

CHAPTER 02-02 DEFINITIONS

02-02-001 ACCESS STRIP

A strip of land which is part of a lot and provides access to the part thereof used to be used for buildings or structures.

02-02-002

The Planning Commission/ Land Use Authority shall adopt and maintain a Master Street Map for the City in conformance with and as part of the General Plan. Said Master Street Map shall contain the proposed location and widths of all arterial and collector streets and such other streets as the Commission may deem appropriate. Said Master Street Map shall be submitted to and recommended to the City Council for adoption as the Official Master Street Map. Once adopted by the City Council the Commission shall cause the Official Map to be recorded with the County Recorder's office.

02-02-003 AFFECTED ENTITY

"Affected entity" shall be defined in accordance with Section 10-9a-103 of Utah Code Annotated.

02-02-004 AGRICULTURE

The tilling of the soil, the raising of crops, horticulture and gardening, but not including keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospital, or similar uses.

02-02-005 AIRPORT TRANSITION

An area zoned to avoid or lessen hazards resulting from the operation of aircraft and to avoid creation of new hazards and protect the lives of people who use aircraft facilities.

02-02-006 ALLEY

A public thoroughfare more than 20 feet but less than 26 feet wide

02-02-007 ANIMAL CONTROL

The care and keeping of pets and strays within the Naples City boundaries as provided for by State and Local Laws.

02-02-008 APPEAL AUTHORITY

The person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

02-02-009 ARCHITECTURAL PROJECTION

Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall or a building, but shall not include signs.

02-02-010 AREA

The measure of a region, as of land.

02-02-011 AREA of SPECIAL FLOOD HAZARD

The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

02-02-012 BASEMENT

A story partly underground and having at least one half its height between average level of the adjoining ground. A basement shall be counted as a story, for purposes of height measurement.

02-02-013 BARN

A large structure used for farm storage of equipment, fleet of equipment, farm feed, farm products and animals.

02-02-014 BASE FLOOD

The flood having one percent chance of being equaled or exceeded in any given year.

02-02-015 BILLBOARD

A freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

02-02-016 BLOCK

The land surrounded by streets and other rights-of-way other than an alley, or land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the Council

02-02-017 BOARDING HOUSE - LODGING HOUSE

A building containing not more than one kitchen where, for compensation, meals are provided pursuant to previous arrangements on a daily, weekly, or monthly basis, as distinguished from a hotel, motel, and café.

02-02-018 BUILDING

Any structure used or intended for supporting or sheltering any use or occupancy.

02-02-019 BUILDING, ACCESSORY

A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of a main or principal building.

02-02-020 BUILDING, AGRICULTURAL

A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation, or a place of employment where agricultural products are processed, treated, or packed, nor shall it be a place used by the public.

02-02-021 BUILDING, DETACHED

A building surrounded by open space on the same lot may not have less than twenty-feet of open space from that building and the main building on the same lot.

02-02-022 BUILDING, HEIGHT OF

The vertical distance above 'grade', as defined herein, to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest adjoining sidewalk or ground surface within a five foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten feet above grade. The height of a steeped or terraced building is the maximum height of any segment of the building.

02-02-023 BUILDING INSPECTOR OR CHIEF BUILDING OFFICIAL

The official or other person charged with the administration and enforcement of this ordinance, or his duly authorized deputy.

02-02-024 BUILDING, MAIN

A building in which is conducted the principal use of the lot on which it is located.

02-02-025 BUILDING, PUBLIC

A building owned and operated, or owned and intended to be operated, by a public agency of the United States of America, of the state of Utah, or any of its political subdivisions.

02-02- 026 CHIEF EXECUTIVE OFFICER

1. A mayor in municipalities operating under all forms of municipal government except the council-manager form; or
2. A City Manager in municipalities operating under the council-manager form of municipal government.

02-02-027 CITY

Naples City

02-02-028 CLINIC

A building used for the diagnosis and treatment of ill, infirm, and injured persons, but which building does not provide board, room, or regular hospital care and services.

02-02-029 COMMON OPEN SPACE

The land area in a subdivision reserved and set aside for recreational uses, landscaping open green areas, parking and driveway areas for the common use and enjoyment of the residents of the subdivision.

02-02-030 COMMON OPEN SPACE EASEMENT

A required right-of-way granted to the city on and over land in a subdivision designated as common open space, which easement guarantees to the city that the designated common open space and recreation land is permanently reserved for access, parking and recreation, and open space purposes in accordance with the plans and specification approved by the Planning Commission and City council at the time of approval of the subdivision or as such plans are amended from time to time.

02-02-031 CONDITIONAL USE

A land use that, because of its unique characteristics or potential impact on the City, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

02-02-032 CONDOMINIUM PROJECT

A real estate condominium project where ownership of a single unit in a multiunit project, together with an undivided interest in common if the common areas and facilities of the property

is transferred; a plan or project whereby four or more apartments, rooms, office spaces, or other existing and proposed apartments or commercial or industrial buildings or structures are separately offered or proposed to be offered for sale, and meeting all requirements of the Condominium Ownership Act of the state of Utah.

02-02-033 CONSTRUCTION STANDARDS

The Standards and Specification adopted by this Ordinance.

02-02-034 CONSTITUTIONAL TAKING

A government action that results in a taking of private property so that compensation to the owner of the property is required by the:

- a. Fifth or Fourteenth Amendment of the Constitution of the United States; or
- b. Utah Constitution Article I, Section 22.

02-02-035 COOP

Cage or small structure for housing poultry and or domestic fowl.

02-02-036 CORRAL

Could be any size with any number of pens used for holding or separating animals.

02-02-037 COUNCIL

The governing body of Naples City.

02-02-038 COURT

A space, open and unobstructed to the sky, located at or above grade level on a lot, and bounded on three or more sides by walls or a building.

02-02-039 COVERAGE, LOT

The percent of the lot area covered by the main and accessory buildings.

02-02-040 CULINARY WATER AUTHORITY

The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

02-02-041 CUL-DE-SAC

A turn-around at the end of a dead-end street having a diameter of 100 feet.

02-02-042 DAIRY

A commercial establishment for the manufacture, processing or sale of dairy products.

02-02-043 DAY CARE CENTER

A building or structure where six or more children are regularly cared for during the day for compensation.

02-02-044 DEVELOPMENT

Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, fillings, grading, paving, excavation or drilling operations located within the area of special flood hazard.

02-02- 045 DISABILITY

- a. A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.
- b. does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

02-02-046 DRY CLEANER

An establishment which has as its sole purpose the cleaning of fabrics with substantially non-aqueous organic solvents. Laundry establishments with self-service, coin operated dry cleaning machines, shall not be classified as a dry cleaner.

02-02-047 DWELLING

A building or portion thereof designed or used as the living quarters for one or more families.

02-02-048 DWELLING UNIT, BACHELOR OR BACCALAUREATE

A dwelling unit designed or used to accommodate four or quarters for one or more families.

02-02-049 DWELLING, GROUP

Two or more dwellings placed upon a single lot.

02-02-050 DWELLING, MULTIPLE-FAMILY

A building arranged or designed to be occupied by three or more families.

02-02-051 DWELLING, SINGLE FAMILY

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

02-02-052 DWELLING, SINGLE FAMILY ROW HOUSE

A building directly against an adjoining building without an open space between, and containing a one family dwelling unit extending from basement to roof. Each such single family attached dwelling unit shall have a front and rear entrance. Each group of single family attached dwellings shall be considered one structure for purposes of front, rear, and side yard requirements.

02-02-053 DWELLING, TWO-FAMILY

A building arranged or designed to be occupied by two families, the structure having only two dwelling units.

02-02-054 DWELLING UNIT

One or more rooms in a dwelling, apartment, hotel, or apartment hotel designed for or occupied by one family for living, sleeping, eating, and sanitation purposes. A dwelling unit may contain more than one set of kitchen facilities, whether temporary or permanent, provided they are used only by members of the family occupying the dwelling unit, or their nonpaying guests. A dwelling unit may include up to two-persons per unit to whom rooms are rented, in addition to a family related by blood, marriage, or operation of law, but if the number of such additional persons exceeds two or if they use or are furnished separate cooking facilities, whether temporary or permanent such additional persons shall be considered a separate dwelling unit.

02-02-055 DUTIES OF LAND USE ADMINISTRATOR

The Land Use Administrator shall provide in the application process and include a designated routine in Land Use matters and building permit process for the Master Street Map review.

The review will ensure that:

1. The Planning Commission receives the Master Street Map request on Land Use matters during Conceptual Phase.
2. The Building Official receives the Master Street Map, review report on Land Use matters at permit review.
3. Work with developers, engineers and planners to provide well planned subdivision roads, alleys, and access to collector and arterial streets.
4. Work with developers and their engineers and planners to provide alternative transportation ways connecting to the City's alternative transportation plan.
5. Work with the City Engineers to maintain the City's road development standards. For the purpose of this ordinance, the City adopts UDOT road and bridge Standards and addendums with the following exceptions:
 1. Compaction is 97%
 2. Asphalt types for Naples street;

- a. cold native w/ chip seal and flush coat
 - b. hot native w/ chip seal and flush coat
 - c. hot mix asphalt (HMA) Section 02741M
3. Minimum of 3 inches asphalt, 8 inches untreated road base, 12 inches granular barrow.
6. Work with City Engineers to maintain the typical cross section giving location and depth for sewer, water, and utilities.

02-02-056 EASEMENT

The quantity of land set aside, or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public, or some particular person or part of the public.

02-02-057 EDUCATIONAL INSTITUTION

A public elementary or secondary school or a private educational institution having a curriculum similar to that ordinarily given in public schools.

02-02-058 ENGINEER

The person designated or assigned by the City and according to City policy to be the City Engineer.

02-02-059 ESTRAY

Stray livestock

02-02-060 FAÇADE

Any visible side of a building facing a public way or space.

02-02-061 FAMILY

One or more persons related by blood, marriage, or law, plus domestic servants employed for service on the premises or a group of individuals of not more than four persons who need not be so related, living together as a single nonprofit housekeeping unit.

02-02-062 FENCE

A tangible barrier or obstruction of any material with the purpose or intent, or having the effect of preventing, passage or view across the fence line. It includes hedges and walls.

02-02-063 FINAL PLAT

A map or chart of the land division, which has been accurately surveyed, and such survey marked on the ground so that streets, alleys, blocks, lots, and other divisions thereof, can be identified.

02-02-064 FLOOD or FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

02-02-065 FLOOR AREA

The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed terraces. All dimensions shall be measured from the exterior faces of the exterior walls.

02-02-066 FLOOD HAZARD BOUNDARY MAP (FHBM)

The official map issued by the Federal Insurance Administration where the areas of special flood hazard have been designated Zone A. Habitable floor means any floor unusable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes in to a habitable floor.

02-02-067 FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which the Federal Emergency Management Agency has delineated areas of special flood hazard designated a Zone A.

02-02-068 FRONTAGE

All property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, or end of a dead-end street measured along the street line, an intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

02-02-069 GARAGE, CARPORT

A private garage not completely enclosed by walls or doors for the purposes of this ordinance, a carport shall be subject to all of the regulations prescribed for a private garage.

02-02-070 GARAGE PRIVATE

An enclosed space or accessory building for the storage of one or more motor vehicles, provided that no business, occupation, or service is conducted for profit therein, nor space therein for more than one car is leased to a non- resident of the premises. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common, or are connected structurally by a physical connection such as a wall, trellis or solid fence, with the exception of home occupations.

02-02-071 GARAGE, PUBLIC

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

02-02-072 GRADE

The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the buildings or the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

02-02- 073 GENERAL PLAN

A document that a municipality adopts that sets forth general guidelines for proposed future development of the land within Naples.

02-02-074 GUEST HOME

A separate dwelling structure located on a lot with one or more main dwelling structures and used for housing of guests or servants, and not rented, leased, or sold separate from the rental, lease, or sale of the main building.

02-02-075 HALF STREETS

The portion of a street within a subdivision comprising one-half the minimum required right-of-way on which improvements are constructed and in accord with one-half of an approved typical street cross section.

02-02-076 HOME OCCUPATION

Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof and in connection with which there is no display non stock-in-trade.

02-02-077 HORSE WALKER

Mechanically controlled device used in a small area or a small area used for animal exercise. The area is maintained to control dust.

02-02-078 HOTEL

A building designed for or occupied as the more or less temporary abiding place of sixteen or more individuals, who are for compensation lodged with or within meals.

02-02-079 HOUSEHOLD PETS

Animals ordinarily permitted in residences and kept for the company or pleasure of residents, such as domesticated birds, domesticated cats and domesticated dogs. Household pets also include tropical fish, amphibians, reptiles, or invertebrates of a number or species that do not constitute a health hazard or nuisance and can safely and humanely be kept in aquariums, cages, or enclosures within a residence. Household pets shall not include the keeping of "vicious animals", "venomous animals", "constrictors", "wild animals" or "livestock" as defined in this ordinance. Furthermore, household pets shall not include miniature horses, pygmy goats, and Vietnamese pot-bellied pigs.

02-02-080 IDENTICAL PLANS

Building plans submitted to the City that are substantially identical to building plans that were previously submitted to and reviewed and approved by the City and describe a building that is;

- a. located on land zoned the same as the land on which the building described in the previously approved plans is located; and
- b. subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans.

02-02-081 IMPROVED LOT

A lot which has all of the improvements required by this Ordinance.

02-02-082 IMPROVEMENT

Work, objects, devices, facilities, or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, street construction to required standards, grading, landscaping, water facilities, sewer facilities, street, trees, sidewalks, curbs and gutters, drainage facilities, street signs, street lights, traffic control or other safety devices, fire hydrants, and such other facilities, or construction required by the subdivision ordinance, subdivision regulations, or by the Planning Commission and/or City Council for the necessary proper development of the proposed subdivision.

02-02-083 INCOMBUSTIBLE MATERIAL

Any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit during an exposure of five minutes, and will not continue to burn or glow at that temperature. Tests shall be made as specified in the uniform building code.

02-02-084 INFILL DEVELOPMENT

It is a lot improvement within or adjoining residential zoned land. It may be a division of a previously layer lot or parcel that has been skipped over leaving little access, or where demolition has occurred. The infrastructure is in place but due to other developments around it access or frontage cannot meet current zone requirements.

02-02-085 INTERVENING PROPERTY

Property located between the existing service facility, and the property under development.

02-02-086 JUNK YARD

The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metal or other scrap materials or for the dismantling, demolition, or abandonment of automobiles, or other vehicles, or machinery or parts thereof, provided that this definition shall not be deemed to include such uses which are clearly incidental to and accessory to any agricultural use permitted in the zone.

02-02-087 KENNEL

The land or buildings used in the keeping of four or more dogs or cats over four months old.

02-02-088 LANDSCAPING

Landscaping shall mean some combination of planted trees, shrubs, vines, ground cover, flowers, or lawns. In addition the combination or design may include rocks and such structural features as fountains, pools, art works, screens, walls, fences or benches, but such objects alone shall not meet the requirements of this ordinance.

02-02-089 LAND USE APPLICATION

An application required by the Naples City Land Use Ordinance.

02-02-090 LAND USE AUTHORITY

A person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

02-02-091 LAND USE ORDINANCE

A planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan.

02-02-092 LAUNDROMAT OR LAUNDERETTE

A self-service laundry establishment where clothes are cleansed in a coin operated machine. Laundromats or launderette may include self-storage coin operated dry cleaning machines.

02-02-093 LAND USE PLAN

A plan adopted and maintained by the City Council which shows how the land is being used - an element of the master plan.

02-02-094 LATECOMERS

Those landowners or any person who subsequently utilize public improvements that were privately funded by another land owner.

02-02- 095 LEGISLATIVE BODY

The Municipal Council.

02-02-096 LIVESTOCK

Domestic animals of types customarily raised or kept on farms for profit or other productive purposes. This does not include Urban Livestock

02-02-097 LIVESTOCK CORRAL

A place or pen where livestock are kept on a seasonal basis as part of an agricultural enterprise or operation, as distinguished from a livestock feed yard.

02-02-098 LIVESTOCK FEED YARD

A feeding operation on a parcel of land where livestock are kept or exchanged in corrals or yards on a year round basis, and where feed is brought to the yard, as contrasted to feed obtained through grazing the animals on the premises.

02-02-099 LODGING HOUSE

A building where lodging only is provided for compensation to five or more, but not exceeding fifteen persons, in contrast to hotels.

02-02-100 LOT

A parcel or tract of land within a subdivision which is or may be occupied by a building or structure and the accessory buildings, structures or uses customarily incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located. Except for group dwellings and a guest house, not more than one dwelling structure shall occupy any one lot.

02-02- 101 LOT LINE ADJUSTMENT

The relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

02-02-102 LOT RIGHT-OF-WAY

An easement of at least eight feet width, reserved by the lot owner as a private access to serve interior lots not otherwise located on a street.

02-02-103 LOT, CORNER

A lot abutting on two intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.

02-02-104 LOT, INTERIOR

Any lot other than a corner lot

02-02-105 MAJOR STREET

A street, existing or proposed, which serves, or is intended to serve, as a major traffic way, and is designated as a collector or arterial street on a Master Plan.

02-02-106 MAJOR STREET PLAN

The major street plan of this municipality.

02-02-107 MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with permanent foundation when connected to the required utilities.

02-02-108 MAP, OFFICIAL

Official map does not:

1. Require a land owner to dedicate and constrict a street as a condition of development approval, except under circumstances requiring the dedication and improvement of a street is found necessary by the municipality because of a proposed development.
2. Require the City to immediately acquire property it has designated for eventual use as a public street.

The official map does allow:

1. The City to recommend that an applicant to meet with the Land Use Authority or anyone applying for a building permit to consider and accommodate the location of the proposed street and/or street easement in the planning of the development proposal.
2. Acquiring the property through purchase, gift, volunteer, dedication, or eminent domain; or
3. Requiring the dedication and improvement of the street if the street is found necessary by the City because of a proposed development and if the dedication and improvement are found necessary due to the developments impact the transportation system.

Any map adopted by the City Council under the provisions of Section 17-27-7, Utah Code Annotated, 1953 as amended.

02-02-109 MASTER PLAN

The Master Plan of this municipality.

02-02-110 METES AND BOUNDS

The description of a lot or parcel of land by courses and distances.

02-02-111 MINOR STREET

A street, existing or proposed, which is supplementary to a collector street, and of limited continuity, which serves, or is intended to serve, the local needs of a neighborhood.

02-02-112 MINOR SUBDIVISION

A subdivision containing less than ten (10) lots with all lots having the required frontage on a dedicated public street and not traversed by a proposed street.

02-02-113 MOBILE HOME

A moveable living unit at least ten feet in width designed to be transportable after fabrication on its own wheels, attached wheels, or lowboy, suitable for year-round occupancy and containing a flush toilet, sleeping accommodations, a tub or shower, kitchen facilities, plumbing and electrical connections provided for attachment to appropriate external systems. Pre-sectioned, modular or prefab housing not placed on a permanent foundation shall also be regarded as a mobile home whether or not such units meet the city's building and housing codes.

02-02-114 MOBILE HOME PARK

A parcel of land which has been placed and improved for the placement of mobile homes for residential use with single control or ownership.

02-02-115 MOBILE HOME SUBDIVISION

A parcel of land which has been planned and improved for the placement of mobile homes for residential use on single lots with private ownership of the lots.

02-02-116 MODERATE INCOME HOUSING

Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

02-02-117 MOTEL

Any building or group of buildings containing sleeping rooms designed for temporary use by automobile tourists or transients with garage attached or parking space conveniently located to each unit.

02-02-118 MOUNTAIN HOME DEVELOPMENT

A subdivision in which the roads, travel easements, water lines, and open spaces are not dedicated to the public, but are retained as private facilities, and in which the dwellings or lots are designed to be occupied only during the months of April, May, June, July, August, September, and October.

02-02-119 NATURAL WATERWAYS

Those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels, as determined by the Building inspector, and in which no buildings shall be constructed.

02-02-120 NETTED PEN

Cage or structure, used for housing game birds.

02-02-121 NIGHTCLUB

A place of entertainment open at night, usually serving food and liquor, having a floor show, and providing music and space for dancing.

02-02-122 NOMINAL FEE

A fee that reasonably reimburses a municipality only for time spent and expenses incurred in:

- a. verifying that building plans are identical plans; and
- b. reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

02-02-123 NONCOMPLYING STRUCTURE

- a. A structure that legally existed before its current land use designation; and
- b. because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations excluding those regulations which govern the use of land.

02-02-124 NONCOMFORMING USE

- a. Land that legally existed before its current land use designation;
- b. has been maintained continuously since the time the land use ordinance governing the land changed; and
- c. because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

02-02-125 NUISANCE

To harm or cause injury or cause health and safety risk.

02-02-126 NURSERY FOR CHILDREN

A building or structure where six or more children are regularly cared for during the day for compensation.

02-02-127 OFFICIAL MAP

The official map or maps drawn by municipal authorities and recorded in a County Recorder's office that:

- a. Shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
- b. Provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
- c. A map adopted by this municipality pursuant to the municipal Land Use and Planning enabling legislation.

02-02-128 OFFSITE FACILITIES

Facilities designed or located so as to serve other property outside of the boundaries of the subdivision, usually lying between the development and existing facilities.

02-02-129 ONSITE FACILITIES

Facilities installed within or on the perimeter of the subdivision.

02-02-130 OPEN GREEN SPACE

An open space suitable for relaxation or landscaping. It shall be unoccupied and unobstructed by buildings and/or hard surfaces such as asphalt, cement, and packed gravel, except that such open spaces may be traversed by necessary sidewalks.

02-02-131 ORDINANCE OR LAND USE ORDINANCE

Title 2, revised Land Use and Planning Ordinance of Naples City, Utah.

02-02-132 OVERSIZED FACILITIES

Facilities with added capacity designed to serve other property, in addition to the land within the boundaries of the subdivision.

02-02-133 PARCEL OF LAND

A continuous quantity of land in the possession of, or owned by, or recorded as the property of the same claimant or person.

02-02-134 PARK TREES

“Park Trees” are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the City of Naples, or to which the public has free access as a park.

02-02-135 PARKING LOT

An open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

02-02-136 PARKING SPACE

Space within a building, lot or parking lot for parking or storage of one automobile.

02-02-137 PASTURE

Land intended as a source of vegetation for livestock grazing. Must be fenced and maintained to contain livestock. Vegetation must recover each year on its own or by irrigation. The 20,000 Square Foot Rule of 02-21-002 shall be used as guidance.

02-02-138 PAYING GUEST

Any person hiring a room in a dwelling unit for living, eating, or sleeping purposes.

02-02-139 PEN

A small enclosure for animals, generally a small number of animals, a small area for storage.

02-02-140 PERMANENT MONUMENT

Any structure of concrete, masonry, and/or metal, permanently placed on, or in, the ground, including those expressly placed for surveying reference.

02-02-141 PERSON

An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

02-02-142 PLAN FOR MODERATE INCOME HOUSING

A written document adopted by a city legislative body that includes:

- a. An estimate of the existing supply of moderate income housing located within the city;
- b. an estimate of the need for moderate income housing in the city for the next five years as revised biennially;
- c. a survey of total residential land use
- d. an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- e. a description of the city's program to encourage an adequate supply of moderate income housing.

02-02-143 PLAT

A map or other graphical representation of lands being laid out and prepared in accordance with section 10-9A-603, 17-23-17, or 57-8-13.

02-02-144 PUBLIC HEARING

A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing

02-02-145 PUBLIC MEETING

A meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings.

02-02-146 PLANNED UNIT DEVELOPMENT (PUD)

A development in which the regulations of the zone in which the development is situated are waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements.

02-02-147 PLANNING COMMISSION

The Planning Commission of Naples City, Utah.

02-02-148 PRELIMINARY PLAT

A drawing, to scale, representing a proposal to subdivide a tract, lot, or parcel of land, and meeting the preliminary plat requirements of this ordinance.

02-02-149 PRIMARY RESIDENCE

The act or fact of dwelling in a place for some time. Minimum lot size 8,000 sq. ft. and minimum dwelling size 750 sq. ft.

02-02-150 PRIVATE DRIVE

Non-dedicated thoroughfare or road used exclusively for private access to and from private land and/or developments.

02-02-151 PROTECTION STRIP

A strip of land, of less than the minimum required depth or width for a building lot, which prevents the access of other property owners to the street or utilities. No parcel of land may be created which is not a buildable lot.

02-02-152 RECREATIONAL VEHICLE OR TRAVEL TRAILER

A vehicle such as a recreational trailer, camper trailer, truck camper, travel-trailer, camp-car, other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare, in accordance with the provisions of the Utah Vehicle Code, designed for the use of human habitation.

02-02-153 RECREATIONAL VEHICLE PARK, OR TRAVEL TRAILER PARK

Any area or tract of land or a separate designated section within a mobile home park where lots are rented or held for rent to one or more owners or users of recreational vehicles for a temporary time.

02-02-154 RECORD OF SURVEY MAP

A map of a survey of land prepared in accordance with Section 17-23-17.

02-02-155 RESIDENTIAL FACILITY FOR ELDERLY PERSONS

A single-family or multiple-family dwelling unit that meets the requirements of General Plan, but does not include a health care facility as defined by Section 26-21-2.

02-02-156 RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY

- a. A residence in which more than one person with a disability resides; and
- b. (i) is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or
(ii) is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

02-02-157 SANITARY SEWER AUTHORITY

The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

02-02-158 SHED

Roofed area used to protect feed and or equipment.

02-02-159 SHOPPING CENTER

Multi-entity commercial complex under single ownership or control which leases space to various commercial establishments.

02-02-160 SIGN

A presentation or representation of words, letters, figures, designs, pictures, or colors, publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation, or a request for aid; also the structure or framework or any natural object on which any sign is erected, or is intended to be erected, or exhibited, or which is being used or is intended to be used for sign purposes.

02-02-161 SIGN, BUSINESS

An on premises sign which directs attention to a use conduct, a commodity sold, or service performed on the premise.

02-02-162 SIGN, DEVELOPMENT

An on-premises sign identifying a construction project or subdivision development. The sign may contain the name of the project, name and address of the construction firms, architect, and developer.

02-02-163 SIGN, DIRECTIONAL

An on-premises incidental sign designed to guide or direct pedestrians or vehicle traffic.

02-02-164 SIGN, FLAT

Any sign attached to a building or other structure that projects less than eighteen inches beyond the building, but extends parallel or substantially parallel thereto.

02-02-165 SIGN, FLOODLIGHTED

Any sign illuminated in the absence of daylight only by devices which reflect or project light upon it.

02-02-166 SIGN, FREE-STANDING

A sign which is supported by one or more columns, uprights, or braces in or upon the ground.

02-02-167 SIGN IDENTIFICATION AND INFORMATION

An on-premise sign displayed to indicate the name or nature of a building or use, including all professional and business buildings, home occupations, apartment complexes and public and semi-public buildings. Temporary and development signs are classified in this category only.

02-02-168 SIGN ILLUMINATED

A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

02-02-169 SIGN, NAME PLATE

A sign indicating the name of a person or persons residing on the premises.

02-02-170 SIGN, OFF-PREMISE

A sign which directs attention to a use, product, commodity or service not related to the premise on which it is located.

02-02-171 SIGN, ON-PREMISE

See Sign, Business

02-02-172 SIGN, PROJECTING

Any attached sign extending in whole or in part more than eighteen inches beyond the building line.

02-02-173 SIGN, ROOF

Any sign erected upon or supported by the roof or parapet of a building.

02-02-174 SIGN, STRUCTURE

Any structure which supports any sign, as defined in this code. A sign structure may be a single pole or poles or an integral part of a building.

02-02-175 SIGN, TEMPORARY

An on-premise sign which is intended to advertise community or civic projects, real estate for sale or lease, on a temporary basis. Such signs shall not be erected earlier than thirty-days prior to date of beginning of event, and shall be removed within thirty days after event is concluded.

02-02-176 SIGN, WALL

A sign which is affixed to an exterior wall of a building or structure and which projects not more than eighteen inches from the building or structure wall, and which does not extend more than four feet above the parapet, eaves, or building facade of the building on which it is located.

02-02-177 SITE DEVELOPMENT STANDARDS

Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space and any other special regulations deemed necessary to accomplish the purpose of this ordinance.

02-02-178 SPECIAL ZONE

An entity established under the authority of Title 17A, Special Zones, and any other governmental or quasi-governmental entity that is not a county, municipality, school zone, or unit of the state.

02-02-179 SPECIFIED PUBLIC UTILITY

An electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

02-02-180 STABLE

Roofed area used to protect feed and or equipment.

02-02-181 STABLE, PRIVATE

A detached, accessory building for the keeping of horses owned by the occupants of the premises, and not kept for re-numeration, hire, or sale.

02-02-182 STABLE, PUBLIC

A stable other than a private stable.

02-02-183 STACK YARD

An area to pile hay or grain for feed storage.

02-02-184 STORY

The space within a building, other than a cellar, included between the surface of any floor and the surface of the ceiling next above.

02-02-185 STORY, HALF

A story with at least two sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

02-02-186 STREETS

Means a public right-a-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way. A thoroughfare which has been dedicated and accepted by the Council, which the municipality has acquired by prescriptive right or which the municipality owns, or offered for dedication on an approved final plat, or a thoroughfare of at least 28 feet in width, which has been abandoned for private use or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.

02-02-187 STREET, MAJOR

A street, existing or proposed, which serves or is intended to serve as a or traffic way and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

02-02-188 STREET, COLLECTOR

A street, existing or proposed, which is the main means of access to the major street system.

02-02-189 STREET, MINOR

A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

02-02-190 STREET, MARGINAL ACCESS

A minor street which is parallel to and adjacent to a limited access major street and provides access to abutting properties and protection from through traffic.

02-02-191 STREET, PRIVATE

A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of this municipality and maintained by the subdivider or other private agency.

02-02-192 STREET TREES

“Street Trees” are herein defined as trees, shrubs, brushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City of Naples.

02-02-193 STRUCTURE

Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

02-02-194 STRUCTURAL ALTERATIONS

Any change in supporting members of a building, such as bearing walls, columns, beams, or girders.

02-02-195 SUBDIVIDER

Any person laying out or making a land division for the purpose of first sale, or first selling for himself, or others, a subdivision, or any part thereof.

02-02-196 SUBDIVISION

Use U.C.A. 10-9a-103 (52).

02-02-197 SWIMMING POOL

Any artificial or semi-artificial container, whether indoors and whether above or below the surface of the ground or both used or intended to be used to contain a body of water for

swimming by any person or persons, together with all permanent structures, equipment, appliances, and other facilities used or intended for use in an about the operation, maintenance, and use of such pool.

02-02-198 SWIMMING POOL, FAMILY

A swimming pool used and intended to be used solely by the owner, operator, or lessee thereof, and is family and by guests invited to use it without payment of any fee or consideration.

02-02-199 TAVERN

Any business establishment operating under a class “C” beer license.

02-02-200 THEATER, INDOOR PICTURE

A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

02-02-201 THEATER, OUTDOOR DRIVE-IN

An open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of moving pictures on a paid admission basis to patrons seated in automobiles.

02-02-202 TREE TOPPING

“Tree Topping” is herein defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

02-02-203 UNIFORM BUILDING CODE (U.B.C.)

The current edition of the Uniform Building Code, as adopted by Naples City.

02-02-204 UNINCORPORATED

The area outside of the incorporated area of a city or town.

02-02-205 URBAN LIVESTOCK

Urban livestock shall be defined as rabbits, ducks, hen chickens, goats and bees. See Supplementary Regulations 02-14-025 for the regulations concerning urban livestock.

02-02-206 USE

The specific purposes for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

02-02-207 USE, ACCESSORY

A subordinate use customarily incidental to and located upon the same lot occupied by the main use and devoted exclusively to the main use of the premises.

02-02-208 USE, PERMITTED

Any use lawfully occupying land or buildings, as authorized in the zone regulations and for which no conditional use permit is required.

02-02-209 UTILITIES

Includes culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, electric power, gas and telephone transmission lines, underground conduits and junction boxes.

02--02-210 VARIANCE

A waiver of specific regulations of this ordinance granted by the City Council in accordance with the provisions set forth in this ordinance.

02-02-211 VICINITY PLAN

A map or chart showing the relationship of streets within a proposed subdivision to streets in the surrounding area.