018-06 § 1 (Exh. A), 2018.)

17.60.050 Ownership of conservation lands.

Unless otherwise approved by Francis City, the grantee of a conservation easement shall consist of one of the following acceptable entities which shall be qualified to maintain and enforce such conservation easement.

1. Undivided Ownership. Unless otherwise approved by Francis City and subject to the provisions set forth in this chapter, the underlying fee ownership of the conservation land shall remain in single ownership and may be owned and maintained by the homeowners' association, a land trust, conservation organization, or private individual. In the case of the HOA holding the conservation easement, the following regulations shall be met:

- a. A description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for the conservation land, including restrictive covenants for the subdivision, shall be submitted by the developer with the final plat application.
- b. The proposed association shall be established and operating (with financial subsidization, if necessary) prior to or concurrent with the recording of the final plat for the subdivision.
- c. Membership in the association shall be mandatory for all purchasers of the property within the subdivision and their successors in title.
- d. The association shall be responsible for maintenance and insurance of the conservation land.
- e. The by-laws of the association and restrictive covenants for the subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
- f. Written notice of any proposed transfer of conservation land by the association or the assumption of maintenance for the conservation land must be given to all members of the association and to Francis City no less than 30 days prior to such event.
- g. The association shall have adequate staff to administer, maintain and operate such conservation land.

2. Property subject to a conservation easement, or other acceptable method of protection and preservation, shall not be subdivided. (Ord. 2018-06 § 1 (Exh. A), 2018.)

17.60.055 Maintenance of conservation lands.

- 1. Costs. Unless otherwise agreed to by Francis City, the cost and responsibility of maintaining conservation land shall be borne by the owner(s) of the underlying conservation land.
- 2. Maintenance Plan. The developer shall submit a maintenance plan providing for and addressing the means for permanent maintenance of the conservation land within the proposed conservation subdivision with the preliminary plan application for the subdivision. The maintenance plan shall provide the following:
 - a. The plan shall define ownership.

b. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadows, pasture, wetlands, stream corridors, hillsides, cropland, control of noxious weeds, etc.).

c. The plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation land and operation of any common facilities on an ongoing basis. Such funding plan shall include the means for funding long-term improvements as well as regular yearly operating and maintenance costs.

3. Approval. The maintenance plan must be approved by Francis City prior to or concurrent with final plat approval for the subdivision. (Ord. 2018-06 § 1 (Exh. A), 2018.)