

Naples City

PEOPLE SERVING PEOPLE

Land Use Ordinance 2014

2014 - LAND USE ORDINANCES INDEX

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CHAPTER 02-01 GENERAL PROVISIONS

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Declaration

The Naples City Planning and Land Use Commission and the Naples City Council declare that in creating the zones established and set forth in this ordinance and the permitted and conditional uses established in this ordinance for each zone, the City has exercised its legal and lawful authority as delegated by the constitution statutes of the State of Utah and has done so in recognition of its authority to do such things as are necessary to promote the health, safety, and welfare and economic benefit of the citizens of the City. The Planning and Land Use Commission and the City Council have carefully considered the zones, the location of the zones, and the permitted and conditional uses within said zones and have adopted said terms, conditions, and regulations in the best interests of the City and its citizens and property owners. During the course of adopting the ordinance and the classifications and characteristics of each zone, public input has been considered as well as the present and future economic and development needs of the City, the desire to create pleasant communities and compatible uses as well as law enforcement, public safety, and other concerns and considerations.

It is hereby declared that any use of real property within the boundaries of Naples City which is not specifically permitted or approved as a conditional use is strictly prohibited. Any person desiring any change in the classification of the zone or permitted uses or conditional uses within any zone bears the burden of convincing the Planning and Land Use Commission and the City Council that such a change is reasonable, necessary, appropriate, desirable and consistent with the overall Planning and Land Use scheme adopted by the City in this Land Use ordinance and in the General Plan.

The City, having carefully considered and adopted its Land Use rules and regulations, is under no obligation to justify or reestablish the validity of the classifications and requirements established herein each time a person requests a change. The decision as to whether to make the change requested shall be purely within the judgment and discretion of the Planning and Land Use Commission and City Council acting in the best interests of the citizens and community as a whole and in balancing the various considerations, interests and needs of the community as determined in the best judgment and discretion of the officials charged with this responsibility. The burden of proof rests entirely with the proponent of the person engaging in the use.

Whereas, it is necessary for the general health, safety and welfare of the citizens of Naples, Utah, that the existing Land Use laws and regulations be amended from time to time to accommodate

the needs and requirements created by changes in growth and other circumstances, and the changes set forth herein cover a modification of the existing Land Use laws and requirements of said city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NAPLES, UTAH: THE LAND USE LAWS OF NAPLES, UTAH, ARE HEREBY AMENDED TO READ AS FOLLOWS:

02-01-001 SHORT TITLE

This Title shall be known as the “Naples City Planning and Land Use Ordinance” and may be so cited and pleaded. Said title shall be referred to herein as “This Title” and the chapter and sections hereinafter referred to shall be chapters and sections of this title.

02-01-002 PURPOSE

This Title and the regulations and restrictions contained herein are adopted and enacted for the purpose of promoting the health, safety, morals, and general welfare of the present and future inhabitants of the City; and to encourage and facilitate the orderly growth and development of the City; to provide adequate open space for light and air, to prevent and to reduce congestion on the streets; to secure economy in municipal expenditures, to facilitate provision for transportation, water, sewage, schools, parks and other public facilities and services; to increase the security of home life and preserve and create a more favorable environment for the citizens and visitors of the city; to secure safety from fire and other dangers; to stabilize and improve property values; to enhance the economic and cultural well-being of the inhabitants of the City, and to promote the development of a more wholesome, serviceable and attractive City resulting from an orderly planned use of resources.

02-01-003 INTENT

It is hereby declared to be the intent of Naples City that This Title, and the regulations set forth herein, shall be so constructed as to further the purpose of This Title, and promote the objectives and characteristics of the General Plan and Land Use Ordinances.

02-01-004 INTERPRETATION

In interpreting and applying the provisions of this Title, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.

02-01-005 CONFLICT WITH PRIVATE AGREEMENTS

This ordinance shall not nullify the more restrictive provisions of covenants, easements, agreements, deed restrictions, or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

02-01-006 NUISANCE ABATEMENT

The City finds that the existence of nuisances within Naples City adversely affects the health, welfare and safety of the residents of the City and others visiting there. Any designated nuisance shall be and the same hereby is, declared to be unlawful and a public nuisance; the city building official and/or city attorney may commence action or proceedings for the abatement or removal of the nuisance. The party violating this ordinance shall pay all costs and attorney fees incurred by Naples City in enforcing this ordinance.

02-01-007 NUISANCES DESIGNATED

A nuisance shall be any one of the following:

- A. Whatever impairs the reasonable and lawful use of property;
- B. Whatever unreasonably or unlawfully affects the health or safety of one (1) or more persons;
- C. Anything which unreasonably or unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage, any public or private street, highway, sidewalk, stream, ditch or drainage way;
- D. Noxious weeds, or weeds more than twelve (12) inches tall or weeds within thirty (30) feet of a structure, or weeds within ten (10) feet of the outer edge of any public street, or weeds in any other location which constitute an unreasonable fire hazard;
- E. Any dwelling, building or structure which is an unreasonable hazard to the health or safety of people residing in the vicinity thereof, or which presents an unreasonable fire hazard in the vicinity where it is located;
- F. Any accumulation of rubbish, trash, refuse, junk, abandoned materials, metals, lumber, or machinery;
- G. Any abandoned vehicle or more than three unlicensed vehicles;
- H. Noxious or unreasonable odors, fumes, gas, smoke, soot or cinders;

I. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provision of the City ordinances, or any use of land, buildings or premises in violation of the Land Use ordinances.

J. Trees planted or allowed to grow by a person or entity having ownership or possessory interest in property and in such a way as to cause damage to sidewalks, curbs, gutter, or streets.

02-01-008 MISDEMEANOR AND PENALTY PROVISIONS

Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this title, shall be guilty of a class B misdemeanor and upon conviction thereof shall be punishable by a fine of not more than two hundred ninety-nine dollars (\$299.00) or by imprisonment for a term not to exceed six (6) months, or by both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this title is committed or continued by such person, firm or corporation and shall be punishable as herein provided. Refer to the "Consolidated Fee Schedule" for additional details.

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.

CHAPTER 02-03 ADMINISTRATION AND PROCEDURES

Section 02-03-001	Amendments
Section 02-03-002	Administration and Enforcement
Section 02-03-003	Building Permit Required
Section 02-03-004	Certificate of Occupancy Required
Section 02-03-005	Site Plan Approval Required
Section 02-03-006	Council Approval
Section 02-03-007	Inspection
Section 02-03-008	Conflicting Provisions Repealed
Section 02-03-009	Fees
Section 02-03-010	Licensing
Section 02-03-011	Annexations
Section 02-0-3012	Completion of Improvements
Section 02-03-013	Reconsideration of Denied Amendments
Section 02-03-014	General Plan Consideration

02-03-001 AMENDMENTS

This Title, including the map, may be amended from time to time by the City Council after holding the public hearings (Planning Commission and City Council). All proposed amendments shall be first submitted to the Planning Commission for its consideration. The Planning Commission recommendation shall then be submitted, within thirty days of their decision, to the City Council for its consideration. The City Council shall prescribe by resolution the fees required to amend This Title or the accompanying map.

02-03-002 ADMINISTRATION AND ENFORCEMENT

1. The Naples City Land Use Administrator is hereby charged with the administration and enforcement of This Title.
2. The City Building Official shall not grant a permit for the construction or alteration of any building or structure, nor issue any certificate of occupancy for a change in the use of land, if such construction or alteration or change would be in violation or would involve a violation of any of the provisions of This Title, or any ordinance of the City or any laws of the State of Utah.

The City Land Use Administrator shall enforce all of the provisions of This Title. He/she shall inspect or cause to be inspected all of the buildings in course of construction, alteration, or repair, and any change in the use of land. If, in the course of such inspection or otherwise, it shall come to his/her attention that any such construction, alteration, or repair, or that any use or contemplated use of land, is in violation of any provision or This Title, he/she shall issue his/her written order to the person to cease and desist such construction, alteration, repair

or use. He/she shall report any violation of This Title to the City Attorney for prosecution.

3. The City Land Use Administrator may call for assistance of law enforcement personnel whenever, in his/her opinion, such assistance is necessary in the investigation of a suspected violation of This Title.

4. The City Land Use Administrator may establish reasonable rules and regulations necessary or desirable in the administration of This Title.

5. The City Council may, by resolution, prescribe an exact payment of reasonable fees to cover the expense of examining plans, issuing building permits, inspecting uses, and issuing certificates of occupancy, and may determine the method of collecting such fees.

02-03-003 BUILDING PERMIT REQUIRED

The erection, alteration or repair of any pipeline, utility, building, structure or any part thereof, shall not be commenced or proceeded with, except after the issuance of a written permit for the same by the Building Official. In addition to buildings or structures, other physical improvements on any lot, such as pools, structures larger than 200 square feet, etc., shall be constructed only after receiving a written permit from the Building Official.

02-03-003.01 CASH BOND REQUIRED

Any person applying for a building permit shall, prior to issuance of the building permit, post a cash or surety bond. Said cash or bond shall be held by the City as surety for the performance of the obligations set forth in This Title. Upon successful completion and issuance of a certificate of occupancy, and compliance by the owner, contractor, and agents of the owner and contractor with the terms and conditions of this title, the bond shall be released if a surety bond or refunded if a cash bond.

02-03-004 CERTIFICATE OF OCCUPANCY REQUIRED

No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Official, stating that the building or the proposed use thereof, or the use of the land complies with the provisions of this ordinance or for the renewing, changing or extending of a NONCOMPLYING use. A certificate of occupancy, either for the whole or part of a building or structure, shall be applied for with the application for a building permit, and shall be issued within thirty (30) days after the erection, or structural alteration, of such buildings or structure, or part thereof, shall have been completed in conformity with the

provisions of this ordinance, and the building code requirements of the city, state, and federal government.

02-03-005 SITE PLAN APPROVAL REQUIRED

A. All proposed residential, commercial and industrial uses or developments require a recommendation from the Planning Commission and final approval from the City Council prior to issuance of a building permit. The only exception is a single lot residential use smaller than one acre, which only requires final approval from the Building Official. If for any reason the excepted residential use is complex or controversial, the Building Official may choose to require the use to be considered by the Planning Commission for recommendation, and approved by the City Council.

B. In considering any site plan, the Planning Commission may impose reasonable requirements to assure, among other things, the safety and convenience of traffic movement both within the area covered and in relation among the buildings and uses, harmonious relation between such area and buildings and adjacent neighborhoods, and the preservation of future road locations.

C. In furthering the above objectives, the Planning Commission shall review and may require certain improvement or design changes to be implemented by the developer. The following shall be shown on a site plan, drawn to scale as follows:

1. Dimensions and orientation of the parcel. Boundary lines of adjacent tracts of land, showing ownership and property monuments.
2. Locations of buildings and structures, both existing and proposed. Include the height and dimensions (in relationship to property lines).
3. Location and layout of off-street parking, and loading facilities.
4. Existing and finished grades and slopes where they affect the relationship of the buildings, drainage, and storm water disposal facilities (drainage contour map). The proposed method for controlling storm water runoff shall also be indicated.
5. Location and size of points of entry and exit, in accordance with This Title, and internal vehicle circulation patterns, type of barrier or curb and gutter used on property lines abutting streets. (Curb and gutter may be required in developments.)
6. The location and design of walls and fences and indication of their height and materials of their construction. (80% obscure for storage areas)

7. The location of existing bridges, culverts, surface or subsurface drainage ways, utilities, public buildings, pumping stations or appurtenances, within the development or within 500 feet thereof.
8. The proposed use of the buildings shown on the plot plan.
9. The location of exterior lighting standards and devices, existing or proposed.
10. The location and height or depth of any overhead or underground utility transmission lines, pipelines, and all utility easements that may affect subject property. Proposed offsite and on site water facilities, sanitary sewers, storm drainage facilities, and fire hydrants.
11. The location and size of existing and proposed exterior signs and outdoor advertising, in accordance with the sign regulations of Naples City (Section 02-16).
12. A description of meaningful landscaping (see individual zone chapters for specific requirements), including parking strip, and open space on the site plan to be developed, and a bond or other financial guarantee posted, guaranteeing landscaping and other improvements at the Planning Commission's option.
13. The location, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces and lots, with proper labeling of spaces to be dedicated to the City.
14. The location, principal dimension and names of all existing or recorded streets, alleys and easements, both within the proposed development and within 500 feet of the boundary thereof, whether recorded or claimed by usage; the location of and dimensions to the nearest existing benchmark or monument, and section line; the location and principal dimensions for all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, exceptional topography, airports and air approaches to the airport.
15. Soil Controls:

The Planning Commission shall determine from the concept plan review or the preliminary plat the possible need for environmental impact analysis, which would take into account the soil, slope, vegetation, drainage and other geological characteristics of the site. If the site requires substantial cutting, cleaning, grading or other earthmoving operations, the Planning Commission shall require the applicant to provide

soil erosion and sedimentation control plans and specifications prepared by a registered civil engineer.

D. Where an attachment or minor addition of 1000 square feet or less to an existing building or structure is proposed, the site plan shall indicate the relationship of said proposal to the existing development. In such instance, at the discretion of the Building Official, the site plan need not include other data required in items 1 through 15 above, and shall not require Planning Commission approval.

02-03-006 CITY COUNCIL APPROVAL

A. Conditions of Approval

All proposed developments that require recommendation from the Planning Commission and approval from the City Council must complete the following three steps: concept plan approval, preliminary plan approval, and final plan approval. Each step must be approved independently. The approval of each of the three steps expires after one year, unless the next step is approved within that time, or unless the owner/developer submits a request for extension (not more than 1 year for each extension) and is granted such extension by the Planning Commission (see 02-03-006 C.). Every proposed development requires a public hearing, except for Minor Residential Subdivisions (8 dwelling units or less. See 02-31-003 Minor Subdivision.)

Concept plans do not require engineered plats or plans. However, the hand-drawn plan should basically reflect the intent of the owner/developer. The Planning Commission shall review said plans and advise the owner/developer of possible problems within 30 days after receiving the concept plan application.

Preliminary plans require a site plan created by a licensed engineer or surveyor (see 02-03-005 C.) and a rendered elevation showing the façade. The Planning Commission shall approve only those preliminary plats which it finds have been developed in accordance with the standards and criteria specified in this ordinance and all other ordinances of this municipality including, but not limited to, the Major Street Plan, the General Plan and the Building Codes.

B. Authorization to Proceed

One copy of the approved preliminary plan with written conditions attached and signed by the Chairman of the Planning Commission shall be retained by the Planning Commission and one copy shall be given to the owner/developer. Receipt of the signed copy by the owner shall be authorization to proceed with the preparation of plans and specifications for the improvements required in the final plat. Prior to the construction of any improvements required by this ordinance, the owner/developer shall provide the Planning and Land Use office with all

plans, information and data necessary to install and construct the improvements. This information shall be examined by the licensed engineer or surveyor representing the City and shall be approved if he/she determines them to be in accordance with the requirements of the City's ordinances. Construction of buildings shall not begin until after the final plat has received recommendation from the Planning Commission and approval from the City Council, filed with the County Recorder, and all bonding is in place. Approval of the preliminary plat does not constitute final approval of the project.

The Building Official shall ensure that development is in compliance with the final plan, and all other requirements imposed by the Planning Commission and City Council. Upon approval of the plan by the City Council, no alteration shall be made without first obtaining recommendation from the Planning Commission and approval from the City Council.

C. Approval for One Year

If the final plat has not been recorded with the County Recorder within a year of final approval, the final plat must be re-submitted for recommendation from the Planning Commission and approval from the City Council. Each individual phase of a subdivision must have a recommendation from the Planning Commission and approval from the City Council. Preliminary approval of an entire subdivision shall not be voided if the final plat of a section or phase is submitted for final approval within one year of the preliminary approval of the entire subdivision. Before seeking final approval on each subsequent phase of a subdivision, the previous phase must have 80% construction completed and 50% occupancy permits issued within the phase. Each phase shall not exceed thirty homes.

D. Notification of Nearby Property Owners

Whenever notice is required to be mailed to any affected entities, property owners or nearby property owners, the municipality shall send such notice to all affected entities and property owners within 500 feet (including nearby property owners within an adjacent jurisdiction) of the proposed site plan, general plan, land use ordinance, or subdivision plan amendment or adoption. However, notification of annexations shall be sent to property owners within 1000 feet of the proposed annexation area. The written notice shall also advise the property owner(s) that he/she has the right to be present and to comment on the proposed plan. The applicant shall pay a standard, reasonable fee, set by the City Council, to the City to complete the task of notification (see the Consolidated Fee Schedule for details).

General Plans

Upon inception of the initial process to amend or adopt the General Plan, there shall be ten days notice before the first public hearing considering the plan or

amendment. This notification shall be mailed to all affected entities and property owners, published in a local newspaper, posted on the state website (utah.gov), posted at the City Offices, and posted either on the City website or in three public places. Every public meeting to adopt or amend a particular part of the General Plan shall have at least 24 hours notice of the public meeting on the City website or in 3 public places, including the City Offices. Typically, notice shall be given at least a week before each public meeting to discuss the General Plan, unless the Mayor or Planning Commission Chairman deem it necessary to call for an emergency meeting.

Annexation Requests

Fourteen days prior to the first public hearing to discuss an annexation plan, notice shall be mailed to affected entities, and property owners within 1000 feet of the annexation area, published in a local newspaper, posted on the state website, posted at the City Offices, and posted either on the City website or in 3 public places.

Fourteen days prior to the first public meeting to discuss an annexation plan, notice shall be posted on the state website and at the City Offices, and mailed to affected entities, and property owners within 1000 feet of the annexation area. The first public hearing and the first public meeting shall be two separate events, held on different days.

Within thirty days after the adoption of an annexation plan, a copy of the plan shall be sent to the County Recorder.

Land Use Ordinances

Ten days prior to the first public hearing to discuss an amendment or adoption of the Land Use Ordinance (including changes in zones), notice shall be published in a local newspaper, posted on the state website, posted at the City Offices, mailed to affected entities and property owners, and posted either on the City website or in 3 public places.

At least twenty-four hours prior to each public meeting to discuss an amendment or adoption of the Land Use Ordinance (including changes in zones), notification shall be posted at the City Offices and either on the City website or in 3 public places. Typically, notice shall be given at least a week before each public meeting to discuss the Land Use Ordinance, unless the Mayor or Planning Commission Chairman deem it necessary to call for an emergency meeting.

Subdivision Plat Approval or Amendment, or Vacation of a Subdivision

Ten days prior to the public meeting to discuss a subdivision plat approval or amendment, or vacation of a subdivision, notice shall be mailed to the affected entities and property owners, posted on the City website, and either published in a local newspaper or posted in 3 public places. Any residential subdivision with only 8 lots or less shall be exempt from notification requirements.

All subdivisions must be reviewed and approved by Ashley Valley Water & Sewer.

Vacate, Alter or Amend Platted Street, Right-of-way, or Easement

Whenever a platted street, right-of-way, or easement is planned to be vacated, altered, or amended, notification of the public hearing shall be published in a local newspaper at least 10 days prior to the public hearing and posted in 3 public places at least 10 days prior to the public hearing near the street, right-of-way, or easement in a manner that is calculated to alert the public. Notification shall be mailed to all property owners within 500 feet of the street under review at least 10 days prior to the public hearing.

Challenge of Proper Notice

Any challenge to proper notice must be taken within 30 days of the meeting or action, otherwise notice is considered adequate and proper.

02-03-007 INSPECTION

The Building Official shall inspect or cause to be inspected all buildings, structures, etc. in the course of construction, modification, moving or repair and to inspect land uses to determine compliance with the provisions of the Land Use Ordinance, the Building Code and the Municipal Ordinance and all other applicable codes or ordinances. The Building Official or any authorized employee of the City shall have the right to enter any building for the purpose of determining the use thereof or to enter the premises for the purpose of determining compliance with the provisions of the ordinance; provided that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without written permission of the owner, or the written order of a court of competent jurisdiction.

02-03-008 CONFLICTING PROVISIONS REPEALED

All ordinances, or resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict with the provisions set forth in this ordinance, provided that said provisions shall continue to be enforced as to development, construction, etc., completed and approved prior to adoption or amendment of this ordinance.

02-03-009 FEES

Fees shall be charged to applicants for building, occupancy and conditional use permits, design review and planned unit development approval, subdivision approval, Planning Commission and Board of Adjustment hearings and such other services as are required by this ordinance be performed by public officers or

agencies. Such fees shall be established by resolution of the City Council. The building permit fee cost per square foot will be determined by building valuation data taken from the most recent Building Standards publication. Refer to the “Consolidated Fee Schedule” for additional details.

02-03-010 LICENSING

All departments, officials and public employees of Naples City which are vested with authority to issue the permits or licenses provided for herein shall conform to the provisions of this ordinance and shall issue no permit or license for uses, buildings or purposes where the same would be in conflict with any provisions of this ordinance. Any permit or license issued that is in conflict with any Naples City or Utah State law shall be null and void.

02-03-011 ANNEXATIONS

All land or territory annexed to the City after the effective date of this ordinance shall temporarily (not more than six months) be classified in the zone(s) within the City abutting upon annexation, until such classification shall have been changed by an amendment to the Land Use Ordinance as provided by law.

The Planning Commission shall have the authority to recommend zone designations for properties lying outside of Naples City limits to determine, in advance of annexation, the zone or zones into which the property should be zoned upon annexation. Upon recommendation of the Planning Commission and subject to a majority vote of the City Council, such areas may come into the City in the Land Use classifications outlined in this paragraph.

All annexations to Naples City shall comply with all laws and requirements of the City and all laws and requirements of the State of Utah relative to annexation of land.

Guideline criteria for annexation are found in the Naples City Annexation Policy Plan, and Chapter 8 of the Naples City General Plan.

02-03-012 COMPLETION OF IMPROVEMENTS

Required site improvements such as pavement for parking areas, curb and gutter, privacy walls, landscaping, storm drainage facilities, and all other improvements required by city ordinance shall be completed prior to the issuance of a certificate of occupancy. In the event such improvements cannot be completed prior to receiving a certificate of occupancy due to weather conditions or other unusual circumstances, a certificate of occupancy bond guarantee shall be retained by the city guaranteeing that such required improvements will be fully completed within the time limit set by the City, but within no more than 180 days.

02-03-013 RECONSIDERATION OF DENIED AMENDMENTS

In the event that a petition for a zone change or an ordinance amendment is denied by the City Council, or is withdrawn after the Planning Commission hearing, the Planning Commission shall not consider the petition or any other petition for the same zone change or amendment of this ordinance as it applies to the same property described in the original petition, or any part thereof, within a period of one (1) year from the date of such a denial action, unless the conditions upon which the date of the original denial was based have substantially changed.

02-03-014 GENERAL PLAN CONSIDERED

The General Plan will be considered in all decisions made.

CHAPTER 02-04 PLANNING COMMISSION BYLAWS

Section 02-04-001	Name of the Agency
Section 02-04-002	Appointment, Term, and Removal
Section 02-04-003	Election
Section 02-04-004	Vacancies
Section 02-04-005	Disqualification
Section 02-04-006	Officers
Section 02-04-007	Meetings
Section 02-04-008	Minutes and Records
Section 02-04-009	Personnel
Section 02-04-010	Policies for Conducting Business
Section 02-04-011	Advisory Committee
Section 02-04-012	Planning Commission Creed
Section 02-04-013	Chairman Signature Approval

02-04-001 NAME OF THE AGENCY

The name of the agency shall be the Naples Planning Commission.

02-04-002 APPOINTMENT, TERM, AND REMOVAL

There is hereby established a Planning Commission which shall have the powers and duties described in Utah Code Annotated 10-9a-302.

The Planning Commission shall consist of five (5) regular members and up to five (5) alternate members. Alternate members are assigned seniority based on the time they were first considered to be appointed. The members of the Planning Commission shall be residents of Naples City and shall be appointed by the Mayor and approved by the City Council. Planning Commissioners shall be appointed by terms. Terms are four (4) years in length and are measured starting on January 1 of the year of appointment. Typically, a Planning Commissioner may serve a maximum of three (3) terms. Incumbent Planning Commissioners as of the date of this ordinance shall be considered to have served a number of terms equal to the number of years served divided by four (4). Planning Commissioner appointments shall be staggered in such a way that no more than four (4) Planning Commissioners' terms expire at the same time.

Members of the Planning Commission shall be registered voters in the City of Naples.

Any member may be removed for cause by the City Council. Grounds for removal shall include but not be limited to failure to regularly attend meetings, failure to attend/participate in training, conflict of interest, disruptive behavior, neglect or violation of duty, conviction of any crime deemed by the City Council to affect the fitness or ability of the individual to serve, or any other cause determined by the City Council to warrant removal.

Prior to removal for cause the member shall be notified of the charges or allegations and shall have an opportunity to appear before the City Council and answer those charges according to procedures adopted by the City Council.

Alternate members shall be appointed and shall serve in the same manner as regular members and shall be requested to attend meetings and training. In the absence of a member of the Planning Commission, an alternate member shall sit in place of and perform the same functions and duties as a regular member of the commission.

A quorum to conduct business or conduct a public hearing or perform any other function of the commission shall only consist of one of the following options, based on the members present in attendance:

1. Three regular members and zero alternate members.
2. Three regular members and two alternate members.
3. Four regular members and one alternate member.
4. Five regular members and zero alternate members.

Whenever one or two alternates are used to make a quorum, the senior-most alternate(s) shall be used.

When exactly two regular members and at least one alternate member are present at a meeting, the Chairman, Vice-Chairman, or Chairman pro tem may temporarily designate the senior-most alternate as a regular member in order to create a full quorum.

Unless otherwise specified herein, any matter shall be passed or approved upon motion made and seconded and approved by the affirmative vote of majority of members present at the meeting.

The commission may adopt rules of order for the conduct of its business and shall adopt rules of procedure for the conduct of public hearings before the commission which shall be approved and may be altered or amended by the City Council.

Failure to adopt rules of order or procedure shall not be cause to avoid or nullify action of the commission.

02-04-003 ELECTION

The Chairman and Vice-Chairman shall be elected by the members of the Commission from among the regular members and shall hold office for one year or until their successors are elected by the members and qualified by the City Council. The elections shall take place in January of each year.

02-04-004 VACANCIES

Should the office of Chairman or Vice-Chairman become vacant, the Commission shall elect a successor from the Commission members at the next regular meeting and such election shall be for the un-expired term of said office. Any vacancy occurring during the term of any member by reason of death, resignation, removal or disqualification shall be promptly filled. The Commission shall give recommendations for a successor to the City Council to fill the un-expired portion of the term.

02-04-005 DISQUALIFICATION

From time to time a member will need to be excused in missing a regularly scheduled meeting. The member will call in to the secretary to give notice for an excused absence. An excused absence does not disqualify a member to sit on the Commission. Four non-excused absences in a year disqualifies a member. Upon the fourth non-excused absence of a member on the Planning and Zoning Commission, the secretary will give notice to the Commission Chairman and written notice of disqualification and appreciation for service to the disqualified member. The vacancies will be filled as soon as possible.

02-04-006 OFFICERS

The officers of the Commission shall be a Chairman and a Vice-Chairman. In the absence of both the Chairman and Vice-Chairman, the members present at such a meeting may elect a Chairman pro tem. The terms of office for the Chairman and Vice-Chairman shall be one year and for the Chairman pro tem only for the meeting at which he or she is appointed or until relieved of the Chairmanship by the Chairman or Vice-Chairman.

A secretary to the Commission shall be appointed in conformance with Naples Planning and Zoning Ordinances and Procedures.

02-04-007 MEETINGS

The regular meetings of the Commission shall be held the Tuesday following the second Thursday of every month, providing that:

1. A quorum of the Commission at any such regular meeting may, by formal action, substitute another day for a regular meeting for the ensuing month.
2. If, for any reason, the business to be considered at a regular meeting cannot then be completed, the Commission may, at such meeting,

designate the time for an adjourned meeting to consider any matter that can properly be considered at a regular meeting, provided that such action shall serve an adequate notice to members not present. It shall be the standing order that the Secretary shall endeavor to advise absentee members of the determination to hold such adjourned meeting.

3. The Chairman shall preside at all meetings. Except as otherwise authorized, the Chairman shall sign all contracts, deeds, plats, and other instruments made by the Commission. At each meeting the Chairman shall submit such recommendations and information as may be considered proper concerning the business, affairs and policies of the Commission.
4. In the event of lack of quorum at a regular meeting, the Chairman or Vice-Chairman or chairman pro tem, in that order, shall adjourn the meeting to another date in the same calendar month and such declaration of adjournment shall serve as sufficient notice thereof to all members present and it shall be the duty of the Secretary to employ such reasonable means as may be necessary to notify the absentees.
5. Special meetings may be called:
 - a. By action of the Commission at a regular meeting.
 - b. By order of the Chairman or, in their absence, by the Vice-Chairman.
 - c. By the written request of three or more regular members of the Commission.

Written notice for special meetings shall be provided to members of the Commission by the Secretary. In the event of emergency, a telephoned notice shall suffice, provided a written waiver or other notice is signed by a majority of the entire commission present at such special meeting. Action on matters at special meetings shall be limited to subjects announced in the call for such special meetings.

02-04-008 MINUTES AND RECORDS

It shall be the duty of the secretary of the Commission to keep the minutes of all official meetings of the Planning Commission in conformance with the City of Naples Zoning Ordinances and Procedures, including public hearings whether presided over by the Commission as a whole or by a designated member or members. It shall also be the duty of the secretary to maintain all of the records of the Planning Commission, including all

applications made under provisions of law and the complete files of proceedings and actions taken in connection therewith.

The secretary shall, not less than two days prior to any regular scheduled meeting of the Planning Commission transmit to each member of the Commission a full and completed copy of the minutes of the previous meetings, including copies of any resolutions referred to therein.

02-04-009 PERSONNEL

The Commission may from time to time employ, with the approval of the City Council, such personnel or consultants as it deems necessary to exercise its powers, duties and functions as prescribed by the laws of the State of Utah, applicable thereto. The selection and compensation of such personnel shall be determined by the City Council subject to the laws and ordinances of the City of Naples.

02-04-010 POLICIES FOR CONDUCTING BUSINESS

1. Members serve with compensation

Members and alternates of the Planning Commission shall receive a per diem compensation for attendance at meetings and training sessions of \$25 (\$30 effective July 1, 2013) per meeting or such other amount as may be established by resolution of the City Council. Members or alternates may be reimbursed for reasonable expenses incurred in the performance of their duties with the approval of the City Council.

2. Contracts and employment

The Planning Commission may appoint such employees and staff as it may deem necessary for its work, and may contract with planners and other consultants for such services as it requires, provided the expenditures of the Commission shall not be in excess of such sums as may be appropriated by the City Council, and/or placed at the disposal of the commission through donations or otherwise.

3. Reports and recommendations - entry upon land

The Planning Commission may make reports and recommendations relating to the General Plan and development of the city to City officials and agencies, and other organizations and citizens. It may recommend to the City Council programs for public improvements and the financing thereof. The Commission,

its members and employees, in the performance of its function may enter upon any land at reasonable times to make examination and surveys and place and maintain necessary monuments and marks thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its function and promote city planning.

4. Land Use Plan

The Planning Commission, through its own initiative or by order of the City Council, shall make and certify to the City Council a land use plan, including both the full text of the zoning Ordinance and maps, and any amendments there to, representing the Commission's recommendations for zoning of Naples City. The City Council may, after receiving the recommendations of the Commission, adopt the recommendations of the Commission, as it may determine.

5. General Plan

It shall be the function and duty of the Planning Commission, after holding public hearings, to make and adopt and certify to the City Council a General Plan for the physical development of the city. The General Plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall show the Commission's recommendation for the said physical development and may include, among other things, the general location and extent of street. The Planning Commission, after holding a public hearing thereon, may from time to time amend, extend, or add to the plan or carry any part of the subject matter into great detail.

General Plan to act as guide for development.

Whenever the City Council shall have adopted a General Plan for the City of Naples, henceforth the General Plan shall be a guide for the physical development of the city. All land use decisions should, where practical, conform to the adopted General Plan. The General Plan should be reviewed and updated from time to time to reflect new circumstances.

6. Adoption of Master Street Plan

The Planning Commission shall adopt and maintain a Master Street Plan for the city in conformance with, and as a part of, the General Plan. Said Master Street Plan shall contain the proposed location of all arterial and collector streets, and such other

principal streets as the Commission may deem appropriate. Upon adoption of a Master Street Plan by the Planning Commission, said plan shall be submitted to and recommended to the City Council for adoption as the official Master Street Plan.

7. Approval and recording of subdivision plats

No plan of a subdivision of land lying within the city shall be filed or recorded in the County Recorder's office until it shall have been submitted to the Planning Commission for recommendation and then given approval by the City Council, and any recording of a plat of a subdivision without such approval shall be void. In exercising the power granted to it, the Planning Commission shall prepare regulations governing the subdivision of land within the city. A public hearing thereon shall be held, after which the City Council may adopt said regulations for the city.

02-04-011 ADVISORY COMMITTEE

The Planning and Zoning commission may make a recommendation to appoint an advisory committee to perform such duties as requested by the Mayor and City Council. The function of the advisory committee will be to make recommendations and provide guidance to all matters pertaining to activities assigned to the committee.

The committee may be selected from individual citizens, public officials, business and community leaders, and civic organizations.

02-04-012 PLANNING COMMISSION CREED

As a member of the Naples City Planning and Zoning Commission who is vitally interested in building and maintaining a viable community in which to live, work and play, I hereby resolve to:

Support and defend the Constitution of the United States of America and the Constitution of the State of Utah.

Concern myself with the advancement of the public's interest in all matters that come before me.

Place the competence and effectiveness of service to the public above all interests of persons, factions, or parties.

Endeavor, through diligent attendance, to represent the best interest of the community as a whole, as I have been appointed to do.

Seek to assimilate all pertinent information on matters before the Planning Commission prior to committing myself to an irrevocable judgment or decision.

Prepare myself for all items scheduled for presentation to the Planning Commission.

Strive to provide fiscally-sound policies, matching expenditures to funds budgeted.

Not make available to any one citizen any services, tangible or intangible, that are not equally available under the law to any other citizen.

Abstain from participation in a decision of the Planning Commission and/or Governing body where a possible conflict of interest may occur.

Avoid unilateral action that does not comply with existing policy of the Planning Commission.

Work with the professional staff of the Planning Commission and other persons to achieve the most desirable results with regard to the planning/zoning processes and established community development policies.

Refuse personal gifts in every instance where I have reason to believe the gift would not have been extended to me except for my official position, where I have reason to believe the giver's interests are likely to be affected by my official actions, or where the gift is or may reasonably be considered to be designed to influence my official actions.

Conduct myself, in my contacts with other persons and groups, in a manner keeping the trust and dignity reposing in my position as a servant of the community. I shall further take care to guard not only the factual principles but also the appearances of justice and integrity.

02-04-013 CHAIRMAN SIGNATURE APPROVAL

A motion to approve a plat or document that must be signed by the Chairman on behalf of the Commission shall include authorization for the Chairman or in his absence, Vice-chairman, to sign the document on behalf of the Commission. If after the motion is adopted, there are any material changes, the matter must be submitted for approval by the Commission again prior to being signed. Whenever the Chairman signs a document on behalf of the Commission, a copy will be made at the time of the signature and kept in the records of the Planning Commission.

CHAPTER 02-05 LAND USE ADMINISTRATOR'S DUTIES

SECTION 02-05-001 LAND USE ADMINISTRATOR

02-05-001 LAND USE ADMINISTRATOR

The Land Use Administrator shall be designated to hear and act on Land Use application and may decide certain matters as designated by the commission, and consistent with guidelines established by this Chapter and State law and the rules adopted by the Planning Commission. Pursuant to that authority, the Land Use Administrator may decide all cases which are routine in nature, uncontested, do not impact on the character of the neighborhood, are primarily brought about by recent changes in the Land Use Ordinance creating a large number of noncomplying structures or uses and which the commission has granted on almost a routine basis. The specific types of decisions the Land Use Administrator is authorized to make shall include:

- A. Determination of a nonconforming use and noncomplying structures which can be verified by substantial evidence. Substantial evidence, for the purpose of this Section, shall mean official documents, including any written correspondence, receipts, permits, or documents issued by a public body or agency thereof, etc. that may establish the truth of the matter asserted by the applicant;
- B. Consider additions or alterations to existing buildings and structures which are noncomplying as to height, area, or yard regulations provided the addition follows the existing wall lines and no additional dwelling units are added to the building or structure;
- C. Change in status of a nonconforming use and non complying structures to a less intense use than that immediately preceding the proposed use;
- D. Final review and approval on plans where the commission has required that a final plan be submitted for special approval, showing that all the requirements imposed by the Commission in granting the original approval have been complied with.
- E. Single Lot Subdivisions:

Lots divided to make two legal lots conforming within the ordinances and signed by Land Use Administrator.
- F. Shall provide an application process and include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action, if the application is uncontested.

CHAPTER 02-06 APPEALS AND VARIANCE AUTHORITY

Section	02-06-001	Purpose
Section	02-06-002	Board Membership
Section	02-06-003	Organization and Meeting of Board
Section	02-06-004	Duties and Powers of the Board
Section	02-06-005	Variances
Section	02-06-006	Appeals and Requests for Variance

02-06-001 Purpose

The Appeals and Variance Authority is an administrative authority and limited in their powers and duty as a board.

The City Council makes the legislative decisions which include the following:

- a. Adopting the General Plan
- b. Adopting or amending the ordinances
- c. Rezoning property to a new classification
- d. Adopting a subdivision or variance or any other local law that will be placed in the ordinance books.
- e. Setting uniform, printed development standards, codes, and regulations that are applicable generally to land use within the City, as opposed to a specific development approval for a specific, isolated application.

The municipality by adopting its Land Use Ordinance establishes this appeal authority to hear and decide:

- a. Requests for variances from the terms of the Land Use Ordinances; and
- b. Appeals from decisions applying the Land Use Ordinances; and
- c. Require an adversely affected party to present to the Appeal Authority every theory of relief that it can raise in the Zone Court.

02-06-002 BOARD MEMBERSHIP

The Appeals and Variance Authority shall consist of five member Board and such alternate members as the Mayor, in consultation with the City Council, deems appropriate. Each member shall be appointed by the Mayor with the advice and consent of the City Council. Each member is appointed for a term of five years unless otherwise provided in this Chapter. The terms of the members of the Board shall be staggered such that the term of only one member shall expire in any calendar year. Terms of each of the members and the alternates shall expire on July 1 of the last year of their term. Alternate members shall serve in the absence of a member or members of the Board under rules established by the City Council. No more than two alternate members shall sit at any meeting of the Board at one time. Any member may be removed for cause by the Mayor upon written charges. The Mayor shall provide the member with a public hearing, if

such public hearing is requested by the member. Any vacancy occurring on said Board for whatever reason shall be filled by appointment as provided in this Section for the unexpired term of such member or alternate member whose office is vacant. Each member of the Board shall be a resident of the City.

02-06-003 ORGANIZATION AND MEETINGS OF BOARD

The Board shall elect a Chairperson and Vice-Chairperson from among the members, for a one year term. Meeting of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or, in his/her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall comply with the Utah Open Meetings Law.

The Board shall keep minutes of its proceedings showing the vote of each member upon each question, members absent, members failing to vote, a record of the Board's examination of evidence and other official actions. The minutes shall be immediately filed in the Planning and Land Use Department and shall be public record.

The Board shall adopt rules of policy and procedure consistent with this Chapter or State law. Said rules shall be submitted to the City Council for approval and may be altered, amended or changed in the same manner.

02-06-004 DUTIES AND POWERS OF THE BOARD

The Board shall have the duty and power to decide:

A. . Appeals

The applicant, a board or officer of the municipality, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within the time period provided by ordinance 14 days appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance.

B. Non Conforming Uses and Non Complying Structures Determinations

Nonconforming Use and Non Complying Structure determinations made by the Building Office and/or Land Use Administrator as provided in this chapter and Land Use Ordinance, and applications for the expansion of a non complying structures and noncomplying use shall be determined by the Board. These determinations shall be made and provided in accordance with the Utah State

Law, the General Plan and the non-conforming use and non complying structures section of this ordinance.

C. Variances

The Board shall have the power to hear and decide all applications for variance from the City Land Use Ordinance other than allowing a use in a zone which is not listed as a permitted or conditional use. Such decisions shall be made in accordance with State law; and shall meet other standards and requirements of Naples City Land Use Ordinance. Notwithstanding, the spirit of this ordinance must be observed and substantial justice done.

The Board shall hear and decide appeals from;

1. Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.

2. a. The appeal authority may grant a variance only if:

- (i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Ordinances;
- (ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
- (iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
- (iv) the variance will not substantially effect the General Plan and will not be contrary to the public interest; and
- (v) the spirit of the Land Use Ordinance is observed and substantial justice done.

b. (i) In determining whether or not enforcement of the Land Use Ordinance would cause unreasonable hardship (2) (a), the Appeal Authority may not find an unreasonable hardship unless the alleged hardship:

(A) is located on or associated with the property for which the variance is sought; and

(B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. (ii) In determining whether or not enforcement of the Land Use

Ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal Board may not find an unreasonable hardship if the hardship is self-imposed or economic.

- (c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the Appeal Authority may find that special circumstances exist only if the special circumstances:
 - (i) related to the hardship complained of; and
 - (ii) deprive the property of privileges granted to other properties in the same zone.
- (3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- (4) Variances run with the land.
- (5) The Appeal Authority may not grant a use variance.
- (6) In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 - (a) Mitigate any harmful affects of the variance; or
 - (b) Serve the purpose of the standard or requirement that is waived or modified.

02-06-005 VARIANCES

A. Definition

A variance is a device which grants a property owner relief from certain provisions of the Land Use Ordinance when, because of the particular physical surroundings, shape, or topographical conditions of the property, compliance would result in a particular hardship enjoyed by other uses within the Land Use zone upon the owner, as distinguished from a mere inconvenience or a desire to reduce financial difficulties.

B. Variance Criteria

Unless otherwise provided in this Title, the Board may grant a variance from the requirements of any provision of the Land Use ordinance to the extent that such a grant shall be consistent with the provisions of this Section. The spirit of this ordinance must be observed and substantial justice done. Further, a previous variance can never set a precedent. Each case must be considered only on its individual merits. Before any variance may be granted, the applicant must show that: See 02-06-004 Variances.

02-06-006 APPEAL AND REQUESTS FOR VARIANCE

- A. Appeals and Requests for Variance - Time - Persons Entitled - Transmission of Papers

A written appeal from an interpretation, order or decision made by an administrative official in carrying out a provision of the Land Use Ordinance shall be filed by the aggrieved party with the City Recorder/secretary of the Boards, with a copy to the administrative official affected, within 14 calendar days from the date he is notified of the interpretation, order, or decision. An appeal or request for variance shall be accompanied by a fee, established by the City Council, which amount shall be used to defray the cost of notice and other expenses. An appeal stays all proceedings in furtherance of the action appealed, unless, by reason of facts stated in the certificate, a stay would, in the opinion the officer from whom the appeal is taken, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board or by the zone court on application and notice and on good cause shown.

B. Notice of Hearing on Appeal - Right of Appearance

The Board shall fix a reasonable time for the hearing of an appeal or request for variance; shall give public notice thereof as well as due notice to the parties in interest, including adjoining property owners; and shall decide the same within a reasonable time. At the hearing the requesting party shall appear in person or by agent or by attorney. Notice shall also be posted in a conspicuous place, on the property adjacent to and facing the nearest public street. "Adjoining property owners" shall mean all owners within 1,000 feet in each direction from the location for which the appeal or variance is requested, as determined from the tax records of the county. The applicant shall furnish the board with a complete list containing the names and last known addresses of such owners at the time the application is filed.

C. Powers of Board on Appeal

The Board shall have the following powers:

1. To hear and decide appeals wherein it is alleged that there is an error in any order, requirement, decision or determination made by the Land Use Administrator and/or Administrative official in the enforcement of the Land Use Ordinance.
2. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.
3. To authorize upon appeal such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; provided that the spirit of the ordinance and General Plan shall be observed and substantial justice done. Before any variance may be authorized, the Board shall make a finding that:

- a. The variance will not substantially affect the General Plan of Land Use in the city and that adherence to the strict letter of the ordinance will cause difficulty and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.
- b. Non-conforming uses and non complying structures use determinations attached to the property covered by the application which do not generally apply to other property in the same zone.
- c. That because of said special circumstances, property covered by the application is deprived of privileges possessed by other property in the same zone.
- d. Under no circumstances shall there be granted a variance to allow a use of property not permitted by the regulations for the Land Use in which such property is located.

Decision of Appeal

In exercising the above mentioned powers, such board may reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer for whom the appeal is taken.

Vote Necessary for Reversal

The concurring vote of three members of the board shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

Judicial Review of Boards Decision - Time Limitation

The City or any person adversely affected by final decision of the Board may appeal for relief there from in Zone Court; provided, petition for such relief is presented to the court within 14 calendar days after the filing of such decision in the office of the board.

Action on Variance - Withdrawal - Refund

Unless otherwise specified by the board, any order or decision of the board authorizing a variance shall expire if the applicant may voluntarily withdraw his appeal or request for variance at any time prior to a decision of the board. No person shall be entitled to claim refund of costs for any reason whatsoever.

CHAPTER 02-07 NONCONFORMING USES – NON COMPLYING STRUCTURES

Section 02-07-001	Definition
Section 02-07-002	Determination of Noncomplying Structures and Nonconforming Uses
Section 02-07-003	Alteration of Modifications to Noncomplying Structures
Section 02-07-004	Nonconforming Use
Section 02-07-005	Noncomplying Structures
Section 02-07-006	Change in Status of Nonconforming Use and Noncomplying Structure
Section 02-07-007	Alteration of Modifications to Nonconforming Use and Noncomplying Structure
Section 02-07-008	Reconstruction of Noncomplying Structure Partially Destroyed
Section 02-07-009	Amortization of Noncomplying Structures.

02-07-001 DEFINITION

02-07-001 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.

02-07-002 DETERMINATION OF NONCONFORMING USE AND NON COMPLYING STRUCTURE

All matters regarding the Nonconforming use and Noncomplying Structures shall be determined by the Planning Commission. Upon application, after public hearing on the matter, the Commission shall determine if the use or structure is nonconforming or noncomplying as defined in this Chapter. The Land Use Administrator may determine routine and uncontested requests to verify Nonconforming uses and Non-complying structures as provided in the Naples City Land Use Ordinance.

02-07-003 ALTERATION OF MODIFICATIONS TO NONCOMPLYING STRUCTURES

Noncomplying structures with respect to setbacks or height may be continued. Additions, enlargements or structural alterations may be made to the extent that they comply with all requirements of the current Naples City Code. In addition, the commission, after a public hearing, may allow an enlargement or structural alteration provided the change is in harmony with the surrounding neighborhood and in keeping with the intent of the General Plan and this ordinance. The

proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility. If any such noncomplying structure is removed, every future use of the land on which the building was located shall conform to the provisions of the Naples City Land Use Ordinances and Codes.

02-07-004 NONCONFORMING USE OF LAND

A nonconforming use lawfully existing on the effective date of this Land Use Ordinance may be continued provided such nonconforming use shall not be expanded or extended into any other open land, except as otherwise provided in the Naples City Land Use Ordinance. If the nonconforming use is discontinued for continuous period of more than one year it shall constitute an abandonment of the use and any future use of such land shall conform to the provisions of the zone in which it is located.

02-07-005 NONCOMPLYING STRUCTURES

The noncomplying structure lawfully existing on the effective date of this ordinance may be continued, provided no structural alterations, except those permitted by law, are made. If such noncomplying structure is discontinued for a continuous period of more than one year it shall constitute an abandonment of the use and any future use of the structure shall conform to the provisions of the zone in which it is located.

02-07-006 CHANGE IN STATUS OF NONCONFORMING USE AND NONCOMPLYING STRUCTURES.

A nonconforming use and noncomplying structure may be succeeded, upon approval of the Land Use Administrator, as provided in the Naples City Land Use Ordinance, by an equally restrictive or more restrictive nonconforming use and/or noncomplying structure. Provided such change is effected prior to amendment of the prior nonconforming use and noncomplying structure. After a change to a less intensive use occurs, the use may not change back to a more intensive use.

02-07-007 ALTERATIONS OF MODIFICATIONS TO NONCONFORMING USE AND NONCOMPLYING STRUCTURES

A use or structure which has been declared nonconforming or noncomplying shall not be enlarged or moved except as provided in the Land Use Ordinance. The commission, after a public hearing, may allow an enlargement or modification provided the change is in harmony with the surrounding neighborhood and in keeping with the intent of the General Plan and this ordinance. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility.

02-07-008 RECONSTRUCTION OF NONCOMPLYING BUILDING OR STRUCTURE PARTIALLY DESTROYED

A Noncomplying structure destroyed to the extent of not more than 50 percent (50%) of its reasonable replacement value at the time of its destruction by fire, explosion, other casualty, act of God or action of a public enemy, may be restored to the use of such building, structure, or part thereof which existed at the time of such partial destruction may be continued subject to all of the provisions of the Title. If the building or structure is torn down or destroyed to an extent of more than 50%, any future use must follow the current Land Use ordinance.

02-07-009 AMORTIZATION OF NONCONFORMING USES AND NONCOMPLYING STRUCTURES

The Commission, under authorization of State statute, may provide for the timely modification or removal of a Nonconforming Use and Noncomplying Structure or open storage or signage deemed to be incompatible with the surrounding neighborhood. A maximum of a five year period may be granted in which the nonconforming use and noncomplying structure shall be modified or removed in order to comply with the General Plan and the Land Use Ordinance.

CHAPTER 02-08 CONDITIONAL USES

02-08-001	Purpose
02-08-002	Application
02-08-003	Application Review
02-08-004	Notice of Public Hearing
02-08-005	Conditional Use Standards
02-08-006	Amendment of a Conditional Use
02-08-007	Planning Commission Action
02-08-008	Notice of Planning Commission Action
02-08-009	Time Limit
02-08-010	Revocation
02-08-011	Appeal Procedure

02-08-001 PURPOSE

The purpose of this Chapter is to establish standards for certain land uses listed in each zone as conditional uses which, because of their unique characteristics or potential impacts on the City, surrounding neighborhoods or adjacent land uses may not be compatible in some areas or may be compatible only if certain conditions are required which mitigate or eliminate the detrimental impacts. The standards for the issuance of a conditional use permit are established to ensure compatibility with surrounding land uses, conformity with the Naples City General Plan, and the protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity or general welfare.

02-08-002 APPLICATION

Application for a conditional use permit shall be made upon forms provided by Naples City. The application shall be signed by the property owner or his authorized agent. The completed application shall be filed with the Planning and Land Use office and shall be accompanied by the following:

- A. Twelve (12) copies, of the development plans, not to exceed 11 x 17 in paper size.
- B. A fee as specified in the current consolidated fee schedule.
- C. The applicant shall provide to the Planning and Land Use office the names and addresses of all property owners, as contained in the current records of the Uintah County Recorder, within a 1,000 foot radius of the subject property measured from the boundary of the proposed conditional use as shown on the development plan. After all of the information listed in this section is received by the Planning and Land Use office, the matter shall be placed on a Planning and Land Use Commission Agenda.

02-08-003 APPLICATION REVIEW

All documents required to be submitted with the application shall be delivered by the applicant to those departments and entities designated by the Planning and Land Use office, which may include, but not be limited to, the following:

1. City Public Works Department
2. City Fire Department
3. All Special Zones in Which the Subject Property is Located
4. Applicable Gas Company
5. Applicable Power Company
6. Ashley Valley Water and Sewer
7. Utah Department of Transportation (UDOT)
8. Any Other Agency Which Will Provide Public or Private Facilities and Services to the Site
9. Any Other Department Designated by the Planning and Land Use Office
10. All information and comments from these various departments and entities should be returned to the Planning and Land Use office.
11. Utilities.

B. The Land Use Administrator and staff shall review each application for conformance to the standards outlined in this chapter; for conformance with the General Plan and all applicable City ordinances; for conformance with good planning practices; for environmental impacts which may be associated with the design; and shall present its recommendations to the Planning Commission.

Standard of Review Process:

1. The Land Use Administrator and/or Staff shall review each Conditional Use application.
2. Those applications determined to be controversies will follow the pre-notification notice and those applications determined to be non controversy will follow notice of Public Hearing. See Section 02-04-012-C
3. Pre notification notice: The applicant will notify adjacent property owners' within a 1,000 ft., review with the property owners' the proposal and report back to the Planning Commission the findings.
4. If the neighbors are adjacent property owners' still question the proposal to be absolutely compatible the applicant will call a neighborhood meeting to work the proposal out with his neighbors and adjacent property owners' within the 1,000 ft. Following the neighborhood meeting the applicant will repeat back to the Planning Commission the findings.
5. The Public Works Department shall review and make comments concerning flood control requirements; engineering requirements

for street widths, grades and alignments; whether the proposed public improvements conform to good engineering practice; to the requirements of all applicable ordinances; and shall be responsible for the approval and inspection of all public improvements.

02-08-004 NOTICE OF PUBLIC HEARING

- A. The Planning Commission shall have the option to hold a public hearing on all conditional use applications. Notice of public hearing shall be given as required by the open and public meetings provisions of the most current Utah Code.
- B. In order to make residents of the City more aware of conditional use hearings, particularly those residences or businesses which surround the land upon which the conditional use is proposed to be located, additional notice shall be given as follows:
 - 1. Section 02-04-012-C for required notices, mailings and postings.
 - 2. The Planning and Land Use office shall, prior to the hearing, mail notices of the public hearing to the owners of real property as shown on the last assessments rolls, within a 1,000 foot radius of the subject property.
 - 3. The Planning and Land Use office shall post a notice of the public hearing, if applicable, on the subject property.
 - 4. The notice provisions of this section are not intended to subject the City to a greater notice requirement than required by Federal or State Law. Failure of any person to received notice shall not invalidate any Planning Commission decision and shall not be a basis for appeal of any Planning Commission decision.

02-08-005 CONDITIONAL USE STANDARDS

Conditional use application shall be reviewed in accordance with the following general criteria:

- A. The use applied for at the location proposed is necessary or desirable to provide a service or facility that will contribute to the general well being of the neighborhood and the community.
- B. Compatibility of the proposed use with the intent, function and policies established in the City General Plan, the Land Use Ordinance and the Planning Enabling Statutes in the most current Utah Code.
- C. Compatibility of the proposed use with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development;

- D. The availability of, or ability to provide:
1. adequate utilities,
 2. transportation access,
 3. drainage,
 4. parking and loading space,
 5. lighting,
 6. screening,
 7. landscaping and open space,
 8. fire protection and safety,
 9. convenient pedestrian flow,
 10. Vehicular circulation:
 11. Noise,
 12. Meet Design Standards,
 13. Pollution,
 14. Security,
 15. Meet Fire Codes,
 16. Meet building Codes,
 17. Time of operations,
 18. Recommended Distances from property lines,
 19. Recommend Distance from adjacent buildings,
 20. Health and Safety (issues with Tri-County Health),
 21. Smell or Odor,
 22. Environmental,
 23. Garbage Storage and pickup,
 24. Weight of vehicle impacting roads, reducing the idle of road traffic,
 25. Dust,
 26. Light nuisance,
 27. Nuisances,
 28. Signage,
 29. Is it economical for the City to provide services,
 30. Detrimental to infrastructure,
 31. Site plan.
 32. Emergency Family Care.

E. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity of the property. A conditional use shall be detrimental under the following circumstances:

1. If the proposed use will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
2. If the proposed use will unreasonably interfere with the lawful use of surrounding property;
3. If the proposed use will create a need for essential municipal services which cannot be reasonably met;

4. If the proposed use will in any other way be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or be injurious to property of improvements in the vicinity;

If a proposed conditional use is found to be contrary to the standards described in the Land Use Ordinance, the applicant may propose or consent to mitigating measures which will bring the use into conformance with the standards described in the Land Use Ordinance.

02-08-006 AMENDMENT OF A CONDITIONAL USE

Once granted, a conditional use shall not be enlarged, changed, extended, increased in intensity, or relocated unless a new conditional use application is made and approved by the Planning Commission, except as provided below:

- A. The Land Use Administrator may administratively consider, approve or disapprove modifications or changes which are consistent with the purpose and intent of this chapter. In addition, such administrative determinations may be made only where the following conditions exist:

1. All additions, modifications or changes to the building shall constitute less than 25 percent of the floor area originally approved.
2. The additions, modifications or changes are determined not to have significant impact beyond the site.
3. Any decision of the Land Use Administrator may be appealed to the Board of Adjustment as designated in the Land Use

Ordinance.

- B. The Planning Commission may consider, approve with modifications, or disapprove amendments to a conditional use permit where the Land Use Administrator determines not to make an administrative determination as provided in (1) above and where the following requirements are met:

1. The proposed modification or amendment complies with the intent and purpose of the Land Use Ordinance and General Plan.
2. All of the requirements are met.
3. All of the standards listed are met.
4. Reasonable conditions may be attached, where and to the extent that the Planning Commission finds, that the imposition of the conditions will directly mitigate or eliminate some aspect of the proposed amendment that violate the intent and requirements of this chapter. Impacts must be of the magnitude that without the

mitigation or elimination thereof, the amendment to the conditional use could not be granted.

All decisions of the Planning Commission regarding approval, denial, the imposition of special conditions may be appealed to the Appeals and Variance Authority as provided in the Land Use Ordinance.

02-08-007 PLANNING COMMISSION ACTION

- A. At the public hearing, testimony may be given by the applicant and all other persons either in support or opposition to the application. After consideration of the testimony, the application and all other evidence presented the Planning Commission may approve, approve with conditions, continue the application to a subsequent meeting, or disapprove the application.
- B. All conditions shall be entered into the minutes of the Planning Commission and on the conditional use permit. All conditions shall run with the land, and shall be binding on the original applicants, their heirs, successors and assigns.
- C. A Land Use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

02-08-008 NOTICE OF PLANNING COMMISSION ACTION

Within a reasonable time following the public hearing, the applicant shall be notified, by letter, of the Planning Commission's action. If the application is approved, the action letter shall outline conditions attached to the approval, if any, the procedures to be followed prior to obtaining a business license or building permit, and the expiration date of the approval.

02-08-009 TIME LIMIT

- A. Within 12 months from the date the Planning Commission hears and approves a conditional use application, the applicant shall substantially comply with all the conditions of the conditional use approval. Substantial compliance shall be demonstrated by obtaining a current building permit and commencing construction. For the purpose of this ordinance, "commencement of construction" shall mean completion of the foundation for at least one principal building.. If construction is not proposed as an element of the conditional use, a business license shall be obtained to

satisfy this requirement. Prior to the issuance of any building permit or business license, the applicant shall sign a conditional use permit document. The conditional use permit document shall include a list of all conditions imposed by the Planning Commission and a signature of the applicant. A site plan may also be required. The issuance of a conditional use permit shall be from the date of the Planning Commission's final decision on the conditional use.

- B. If the conditional use permit is to expire, pursuant to this section, a request for an extension may be filed with the Planning and Land Use office not less than thirty (30) days prior to the expiration date. The original conditional use approval shall remain valid until the request for extension is acted upon by the Planning Commission. Failure to request the extension in a timely manner shall cause a conditional use permit to expire without further notice. A new conditional use application shall be requested prior to any reinstatement of the use.
- C. The Planning Commission may, after evaluating the applicant's progress in the previous year and after considering the Planning and Land Use office recommendation, grant an extension of up to one year on the conditional use permit. Only one extension may be granted.
- D. If the approved use or activity should cease for any reason for a continuous period of one year or more, the conditional use permit shall automatically terminate without notice. Approval of a new conditional use application shall be required prior to any subsequent reinstatement of the use.

02-08-010 REVOCATION

- A. A conditional use permit shall be revocable by the Planning Commission at any time due to failure of the owner or operator of the use to observe all conditions specified in issuing the permit or failure to observe other requirements of the permit and ordinance, in regards to the maintenance of improvements or conduct of the use or business as approved. Furthermore, the City shall have a right of action to compel offending structures or uses removed at the cost of the violator or owner.
- B. No conditional use permit shall be revoked until a hearing is held by the Planning Commission. The permit holder shall be notified in writing of such hearing. The notification shall state the grounds for complaint, or reasons for revocation, and the time and location at which the hearing is to be held. At the hearing, the permit holder shall be given an opportunity to be heard and he may call witnesses and present evidence on his behalf. Upon conclusion of the hearing, the Planning Commission shall determine whether or not the permit should be revoked.

02-08-011 APPEAL PROCEDURE

Appeal may be made to the City Council by a person aggrieved by a final decision, determination, or requirement of the Land Use Administrator or Planning Commission, regarding a conditional use.

CHAPTER 02-09 RESERVED

CHAPTER 02-10 FLOOD PLAIN REGULATION

Section 02-10-001	Findings of Fact, Purposes, and Methods
Section 02-10-002	General Definitions
Section 02-10-003	General Provisions
Section 02-10-004	Administration
Section 02-10-005	Provisions for Flood Hazard Reduction

02-10-001 FINDINGS OF FACT, PURPOSE AND METHODS

Naples City elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid act, provides that areas of Naples City having a flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. The National Flood Insurance Program was broadened and modified with the passage of the Flood Disaster Protection Act of 1973 and other legislative measures. It was further modified by the National Flood Insurance Reform Act of 1994. The National Flood Insurance Program is administered by the Federal Emergency Management Agency, a component of the U.S. Department of Homeland Security.

A. FINDINGS OF FACT

1. The flood hazard areas of Naples City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are created by the cumulative effect of obstructions, severe weather, and undersized crossings of waterways which cause an increase in flood heights and velocities.

B. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas, and;
7. Insure that potential buyers are notified that property is in a flood area.

C. METHODS OF REDUCING FLOOD LOSSES

1. In order to accomplish its purposes, this ordinance uses the following methods:
2. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
3. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
4. Protect the historic and natural waterways from alteration with the exception for uses as parks, walk ways, trails and open space.
5. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
6. Control filling, grading, dredging and other development which may increase flood damage;
7. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

02-10-002 GENERAL DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its' most reasonable application.

Use of acronyms and initials has been limited, but some terms are used so often that acronyms are practical and of assistance to the reader.

- BEF – Base Flood Elevation
- CBRA – Coastal Barrier Resources Act
- CBRS – Coastal Barrier Resources System
- CLOMA – Conditional Letter of Map Amendment
- CLOMR – Conditional Letter of Map Revision
- CLOMR-F – Conditional Letter of Map Revision Based on Fill
- CRS – Community Rating System
- DHS – U.S. Department of Homeland Security
- FDPA – Flood Disaster Protection Act
- FEMA – Federal Emergency Management Agency
- FHBM – Flood Hazard Boundary Map

FIRA – Flood Insurance Reform Act
FIRM – Flood Insurance Rate Map
FIS – Flood Insurance Study
ICC – Increased Cost of Compliance
LODR – Letter of Determination Review
LOMA – Letter of Map Amendment
LOMC – Letter of Map Change
LOMR – Letter of Map Revision
LOMR-F – Letter of Map Revision Based on Fill
NFIP – National Flood Insurance Program
NFIRA – National Flood Insurance Reform Act
OPA – Otherwise Protected Areas
PMR – Physical Map Revision
RCBAP – Residential Condominium Building Association Policy
SDF – Special Direct Facility
SFHA – Special Flood Hazard Area
SFHDF – Standard Flood Hazard Determination Form
SFIP – Standard Flood Insurance Policy
WYO – Write Your Own

Area of future-conditions flood hazard means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood based on future-conditions hydrology.

Area of shallow flooding means a designated AE zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood-related erosion hazard is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area; in preparation for publication of the FIRM, Zone E may be further refined.

Area of special flood hazard is the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, the Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, D, VO, or V1-30, VE, V or X. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) – Is the water surface elevation of the one (1) percent annual chance flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of the Naples areas.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building--see structure.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Erosion means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.

Existing construction, means for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before May 26, 2011, for Naples City FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Existing structures--see existing construction.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the

installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The unusual and rapid accumulation or runoff of surface waters from any source.
 - b. Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land in gulches and along canals and other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or by some similarly unusual and unforeseeable event which results in flooding.

Flood elevation determination means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study or Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding waters surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood plain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without

cumulatively increasing the water surface elevation more than a designated height.

Floodway encroachment lines mean the lines marking the limits of floodways on Federal, State and local flood plain maps.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic reservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Levee means a man-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate

Map (FIRM) for a community issued by the appropriate Agency.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Naples City FIRM or after May 26, 2011, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or

the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle means a vehicle which is:

1. Built on a single chassis;
2. 750 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway/waterway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Special flood hazard area: see “area of special flood hazard”.

Special hazard area means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A and the flood insurance rate map redefined zones.

Start of Construction includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any bearing wall, ceiling, floor, or other structural bearing parts of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Structure for insurance purposes, means:

1. A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site;
2. A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
3. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it’s before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
2. Any alteration of a “historic structure” provided that the alteration will not preclude the structure's continued designation as a “historic structure.”

Variance means a grant of relief by the Naples City Appeals Authority from the terms of a flood plain management regulation.

Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of Naples City.

02-10-003 GENERAL PROVISIONS

A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Naples City.

B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by Naples City's Engineers and the Federal Emergency Management Agency in a scientific and engineering report entitled, "FEMA Flood Insurance Map for Naples City, with accompanying Ashley Valley Storm Water Master Plan 2008, Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to accompany the Building Permit to ensure conformance with the provisions of this ordinance.

D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other ordinances of Naples City.

E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal any of Naples City Ordinances, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements.
2. Liberally construed in favor of Naples City interpretation.
3. Deemed neither to limit nor repeal any other powers granted under Local and State statutes.

F. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Naples City or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

G. SEVERABILITY

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

02-10-004 ADMINISTRATION

A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Emergency Management Administrator is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance.

B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records, according to GRAMA, pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits and building permits.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between Naples Master Plans a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. Notify adjacent communities and the State Coordinating Agency which is the Utah National Flood Coordinator, prior to any alteration or relocation of a

river or creek, and submit evidence of such notification to the Federal Emergency Management Agency.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided, the Flood Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from Naples Master Plans, Federal, State or other source, in order to administer the provisions of this ordinance.
9. Negotiate map interpretations and changes in collaboration with both a city-appointed Engineer and FEMA.
10. Notify and collaborate with FEMA when any interpretation or change is made on any map depicting the floodplain area. For example, if the "Potential 100-Year Flood Zones Map" of the Ashley Valley Storm Water Master Plan (2008) is interpreted to be more correct than the FEMA Flood Insurance Map for Naples City, Flood Insurance Rate Map or Flood Boundary-Floodway Map, then the Floodplain Administrator will use the more correct map and collaborate with FEMA to amend the incorrect maps.

C. PERMIT PROCEDURES

Application for a Building or Development Permit shall be presented to the Flood Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of engineering standards
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all waterway or natural drainage alterations and improvements. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and local engineering standards and the following relevant factors:
 - a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- j. The relationship of the proposed use to the comprehensive plan for that area.

D. VARIANCE PROCEDURES

1. The Appeal Board as established by Naples City shall hear and render judgment on requests for variances from the requirements of this ordinance.
2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Flood Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency and the State Office of Emergency Management upon issuing a variance.
5. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in the permit procedures have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
6. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
7. Variances shall not be issued within any designated floodway or waterway.

8. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
9. Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issued upon:
 - i. showing a good and sufficient cause;
 - ii. determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - iii. determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - iv. Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - v. Supports the Ashley Valley Storm Drainage Plan
10. Variances may be issued by Naples City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a. The criteria outlined in Article 4, are met, and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

02-10-005 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided, the following provisions are required:

1. Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to at least one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied.
2. Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to least one foot above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

C. STANDARDS FOR SUBDIVISION PROPOSALS

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall comply with Naples City Development Policies.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 10 lots or 5 acres, whichever is lesser,
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

D. PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a class B misdemeanor each day they are out of compliance. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$375.00 for each day they are in violation or imprisoned for not more than 180 days, or both, for each day they are in violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Naples City from taking such other lawful action as is necessary to prevent or remedy any violation.

E. CERTIFICATION

It is hereby found and declared by Naples City Council that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect after its passage and approval.

CHAPTER 02-11 RESIDENTIAL ZONE R-3

Section 02-11-001	Purpose
Section 02-11-002	Permitted Uses
Section 02-11-003	Use Regulations
Section 02-11-004	Minimum Lot Area Requirements
Section 02-11-005	Minimum Width Requirements
Section 02-11-006	Off-street Parking Requirements
Section 02-11-007	Height Requirements
Section 02-11-008	Locations Requirements
Section 02-11-009	Special Provisions
Section 02-11-010	Open Space

02-11-001 PURPOSE

The R-3 Residential Zone has been established as a zone for family residential purposes with a higher density than both the R-1 and R-2 zones.

Additionally, the zone has been established to promote the following:

1. High quality, innovative and creative development that includes a mixture of uses, heights and setbacks, varying densities and lot sizes and sufficient diversity of housing types to meet the full life cycle of housing needs for residents within the City of Naples;
2. Preservation of open space;
3. Recreational uses that meet or exceed the needs of the residents;
4. A pedestrian environment which encourages transit and bicycle usage; and
5. A desirable living environment with unique identity and character.

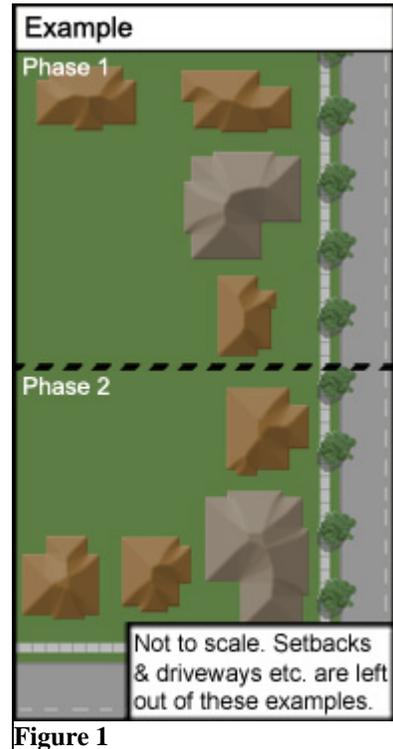
The R-3 zone will be designed to include neighborhoods, that incorporate open space with convenient pedestrian and bicycle access, which maintains connectivity between adjoining property, among residential, commercial, office, retail and recreational areas of the City.

In order to accomplish the objectives and purposes of this ordinance, and to stabilize and protect the essential characteristics of the zone, the following regulations shall apply in the R-3 Residential Zone:

02-11-002 PERMITTED USES

The following buildings, structures, and uses of land shall be permitted, upon compliance with the requirements set forth in this ordinance:

1. Single family detached
2. Multi-family dwellings containing four (4) or less dwelling units placed at a ratio of not more than one multi-family unit to three (3) single family units. In a multi-phase development, this ratio shall never exceed 1:3 in a single phase. See Figure 1 to the right for an example.
3. Churches;
4. Government buildings or uses, non-industrial;
5. Park, trail and/or playground;
6. Recreation Center;
7. Schools;
8. Temporary building for uses incidental to construction work. Such shall be removed upon the completion of the construction;
9. Public utility stations
10. Day-care nurseries, which have been approved by the appropriate state and local agencies. Day cares permitting more than 8 children are prohibited.
11. Home occupations, in accordance with Chapter 13 this ordinance.
12. Home gardens



02-11-003 USE REGULATIONS

Uses may be conducted in the R-3 Zone only in accordance with the following regulations:

1. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the Zone. No commercial materials, inventory or equipment may be stored in the open.
2. It shall be unlawful to park, store, or leave, or to permit the parking, storing or leaving of any vehicle of any kind or part(s) thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the Zone for longer than seventy-two (72) hours, except that up to two such vehicles or parts thereof may be stored completely within an enclosed building.
3. No commercial vehicle or commercial earth moving or material handling equipment shall be parked or stored on any lot or parcel in the Zone except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semi-trucks and trailers, trucks and trailers

equaling or exceeding 12,000 lb. curb weight, delivery vehicles, dump trucks, back hoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.

02-11-004 MINIMUM LOT AREA REQUIREMENTS

1. The minimum lot area for a single-family dwelling is 7,000 square feet.
2. The minimum lot area for a two-family dwelling is 8,000 square feet.
3. The minimum lot area for a three-family dwelling is 9,000 square feet.
4. The minimum lot area for a four-family dwelling is 10,000 square feet.
5. The minimum lot area for a church, school, or government building is 20,000 square feet.
6. The minimum lot area for any other permitted use is 10,000 square feet.

**02-11-005 MINIMUM WIDTH REQUIREMENTS
(MEASURED AT BOTH FRONT PROPERTY AND SETBACK LINES)**

1. The minimum lot width for a single family dwelling is 80 feet.
2. The minimum lot width for a two-family dwelling is 90 feet.
3. The minimum lot width for a three- or four-family dwelling is 100 feet.
4. The minimum lot width for any other permitted use shall be 100 feet.

02-11-006 OFF-STREET PARKING REQUIREMENTS

A minimum of three (3) off-street parking places shall be provided for each dwelling unit. Driveways must be a minimum of thirty (30) feet long in order to keep sidewalks and streets clear of larger vehicles. See Chapter 02-15 Off-street Parking Regulations for more information on parking regulations.

02-11-007 HEIGHT REQUIREMENTS

Minimum – None

Maximum – Thirty-five (35) feet above grade. Church steeples are exempt from this requirement.

02-11-008 LOCATION REQUIREMENTS

MINIMUM SETBACKS FROM PROPERTY LINES:

1. Main buildings on INTERIOR (non-corner) LOTS:
Front: 24 feet
Side: 8 feet (20 feet minimum for both sides combined)
Back: 20 feet

2. Main buildings on CORNER LOTS:

Front: 24 feet

Side: 20 feet on street-side, and 8 feet on interior side

Back: 20 feet (8 feet for dwellings with attached garage or carport)

3. Main buildings on CUL-DE-SAC LOTS:

Front: 24 feet measured perpendicular to a straight line between the front lot corners, and no less than 20 feet from the turn-around or cul-de-sac right-of-way.

Side: 8 feet

Back: 20 feet measured perpendicular to the rear side of the main building

4. Accessory buildings:

Front: 24 feet

Side: Same as main building, unless the accessory building is 15 feet away from the main building, then the side setback is 5 feet.

Back: 5 feet

Setbacks are measure from either the property line or the back of curb or sidewalk, whichever is furthest from public right-of-way. Porches may not be built in the setback area, but steps leading up to porches may be built in the setback area.

Regardless of orientation, the closest a main building may be to any property line is 8 feet.

02-11-009 SPECIAL PROVISIONS

1. Plans showing proposed off-street parking layout and landscaping for churches and schools shall be submitted to and approved by the city building official prior to the issuance of a building permit. Said plans shall provide that all land not covered by buildings or by off-street parking space shall be landscaped as lawn, trees, shrubs, gardens, or ground cover and otherwise landscaped and maintained in accordance with good landscaping practice.
2. A bond or other financial guarantee shall be required, guaranteeing landscaping and other improvements within a year of occupancy. See 02-31 Subdivisions for the procedures of bonds.
3. At least eighty percent of the lot area not covered by buildings or parking shall be maintained as landscaped area and shall be kept free from refuse and debris.
4. All residential dwellings shall be connected to a public sewer system.
5. The design for curb and gutter shall be either high back or modified high back according to UDOT standards.

6. All dwellings shall be supplied with culinary water, and plumbed in accordance with the current edition of International Plumbing Code in Utah.
7. All new residential developments shall have curb, gutter, and a minimum 5 foot wide sidewalk, all of which adhere to ADA standards. A minimum 4 feet wide green strip is required between the sidewalk and the street. The green strip shall be maintained by the developer and/or property owner. Naples City may plow snow into piles on the green strip on occasion in order to keep the streets clear of snow.
8. Street lights and street signs shall be located in the green strip and not in the sidewalk.

02-11-010 OPEN SPACE

Open Space is landscaped or natural area or farmland which is established to provide and preserve recreational, agricultural or other uses in the R-3 Zone as approved by the City. The development as a whole shall include a minimum 20% open space. Recreation/Open Space will be recorded as a lot or lots in subdivisions or as common areas in condominium plats and shall be located according to environmental conditions and infrastructure needs. All open spaces shall be maintained with perpetual open space or conservation easements. Privately owned open space shall be preserved and properly maintained by the owners through taxing districts, owners' associations with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City Council. Open space may not include private lot or individually owned yard areas. Park strips located within city right of ways are permitted as open space. All privately owned open spaces which are accessible to the public either free of charge or through payment of a fee may be included in the required open space of the Zone.

CHAPTER 02-12 LATECOMER'S ORDINANCE REIMBURSEMENT FOR PRIVATELY FUNDED PUBLIC IMPROVEMENTS

Section 02-12-001	Preamble
Section 02-12-002	Application for reimbursement
Section 02-12-003	Limitations on reimbursement request
Section 02-12-004	Duties of Applicant for Reimbursement
Section 02-12-005	Duties of Land Owners/Subsequent Developers
Section 02-12-006	Obligations of City
Section 02-12-007	Period of Time
Section 02-12-008	Violation

02-12-001 PREAMBLE

From time to time, owners of property or developers are required to install public improvements as a condition of approval of development or construction activities within Naples City. When those privately funded public improvements create a benefit to other land within the City, any person subsequently building upon or developing that land or utilizing those public improvements may be required to reimburse the person or entity paying for those public improvements a pro rata share of the cost.

Upon compliance by the original installer of the public improvements, with the terms of this ordinance, the City will require a pro rata reimbursement from any applicant or person subsequently constructing a building or developing a development that is served by or receives benefit from the previously installed privately funded public improvements. The amount of the required contribution and reimbursement shall be determined by Naples City. The Naples City Planner shall determine the percentage of the cost of the privately funded public improvements that should be assessed against each subsequently developed parcel of real property served by those public improvements. If the subsequent land owner or developer charged disagrees with the apportionment, the decision of the Naples City Planner may be appealed to the City Council. Factors to be considered shall include the relative sizes and values of parcels of property served by the privately funded public improvements. The percentage of use of those private improvements which will be enjoyed by the subsequently developed properties, the costs savings to the subsequent developers of real property. Another factor is deemed relevant in a given case.

02-12-002 APPLICATION FOR REIMBURSEMENT

Any individual or developer that is required to install public improvements costing more than three thousand dollars (\$3,000.00) may submit an application to the City for recovery of a pro rata share of the cost of constructing those privately funded public improvements from persons that will use or benefit from extra capacity from those public improvements and that did not share in the cost of the improvements. The application for reimbursement shall be made on a form approved by the City Attorney and shall include the following information:

- A. A description of the privately funded public improvements which benefit other property not owned by the installer.
 - B. The name and address of the person or entity that paid for the installation of the public improvements.
 - C. A legal description of the parcel or parcels of real property that may utilize or benefit from the privately installed public improvements.
 - D. An engineer's written estimate of the cost of the public improvements or an affidavit and documentation showing the actual cost of the privately funded public improvements (the documentation establishing the cost of the public improvements must be sufficient to satisfy the Naples City Manager or designee).
 - E. The application for reimbursement shall be filed with the City Manager within six months after completion of the privately funded public improvements. The City shall not be obligated to attempt to recover a reimbursement for public improvements from any person or subsequent developer whose use of those privately funded public improvements begins prior to filing the application.
 - F. The person seeking reimbursement for privately funded public improvements shall pay an application fee to Naples City of one hundred dollars (\$100.00).
3. The City may reject any incomplete application for reimbursement or any application not accompanied by the required filing fee. The application shall be signed by the person seeking reimbursement and notarized.

The Naples City Manager shall review the application, and if it is found to be complete, shall execute the application showing that it has been accepted and approved by Naples City. The City Manager shall, in addition, endorse the following statement contained upon the application:

Notice

Notice is hereby given to all persons having an interest in the real property described herein, that pursuant to Naples City Ordinance, Section 02-12 any persons developing the land described herein or constructing any improvements thereon are subject to an obligation to make reimbursement for a pro rata share of privately funded public improvements as described in the foregoing application. No person may make any improvements on or construct any structures on the described real property without receiving clearance from Naples City that the pro rata share of privately funded public improvements obligation has been satisfied.

02-12-003 LIMITATIONS ON REIMBURSEMENT REQUEST

No person shall be entitled to reimbursement for privately funded public improvements which do not provide a direct benefit to other land.

An applicant may not request reimbursement pursuant to this ordinance for any privately funded public improvements which were constructed prior to August 24, 2006. (date)

Reimbursement for privately funded public improvements shall be limited to public improvements lying within the boundaries of Naples City or public improvements which are owned by Naples City.

02-12-004 DUTIES OF APPLICANT FOR REIMBURSEMENT

After an application for reimbursement is filed with the City and approved by the City Manager, the applicant shall take responsibility to record or have recorded the original of the final approved application in the official records of Uintah County. The recording fee shall be the responsibility of the applicant.

After an application for reimbursement is filed, the applicant shall be under an affirmative duty to notify the City promptly in writing of any subsequent development of land covered by the reimbursement application of which the applicant has knowledge or reason to believe is using or benefiting from the private funded public improvements.

02-12-005 DUTIES OF LAND OWNERS/SUBSEQUENT DEVELOPERS

Any person intending to develop or subdivide any land or to construct any improvements upon any land which is described in an approved application for reimbursement, shall be under an affirmative obligation to notify the City Planning office when applying for a building permit or approval or authorization of any development or construction of the existence of the recorded reimbursement agreement and to make suitable arrangements for payment of the pro rata share of the privately funded public improvements which benefit that person's property.

Any person who makes any development or construction or connects to or otherwise utilizes or directly benefits from any privately funded public improvements covered by a reimbursement agreement which has been filed and approved by the City, shall be obligated to make reimbursement for the pro rata share of the privately funded public improvement utilized by or benefiting that person's project, development or property prior to commencing construction unless the application and City Manager have agreed to a deferred payment arrangement.

02-12-006 OBLIGATIONS OF CITY

When a properly completed application for reimbursement has been filed with the City along with the required filing fee, the Naples City Manager or designee shall promptly review the application for sufficiency and shall notify the applicant of any deficiencies or corrective action needed with respect to the application.

Once the application is approved, the Naples City Manager shall execute a duplicate original of the application and return it to the applicant with instructions to promptly record the approved application with the County Recorder for Uintah County. Verification of recordation shall be provided by the applicant to the Naples City Manager.

Naples City shall thereafter maintain a file including copies of the documentation provided to establish the cost of the privately funded public improvements and other information which may be necessary to determine the prorated share of those costs to be assessed against subsequent developers. The City shall maintain an index system showing property subject to reimbursement agreements.

When the City determines that a use of property covered by an approved reimbursement application will benefit from privately funded public improvements, the City shall determine the prorated share of the cost of those public improvements to be assessed against the owner or developer of the property and shall provide notice to that owner or developer. The City shall be under no obligation to approve or issue any building permit or approval for subdivision or other development of property until satisfactory arrangements have been made for reimbursement to the applicant for the prorated share of the privately funded public improvements.

If the City directly collects the prorated share of the improvements costs, the amount shall be forwarded to the applicant at the last known address of the applicant.

The City shall not be responsible for locating any beneficiary, survivor, assignee, or other success or interest entitled to reimbursement. Any collected funds unclaimed within two years after date of collection shall be forwarded to the Utah State Unclaimed Properties Office in the name of the applicant or the known assignee or beneficiary of those funds.

02-12-007 PERIOD OF TIME

A properly completed and recorded application for reimbursement shall be chargeable against and binding upon owner's and subsequent developers of the real property described in the application for a period of fifteen (15) years from date of recording. At the end of fifteen (15) years the applicant may apply for an extension of up to five (5) years upon filing an application for that purpose and

paying an additional one hundred dollar (\$100.00) fee. Prior to approving the extension agreement, the City shall determine whether the privately funded public improvements are in a condition or state of repair such that those improvements are likely to provide a benefit to adjoining property described in the original application.

02-12-008 VIOLATION

Any person or entity that receives the benefit of privately funded public improvements and is under obligation to provide a prorated reimbursement pursuant to the terms of this ordinance and fails and refuses to do so or otherwise violates this ordinance, shall be guilty of a class B misdemeanor. In addition to any fine, incarceration or other penalty which may be imposed for violation of a class B misdemeanor, a person or entity convicted of violation of this ordinance may be ordered by the court to make restitution in the amount of the prorated share of the privately funded public improvements as to which that person received the benefit.

CHAPTER 02-13 HOME OCCUPATION

Section 02-13-001 Purpose

Section 02-13-002 Home Occupation Standards

02-13-001 PURPOSE

To encourage the majority of business activities to be conducted in appropriate commercial zones. Business activities may be conducted within a residence on a conditional use basis if such activities comply with the standards of this section. All home occupations shall be secondary and incidental to the residential use. The use should be conducted so that neighbors, under normal conditions, would not be aware of its existence. Home occupations are a conditional use and can be revoked if disruption of the residential neighborhood occurs.

02-13-002 HOME OCCUPATION STANDARDS

A home occupation shall not be allowed as a conditional use unless it meets the following standards:

1. A home occupation shall not be permitted that changes the outside residential appearance of the dwelling.
2. The home occupation may include the sale of commodities.
3. The area of the home devoted to the home occupation and/or storage of stock in trade shall not occupy more than 25 percent of the total area of house and attached garage.
4. The home occupation shall not involve the use of any yard space or activity outside of the residence, except where the use or activity is of the type that is customarily found in the residential neighborhood and where said use or activity does not adversely impact the residential nature of the neighborhood.
5. Advertising signs shall conform to the Sign Ordinance (02-16-001 Home Occupation Signs)
6. Only one company owned vehicle may be used in association with the home occupation and shall be garaged or stored entirely on private property and not within the front yard of the dwelling. Off street parking for the residents and customers must be preserved in addition to the commercial vehicle.
7. The home occupation shall not allow more than two employees coming to the home other than those living in the dwelling. All employee parking shall be off-street.

8. Explosive or combustible materials shall not be stored for a home occupation. The home occupation shall not unreasonably disturb the peace and quiet of the neighborhood including, but not limited to, interference of radio, television or other electronic reception by reason of design, materials, construction, lighting, odor, dust, sounds, noise, vibrations, vehicles, parking and general operation of the business.

9. Promotional meetings for the purpose of selling merchandise or taking orders shall not be held more than once per month.

10. Garage, basement, yard or other similar sales shall not be allowed more than four times each year, and each sale shall not last more than 72 hours.

11. All home occupation business shall be conducted only between the hours of 6:00 a.m. and 10:00 p.m.

12. There shall be complete conformity with all City and State codes, including business license regulations.

13. Periodic inspections, as required by these codes, will be made as required by the type of home occupation.

14. Home occupation licenses may be reviewed and revoked upon valid unresolved complaint. Inspections by City may occur as necessary to assure conformance with these regulations.

15. Handicap persons can obtain a waiver through the Land Use Administrator to allow such persons to become self sufficient.

Home occupations which meet the above standards shall be defined as home occupations. Permitted home occupations include, but are not necessarily limited to, the following:

- A. Artist, Authors, Architectural Services
- B. Barber Shops and Beauty Shops (one chair)
- C. Consulting Services
- D. Dance, Aerobic, Musical, Tutoring, or General Educational Instruction
- E. Direct Sales Distribution
- F. Data Processing, Computer Programming
- G. Garden Produce
- H. Home Crafts
- I. Insurance Sales or Broker, Interior Design
- J. Janitorial
- K. Mail Order (not including retail sales from site)
- L. Real Estate Sales or Broker
- M. Sales Representative

CHAPTER 02-14 SUPPLEMENTARY REGULATIONS

Section 02-14-001	Applicability
Section 02-14-002	Flag Lots as a Conditional Use
Section 02-14-003	Additional Main Building Regulations
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Section 02-14-018	Storage of Junk and Debris in Residential Zones Prohibited
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Section 02-14-020	Clear View of Intersecting Streets
Section 02-14-021	Effect of Street Plan
Section 02-14-022	Uses Prohibited in Zones Unless Expressly Permitted
Section 02-14-023	Transitional uses
Section 02-14-024	Moved Buildings, Mobile Homes, and Manufactured Homes
Section 02-14-025	Urban Livestock
Section 02-14-026	Kennels
Section 02-14-027	Retail Tobacco Specialty Businesses

02-14-001 APPLICABILITY

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations contained elsewhere in This Title.

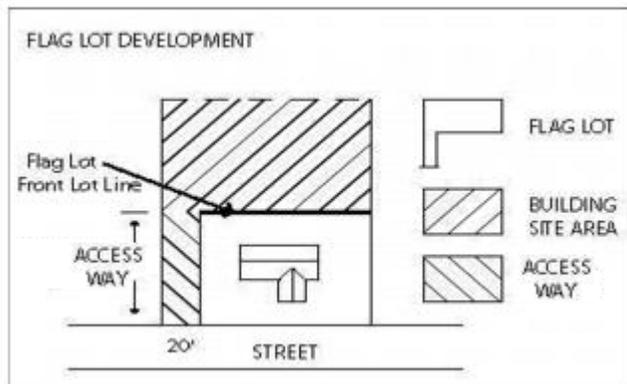
02-14-002 FLAG LOTS AS A CONDITIONAL USE

Purpose: Flag lots are intended to allow development of substantial, buildable properties where the extension of public streets cannot or should not be extended, due to sensitive land, topographic or other natural features. Additionally, constraints created by the existing built environment may be a consideration. Lot

size for such uses is necessarily large to help insure privacy of adjacent properties who are most impacted by the development of the flag lot.

- A. The Land Use Administrator may, as a special exception, approve the construction of a one family dwelling on a flag lot. Approval shall be subject to the following determination:
1. The site is not developable under conventional development standards and procedures;
 2. No variance will be required to allow the proposal;
 3. The proposal is compatible with the existing development, in terms of height, building materials and animal keeping and approval of the dwelling will not adversely affect the living environment of the surrounding area;
 4. The proposed fencing should be adequate for the situation;
 5. The proposed lot is completely within the A-1, RA-1 or RA-2 zone;
 6. The home address sign shall be clearly visible along the public road, and comply with any standards adopted by the City; and
 7. The proposed flag lot must have been legally subdivided to begin with.
 8. The first 30 feet of access way from the street must be paved. Any mud tracked onto the street is in violation of this ordinance, is a class C misdemeanor and is subject to a fine and the cost of cleanup.

- B. Submission Requirements.
A detailed site plan shall be submitted for review by the Land Use Administrator. Said site plan shall include:



1. Proposed access to the building site along an access way which shall be not less than twenty (20) feet in width;
 2. The proposed area of a building site, which shall not be less than twenty thousand (20,000) square feet, exclusive of the access way;
 3. The setbacks from property line to the proposed structure, which shall meet the requirements of the underlying zone; and
 4. The setback from existing occupied structures on neighboring properties to any structure on the proposed flag lot, which shall be at least seventy (70) feet.
 5. The access way must be part of the parcel and not shared with neighboring properties.
 6. The site plan must meet the standards of the International Fire Code and International Building Code currently adopted by Naples City.
- C. All construction shall be in accordance with the site plan as approved by the Land Use Administrator. An approval by the Land Use Administrator shall run with the

owner and shall be valid only for a period of one (1) year from the date of approval. If the ownership of the parcel changes before the issuance of a building permit, or if said permit is not obtained and construction commenced within one (1) year from date of approval, said approval shall be null and void. While approval is still active, the owner may request a one year extension, subject to approval by the Land Use Administrator in accordance with this ordinance. The new one year period begins on the date of approval of the extension.

02-14-003 ADDITIONAL MAIN BUILDING REGULATIONS

Every main building shall be located and maintained on a “lot” as defined in the section 02-02, and every lot shall have the required frontage on a “street” as defined in section 02-02.

02-14-004 ADDITIONAL YARD REGULATIONS

No required yard or other open space around an existing building shall be considered as providing a yard or open space for any other building, nor any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices, and other ornamental features.

Open or lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers may project in a yard not more than five feet and the ordinary projections of chimneys and flues are permitted.

No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty-five percent of the rear yard.

No space needed to meet the width, yard, area, coverage, parking, or other requirements for a lot or building may be conveyed away from such lot or building, except as permitted by the board of adjustment. Any attempted conveyance or lease in violation hereof shall be void.

No parcel of land shall be subdivided or created that has less than the minimum width and area requirements for the zone in which it is located except by permit of the Appeals Authority.

Accessory buildings are prohibited as permanent living quarters. Living and sleeping quarters in any building other than the main residential building is prohibited, except under emergency circumstances and approved by the City Council.

02-14-005 ADDITIONAL HEIGHT REGULATIONS

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire walls or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, and water tanks, wireless or television masts, theater lofts, silos, or similar structures may be erected above the height limit.

No accessory building in a residential zone shall be erected to a height greater than twenty five feet from grade to crown. Public buildings and churches may be erected to any height, provided the building is set back at least one additional foot for each additional foot of building height above the maximum height otherwise permitted.

02-14-006 RESERVED FOR FUTURE USE

02-14-007 SEWER REGULATIONS

Sewer disposal shall comply with the health department requirements in all application for a building permit where any dwelling units shall be connected to a public sewer system. All sewer connections will have Ashley Valley Water and Sewer's letter of approval prior to issuing a building permit.

02-14-008 FENCE HEIGHT REQUIREMENTS

No fence shall be erected in any required front yard of a dwelling to a height in excess of four feet, nor shall any fence be erected in any side or rear yard to a height in excess of seven feet, unless permitted by the Planning Commission.

Where a fence is erected upon a retaining wall, or where for other reasons there is a difference in the elevation of the surface of the land on either side of a fence, height of the fence shall be measured from a point halfway between the top of the retaining wall and the land on either side of the fence, but nothing herein contained shall be construed to restrict a fence to less than four feet in height measured from the surface of the land on the side having the highest elevation.

02-14-009 LIGHTING

No spotlight or flood light shall be installed in any way which shall permit the direct rays of such light to penetrate into any adjacent property used for residential purposes.

No light, sign, or advertising structure, as regulated by this code, shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of position, shape, or color it may interfere with any authorized traffic sign, signal, or device, or which makes use of

the words, 'stop', 'look', 'driven', or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.

02-14-010 PRIVATE PARK, PLAYGROUND, OR RECREATION AREA

Areas in residential zones, including private parks, playgrounds and recreation areas shall meet the following requirements:

- A. All facilities, equipment, and buildings, shall be set back not less than thirty feet from the public right-of-way and not less than twenty feet from any property line, and shall be located not less than fifty feet from any main building on an adjoining lot.
- B. Any lights used to illuminate the premises shall be installed in such a manner that the source of light shall be suitably screened to avoid annoying illumination of lands outside said premises.
- C. In order to prepare and plan for growth and recreation a future park facility map or plan has been developed as part of the Naples General Plan. See General Plan for Map. See chapter 02-20.

02-14-011 PUBLIC UTILITIES SUBSTATION

Public utility substations located in residential zones shall meet the following requirements:

- A. Each substation shall be located on a lot not less than two thousand square feet in area.
- B. Each substation shall be provided with a yard on each of the four sides of the building or structure not less than five feet in width, except that for such stations located on lots fronting on a street abutted by one or more residential lots, the front, side and rear yards, shall equal those required for a single family in the same zone.
- C. Each substation shall be located on a lot which has adequate access from a street, a lot, or easement.
- D. Each substation or tower will be landscaped and camouflaged to blend into the surrounding area.

02-14-012 SWIMMING POOL, FAMILY

A family swimming pool shall be permitted in the rear or side yard of a dwelling as an accessory use, provided the following requirements are met:

The location of such family swimming pool or accessory machinery shall not be less than thirty-five feet from any dwelling on an adjoining lot, and not less than

ten feet from any property line. On corner lots, the distance from said pool to the property line facing a street shall not be less than the minimum required side yard setback.

An outside family swimming pool shall be completely enclosed by a substantial fence of not less than six feet in height, and any lights used to illuminate said pool, or its accessories, shall be so arranged as to reflect the light away from adjoining properties.

02-14-013 STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES SHALL BE A CONDITIONAL USE

Regular or frequent parking or storage of construction equipment such as bulldozers, graders, compressors, etc. and trucks having a rated capacity of 1.5 (one and a half) tons or more, within a residential zone, requires a conditional use permit. Farm equipment is exempt from this requirement. Construction equipment may be stored on a lot during construction of a building thereon, but not to exceed one year. Violation of this section constitutes a class B misdemeanor.

02-14-014 POLLUTION CONTROL

Any use which emits or discharges gases, fumes, dust, glare, noise, or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the Utah State Air Act, Utah Noise Act or the Tri-county Health Department, is prohibited. Any use which emits or discharges liquids or solid material on the soil or water in amounts which results in pollutants entering ground water in amounts exceeding the standards prescribed by the Utah State Water Pollution Act or the Tri-county Health Department, shall be prohibited.

02-14-015 TEMPORARY USES AND STRUCTURES

The following regulations govern the operation of certain transitory or seasonal uses:

A. Permits

Application for a temporary use permit shall be made to the building department, and shall contain the following information:

1. A description of the property to be used, rented or leased for the temporary use, including all information necessary to accurately portray the property.
2. A description of the proposed use.
3. Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space is to service the proposed use.

B. Uses

The following are temporary uses, and are subject to the following specific regulations and time limits, in addition to the regulations of any zone in which the use is located:

1. Carnival or circus when authorized by the Naples City Council a temporary use permit for a carnival or circus may be issued in any zone, for a period not longer than fifteen days.
2. Christmas tree sales when a temporary use permit may be issued for the display and open lot sales of Christmas trees for a period no longer than forty five days.
3. Contractor's office and equipment sheds in any zone, a temporary office and equipment sheds incidental to a construction project. The office or shed shall not contain sleeping or cooking accommodations. The permit shall be valid for not more than one year, but is renewable. The office or shed shall be removed upon completion of the construction project.
4. Real estate sales office, in any zone, a temporary use permit may be issued for a temporary real estate sales office in any new subdivision, which has been approved in accordance with the subdivision ordinance. The permit shall be valid for not more than one year, but is renewable. The office shall be removed upon completion of the development of the subdivision. A model home may be used as a temporary sales office.

02-14-016 "OFFSITE" IMPROVEMENTS

In order to protect the safety and welfare of school children and other individuals, the Naples Planning and Land Use Commission may require certain offsite improvements, such as sidewalks, fences, and other such improvements, as a condition of approval for any development proposal. The developers may be required to install such off site improvements at their own cost.

02-14-017 TRAVEL TRAILERS AND MOBILE HOMES PROHIBITED EXCEPTION

It shall be unlawful to place any travel trailers on any lot or parcel of land in Naples City and to use the same for a length of time for human habitation, not more than 30 days within a 12 months cycle except when located in a travel trailer court.

It shall be unlawful to place a mobile home on any lot or parcel of land in Naples City, and to use the same for human habitation, except in compliance with one or more of the following conditions:

- A. When temporarily located on a lot for which a building permit has been issued, and a building is being constructed, and is connected to approved water and sewer facilities, but not to exceed on year.
- B. When placed in a licensed mobile home park.
- C. When placed on a lot that complies with all the regulations of the zone in which the mobile home is located provided:
 - 1. Residential dwellings are a permitted use in the zone, and the mobile home is connected to an approved water supply and domestic sewage disposal facility.
 - 2. The mobile home is placed upon a permanent foundation and is skirted with brick, masonry, or a continuation of the facing material of the mobile home.
 - 3. Will be entered upon the tax roles of Uintah County as real property, as evidenced by a letter or other proof from the county assessor.
 - 4. The mobile home is certified by the U.S. Department of Housing and urban development (H.U.D.) or the State of Utah that it has been inspected and has attached to the mobile home a H.U.D. or State of Utah Inspection Shield.

(See Single Family or Two Family Dwelling Standards 02-18)

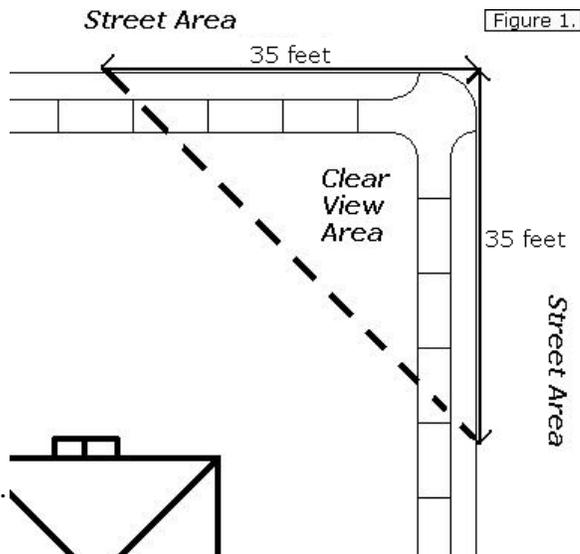
02-14-018 STORAGE OF JUNK AND DEBRIS IN RESIDENTIAL ZONES PROHIBITED

No yard or other open space in any residential zone shall be used for the storage of junk, debris, or obsolete vehicles. (See Nuisance Ordinance 10-119.)

02-14-019 RESERVED FOR FUTURE USE

02-14-020 CLEAR VIEW OF INTERSECTING STREETS

In all zones which require a front yard, no obstruction, which will obscure the view of automobile drivers, shall be placed on any corner lot within a triangular area formed by the street boundary lines and a line connecting them at points thirty five feet from the intersection of the street boundary lines.



02-14-021 EFFECT OF STREET PLAN

Whenever a front or side yard is required for a building which abuts a proposed street which has not been constructed, but which has been designated by the Naples Planning and Land Use Commission as a future street, the depth of such front or side yard shall be measured from the future street easement boundaries.

02-14-022 USES PROHIBITED IN ZONES UNLESS EXPRESSLY PERMITTED

Uses of land which are not expressly permitted within a zone are expressly prohibited therein, except as may be permitted by action of the Appeals Authority pursuant to express authority under terms of this ordinance.

02-14-023 TRANSITIONAL USES

Uses which are permitted on either portion of a lot which lot is divided by a zone boundary line may be permitted to extend to the entire lot, but not more than one hundred feet beyond the boundary line of such zone in which such use is permitted. Before a permit for such a use may be granted, however, the Planning Commission must find that the General Plan Land Use Map will be maintained and that a harmonious mixing of uses will be achieved thereby.

02-14-024 MOVED BUILDINGS, MOBILE HOMES, AND MANUFACTURED HOMES

Prior to placing a moved building, mobile home, or manufactured home in Naples City, a permit shall first be obtained from the Naples City building inspector. The building inspector shall not issue a permit for the placing of such moved building, mobile, or manufactured home, unless all ordinances and codes of Naples City are complied with, particularly section 02-14-017 of this chapter.

02-14-025 URBAN LIVESTOCK

Urban livestock shall be a permitted use in the following Residential Zones: R-1 and R-2. Urban livestock are defined in Definitions 02-02-205, and are regulated as follows:

- A. A minimum parcel size of eight thousand (8000) square feet shall be required in order to keep urban livestock.
- B. The maximum number of animals that may be kept per parcel shall be as follows:
 - 1. Rabbits: three (3).
 - 2. Ducks: six (6).
 - 3. Hen chickens: six (6).

4. Goats: three (3).
5. Bees: three (3) hives with not more than one swarm per hive.

C. Additional standards.

1. Goats must be miniature, dwarf or pigmy. Goats must also be dehorned and male goats must be neutered.
2. All bee hives must be set back a minimum of twenty-five (25) feet from any property line.
3. Rooster chickens shall not be allowed.
4. Should a bee hive become populated with Africanized honeybees, it must be destroyed.
5. Except for bees, all urban livestock shall be kept in a fashion so as to prevent them from exiting the back yard of the property at any time.
6. Except for bees, no more than six (6) total of any type of urban livestock may be kept.

D. Conflict with nuisance ordinance.

1. In no case shall this section permit a nuisance, as defined in Naples City Code, to be created or to exist.

02-14-026 KENNELS

Animal kennels are only allowed in the A-1 Agricultural, I-1 Industrial, and C Commercial zones. Kennels must be located at least 500 feet from residential dwellings on neighboring properties. See the Unified Animal Control Ordinance adopted by Naples City for more regulations on Kennels and Animal Control.

02-14-027 RETAIL TOBACCO SPECIALTY BUSINESSES

All Retail Tobacco Specialty Businesses as defined in U.C.A.10-8-41.6 shall follow all state and local regulations pertaining to such businesses. See map titled “Naples City Area Prohibited for Retail Tobacco Specialty Business” at <http://naplescityut.com/images/citycontent/Maps/rtsb-buffer-map.pdf>

CHAPTER 02-15 OFFSTREET PARKING REQUIREMENTS

Section 02-15-001	Purpose
Section 02-15-002	General Provisions for Off street Parking and Loading
Section 02-15-003	Site Plan Required
Section 02-15-004	Computation of Off street Parking Spaces
Section 02-15-005	Design Standards for Off Street Parking and Loading Spaces
Section 02-15-006	Parking Lot Access
Section 02-15-007	Stacking
Section 02-15-008	Parking Lot Layout
Section 02-15-009	Compact Car Design
Section 02-15-010	Handicapped Parking
Section 02-15-011	Landscaping and Screening
Section 02-15-012	Lighting
Section 02-15-013	Surfacing
Section 02-15-014	Grading
Section 02-15-015	Storage
Section 02-15-016	Off street Loading Space Design Standards

02-15-001 PURPOSE

The purpose of these off street parking requirements is to reduce congestion and traffic hazards in the City by incorporating adequate, attractively designed off street parking and loading facilities for various land uses. Parking areas shall be designed in such a manner that they will result in maximum efficiency, protection of public safety, provide for the special needs of the handicapped, and where appropriate, insulate surrounding land uses from adverse impacts created by such parking.

02-15-002 GENERAL PROVISIONS FOR OFFSTREET PARKING AND LOADING

At the time any building, structure or use is changed such that there is an increase in the capacity or intensity of the use, off street parking shall be required in compliance with this Chapter. All off street parking and loading facilities within the City shall comply with all of the standards prescribed in this Chapter, and shall be permanently maintained in good condition for the duration of the use or uses served by the facility. All paved areas shall be maintained in good repair without broken parts, potholes or litter.

Failure to maintain required parking and landscaping in a condition substantially similar to its original approved condition shall be a class "B" misdemeanor and shall be cause for suspension of a business license if, within 10 days after the mailing of a violation notice, the violation is not brought into compliance. If, due to cold weather or other environmental condition, the violation cannot be brought into compliance within ten (10) days, the Planning and Land Use Commission shall consider such conditions and impose a reasonable extension of time for compliance.

02-15-003 SITE PLAN REQUIRED

All applications for a building permit shall be accompanied by a detailed site plan as required in the Design and Development Plan Review chapter of this Title showing the required off street parking spaces.

02-15-004 COMPUTATION OF OFFSTREET PARKING SPACES

The matrix on the following pages contains the minimum parking requirements for specific uses. The maximum percentage allowed for compact spaces is also given. Special requirements for each use are provided under the “Notes” column where appropriate.

If, in the application of the requirements of this Title, a fractional number is obtained, one parking space or loading space shall be required for each fraction.

If more than one use is located on a site, the number of off street parking and loading spaces to be provided shall be equal to the sum of the requirements of each use.

The number of parking spaces required by these schedules may be reduced or increased as a condition of the development review by the Planning Commission if it can be demonstrated through a parking study that the proposed use(s) would have a parking demand less than or in excess of the requirements stated in this Chapter.

(See chart on next page)

Off Street Parking Requirements

<u>Use</u>	<u>Minimum Off-street Parking Requirements</u>	<u>Maximum % Compact Spaces Allowed</u>	<u>Notes</u>
<u>Residential</u>			
1. Single Family Dwelling Two Family Dwelling Three Family Dwelling Four Family Dwelling Multiple Family Dwelling	2 spaces per unit	None	Parking one behind the other arrangements for all required parking is prohibited. Minimum off street parking shall not be located within the minimum required front yard setback.
2. Multiple Family Units: Studio Units One Bedroom Units Two Bedroom Units Three Bedroom Units	1.3 spaces per unit 1.5 spaces per unit 1.75 spaces per unit 2.0 spaces per unit	25%	If the Planning Commission finds that reducing the two parking spaces per unit ratio is not detrimental to the surrounding area and will enhance the proposed development, it may reduce the parking ratio to these minimums.

3. Mobile Home Dwelling Mobile Home Parks	2 spaces per unit	None	Parking one behind the other is permitted provided sufficient visitor parking is located within the park.
4. Handicapped or Group Home Housing	A minimum of 2 parking spaces plus 1 parking space for every 4 handicapped persons	None	The Planning Commission may vary off street parking needs in relation to the number of staff/employees required and the special needs of the residents
<u>Health Services</u>			
5. Nursing Homes	1 space per 2.5 beds for nursing and convalescent homes	None	
6. Hospitals	2 spaces per bed in the total facility	25%	
7. Medical, Dental Offices and Clinics	1 space per 200 square foot of gross floor area	25%	
8. Veterinarians and Veterinary Hospitals	1 space per 200 square feet of gross floor area	25%	

9. Churches, Auditoriums, Assembly Halls, Mortuaries and other places of public assembly	1 space for each 61/2 feet of linear pew or 31/2 seats in an auditorium provided, however, that where a church building is designed or intended to be used by 2 congregations at the same time, 11/2 parking spaces shall be provided for each 31/2 seats in the auditorium	25%	
10. Day Care, Preschool and Nursery Schools	1 space per 300 square feet of gross floor area	25%	If drop off facilities are contemplated, it shall be designed to provide a continuous flow of vehicles to safely load and unload children without stacking on public streets.
11. Professional Business or Trade Schools	1 space per 75 square feet of gross classroom area plus 1 space for each 250 square feet of office area.	25%	A parking study may be required by the Planning Commission
<u>Entertainment and Recreation</u>			
12. Amusement Center (Arcade)	1 space per 100 square feet of floor space		

13. Bowling Alleys and Billiard Halls	5 parking spaces per alley and 2 spaces per billiard table	25%	Ancillary uses such as restaurants shall comply with the specific requirements outlined in this chapter
14. Commercial Riding Stables	1 space per 5 horses boarded on site	None	
15. Golf Courses Miniature Golf Courses Driving Ranges	6 spaces per hole 3 spaces per hole 1 space per tee	25%	Ancillary uses such as commercial pro shops and restaurants shall provide sufficient parking as required in this chapter
16. Tennis, Handball and Racquetball Facilities	3 spaces per court	25%	Ancillary uses to provide sufficient additional parking as required by this chapter.
17. Movie Theaters	1 space per 3 seats	25%	
18. Health Spas and Sports Complexes	1 space per 200 square feet of gross floor area	25%	Ancillary uses such as restaurants to provide parking as required by this chapter.

<u>Commercial</u>			
19. Auto Repair, Service and Auto Parts Sales	3 spaces for each service bay plus 1 space for every 300 square feet of retail sales area	25%	If towing service is provided, sufficient area shall be located onsite for temporary storage of vehicles and the tow truck.
20. Auto Sales	1 customer parking space per 400 square feet of gross floor area in the automobile sales area or 5 parking spaces, whichever requirement is greater	25%	
21. Hotels and Motels	1 parking space per guest room, plus 3 parking spaces.	25%	Ancillary uses such as restaurants or retail shops shall provide additional parking as identified for the specific use as required by this chapter.
22. Lumber Yards and Plant Nurseries	1 space per 300 square feet of indoor floor sales area	25%	
23. Professional Offices and Banks	1 space per 250 square feet of gross floor area	25%	Drive up windows shall provide sufficient stacking room and sufficient area for 4 spaces from teller window

24. Restaurants and Fast Food Establishments	1 space per 100 square feet of gross floor area or 1 space for each 2 seats, whichever is greater, plus .5 space for each employee on the highest employment shift with a minimum of 5 spaces for employee parking.	25%	Drive up windows shall provide sufficient stacking room and sufficient area for 4 spaces from place of order and 4 spaces from pickup window
25. Intensive Retail, General Merchandising which is not located in a shopping center	1 space per 250 square feet of gross floor area	25%	
26. Less Intensive Retail Furniture, Carpet	1 space per 300 square feet of gross floor area	25%	
27. Shopping Centers	1 space per 250 square feet of gross floor area	25%	The following additional parking spaces are required where those described uses are located in shopping centers. Cinemas for cinemas occupying over 10% of the total gross floor area in a center with less than 100,000 square feet, add 3 additional parking spaces for every 100 cinema seats.

28. Sports Stadiums and Arenas, Auditoriums (including school auditoriums), other places of public assembly and clubs and lodges having no sleeping facilities	1 space for every 4 seats and/or 1.3 spaces for each 100 square feet of gross floor area used for assembly and not containing fixed seats	25%	
29. Swimming Pools (Commercial and Public)	1 space for each 10 persons based on capacity load	15%	
31. Research and Development	1 space per 350 square feet of gross floor area plus the required parking for business vehicles	30%	
Industrial			
32. Truck Transfer Companies	1 space for each 2 employees plus parking for each truck associated with the business		

<p>33. Warehousing</p>	<p>1 space per 1,000 square feet of gross floor area for the first 20,000 square feet devoted to warehouse plus the required parking for square footage devoted to other uses</p> <p>1 space per 2,000 square feet for the second 20,000 square feet</p> <p>1 space per 2,500 square feet of floor area in excess of 40,000 square feet</p>		<p>No conversions of any portion of a warehouse use to any other use shall be permitted unless the parking requirement for such other uses are met.</p>
<p>34. Open Storage Uses in an approved industrial area</p>	<p>1 space per 5,000 sq feet of open area being utilized for storage exclusive of access, landscaping, etc.</p>		
<p>35. Parking Spaces for Uses Not Specified</p>	<p>The number of parking spaces for uses not specified herein shall be determined by the Land Use Administrator being guided, where appropriate, by the requirements set forth herein for uses which are similar to the use not specified.</p>		

Appeals to the decision of the Land Use Administrator are made to the Appeals or Variance Authority as designated in Section 02-06.

02-15-005 DESIGN STANDARDS FOR OFFSTREET PARKING AND LOADING SPACES

All parking spaces shall be accessible from a street, provided that no parking space shall be designed to require vehicles to back onto a street except of parking spaces that serve a one or two-family dwelling.

02-15-006 PARKING LOT ACCESS

Entrances and exits for parking facilities shall be designed to reduce traffic congestion on public streets and minimize conflicts with neighboring uses. Adequate ingress and egress to the parking facilities shall be provided as follows:

Access drives for one and two-family dwellings shall be a minimum of ten (10) feet wide and maximum of twenty (20) feet at the property line. On corner lots, the access to the property shall be setback a minimum of fifty (50) feet from the point of intersection curb lines.

Access drives for multiple-family dwellings, commercial and industrial uses shall generally be a maximum of thirty (30) feet wide at the property line and shall conform to the standards outlined in each zone.

The Land Use Administrator or his designee may allow an increase in driveway width if sufficient proof is provided that the increase will be necessary for traffic movement. The maximum driveway width shall be fifty (50) feet.

02-15-007 STACKING

Adequate stacking or waiting lanes for those uses requiring such stacking areas shall be designed so that no obstruction shall occur at the public right-of-way. A 72-foot minimum stacking area from the service point shall be provided for waiting areas which do not conflict with access to other required facilities.

02-15-008 PARKING LOT LAYOUT

Parking lots shall be designed to provide for internal circulation so that each parking space is accessible to all other parking spaces without using a public street. All properties shall provide attractive, direct and safe pedestrian access to parking. The layout of the parking areas shall relate to building entrances. The following tables shall be used to provide the minimum design standards for parking lot layout:

Standard Vehicle Width 9' Depth 18"					
A	B	C	D	E	F
0 Degree	10'	22'	*12'	10'	32'
30 Degree	9'	18'	*15'	18'	51'
45 Degree	9'	18'	*15'	21'	57'
60 Degree	9'	18'	*20'	22'	64'
90 Degree	9'	18'	24'	18'	60'
* One Way Traffic Only					

Compact Vehicle Width 9' Depth 16'					
A	B	C	D	E	F
0 Degree	10'	20'	*12'	10'	32'
30 Degree	9'	16'	*15'	15'	45'
45 Degree	9'	16'	*15'	17'	49'
60 Degree	9'	16'	*20'	18'	56'
90 Degree	9'	16'	24'	16'	5
* One Way Traffic Only					

PARKING LOT REQUIREMENTS

A = Parking Angle
B = Stall Width
C = Stall Length
D = Aisle Width
E = Stall to Curb
F = Curb to Curb

02-15-009 COMPACT CAR DESIGN

Each compact space approved herein shall be individually designated as a compact space with either signage or painted letters on pavement of at least 12 inches high and seven inches wide stating "Compact". All compact parking spaces shall be approved by the City and shall be located throughout the required parking lot areas in groups as to allow appropriate design.

02-15-010 HANDICAPPED PARKING

Handicapped parking spaces shall be provided in off street parking lots and shall count towards fulfilling the minimum automobile required parking. The number of handicapped parking spaces required shall be one space per each 60 parking spaces up to 300 parking spaces. One additional handicapped parking space shall be designated for each 200 additional parking spaces within the parking lot. Wherever the number of spaces required is a fraction, one handicapped space shall be added if the fraction is .5 or greater.

Physically handicapped parking spaces shall be located as near as practical to a primary building entrance with access ramps negotiable for all handicapped equipment. Each parking space shall be identified by a permanently affixed reflectorized sign and/or surface identification painting depicting the standard symbol for handicap parking.

02-15-011 LANDSCAPING AND SCREENING

Parking lots with five or more spaces must have a minimum of a 10foot wide landscape strip adjacent to any street. Exterior perimeters of the parking lot shall have a minimum of a five-foot wide landscaping strip. Parking lots with more than twenty spaces must have a minimum of five percent interior landscaping. All landscaped areas shall consist of live plant materials and be serviced by a permanent underground water system. Trees shall be planted in the landscape areas at a ratio of one tree per 300 square feet of gross landscape area. Parking lots of five or more spaces shall provide a masonry wall six feet in height when parking lots are adjacent to a residential use. This solid barrier shall be maintained in good condition without any advertising thereon.

02-15-012 LIGHTING

Lighting used to illuminate any off street parking area shall be arranged as to reflect the light away from adjacent properties and street traffic.

02-15-013 SURFACING

All off street parking spaces and maneuvering area shall be paved and permanently maintained with asphalt, concrete or any other all weather dustless surface approved by the Land Use Administrator of Naples City.

Agricultural and heavy equipment uses will be evaluated as to their impact on City streets with appropriate surfacing to be determined by the Land Use Administrator.

02-15-014 GRADING

Parking lots shall be properly graded to allow for drainage of surface water in an approved manner to keep the parking area free of water and ice. Drainage plans are to be approved by the Land Use Administrator prior to issuance of a building permit.

02-15-015 STORAGE

All areas designated for off street parking, maneuvering, loading or site landscaping shall not be used for outdoor storage of materials.

02-15-016 OFFSTREET LOADING SPACE DESIGN STANDARDS

Where necessary, there shall be provided and maintained adequate space for loading and unloading services. All loading areas or docks shall be located so that no vehicle shall be parked, or require maneuvering room within a public street.

Each loading facility shall not be less than 45 feet in length and 12 feet in width and shall have an overhead clearance of not less than 14 feet.

Sufficient room for turning and maneuvering vehicles shall be provided on the site. Off street loading facilities for one use shall not be considered as providing required off-street loading or parking facilities for any other use.

All truck loading spaces shall be separated from adjoining residential zones by a masonry wall not less than 6 feet in height.

CHAPTER 02-16 SIGN REGULATIONS

Section 02-16-001	Home Occupation Signs
Section 02-16-002	Signs in Residential Zones
Section 02-16-003	Clearance
Section 02-16-004	Location of Signs
Section 02-16-005	Height of Sign
Section 02-16-006	Sign Area
Section 02-16-007	Temporary Signs
Section 02-16-008	Sign Removal
Section 02-16-009	Permits Required
Section 02-16-010	Illuminated Signs
Section 02-16-011	Violation
Section 02-16-012	Compliance with Utah State Code

(For Definitions see 02-02-161 to 177)

02-16-001 HOME OCCUPATION SIGNS

The following regulations apply to home occupation signs:

- A. Home occupation signs shall not exceed 2 square feet in sign area.
- B. Home occupation signs shall not be internally illuminated or self-lit.
- C. A home occupation shall not have more than 1 sign attached to each of the following:
 1. Home
 2. Mailbox stand
- D. Home occupation signs shall not be placed anywhere except on the home and/or mailbox stand.
- E. If the sign is attached to the mail box stand, then it shall follow applicable federal regulations.

02-16-002 SIGNS IN RESIDENTIAL AREAS

No advertising sign of any kind shall be allowed in any agricultural or residential zone (A-1, RA-1, RA-2, R-1, R-2, or R-3), except for the following:

1. On-premise signs pertaining to the sale or lease of real property, with a maximum sign area of 10 square feet.

02-16-003 CLEARANCE

Signs shall not restrict the safe traffic of pedestrians, bicyclists, or automobiles. All signs shall have a minimum direct distance of 12 feet between any overhead power lines and any part of the sign. All vertical distances are measured from the elevation surface level of the nearest street, hereafter called the "ground level." All free-standing signs (supported by a pole or structure, and not attached to a building) shall follow both of the following regulations:

1. No part of the sign shall be closer than 10 horizontal feet from any sidewalk, bicycle path, street, curb, property line, or driveway/parking lot entrance.
2. The sign shall either have a maximum height of four feet, or a minimum height of fourteen feet between the ground level and the bottom of the sign.

02-16-004 LOCATION OF SIGNS

No new billboard shall be erected in Naples City. Existing billboards may be allowed to relocate only in the I-1 and C zones, and only if at least one of the following conditions is met:

1. The reasonable visibility of the billboard from the adjoining street is being blocked by an adjacent structure, fence, or wall.
2. The reasonable visibility of a commercial use from the adjoining street is being blocked by the billboard.

Off-premise signs which advertise a business within Naples City, which is not along U.S. Highway 40, 500 South or 1500 East, may be erected within 120 feet of the centerline of U.S. Highway 40, 500 South or 1500 East only if all of the following conditions are met:

1. At least two of such off-premise businesses are advertised on the sign, or at least one such off-premise business and the on-premise business.
2. The sign is directional in that it informs the public in which direction the advertised business is located.
3. Both the property where the sign is erected and the businesses which the sign advertises are in any of the following zones: I-1, C, and C-1.

No part of any sign shall be permitted to extend across any property line.

02-16-005 HEIGHT OF SIGN

The maximum height shall not exceed thirty (30) feet, measured from the elevation surface level of the nearest street.

02-16-006 SIGN AREA

For each parcel, the combined total sign area for free standing signs is as follows:

For freestanding signs that indicate a single business, the maximum allowed sign area for one (1) sign is half (0.5) a square foot of sign area per linear foot of street frontage. This shall never exceed sixty (60) square feet.

For freestanding signs that indicate multiple businesses, the maximum allowed sign area for one (1) sign is eight-tenths (0.8) of a square foot of sign area per linear foot of street frontage. This shall never exceed thirty (30) square feet per business, or one hundred and twenty (120) square feet for the entire sign, whichever is smaller. For example, a property with four or more businesses and

100 feet of street frontage would be allowed a sign area of 80 square feet. However, a property with only 3 businesses and 200 feet of street frontage would only be allowed a sign area of 90 square feet.

For flat signs that are either painted or attached to the building and do not project more than eighteen (18) inches from the building wall, a maximum of twenty-five percent (25%) of a wall area up to a total of 200 square feet is permitted in the I-1, I-2, C and C-1 zones.

Both free standing and attached flat signs may be utilized by a business provided that each sign type conforms to the above limitations. In determining the sign area, the blocked area of the sign, including the area between the letters, shall be counted as part of the sign area.

02-16-007 TEMPORARY SIGNS (see 02-02-175 for definition)

Temporary advertising in all zones may be permitted by the building official for up to seven (7) days use, provided that such sign is not placed in a public right-of-way and will not create a safety hazard to the public. A permit is required.

02-16-008 SIGN REMOVAL CITY OFFICIAL AUTHORITY

If a sign not in legal existence at the time this chapter is adopted does not conform with the requirements of this chapter, or if the construction, design, manner or use, or method of anchoring or supporting any sign makes such sign unsafe, the City Building Official shall proceed in any manner he/she deems necessary to cause the removal of the sign or the rebuilding of the sign to conform with the requirements of this chapter and the international building code. Costs of removal shall be charged to the sign owner and the land owner where the sign is located.

02-16-009 PERMITS REQUIRED

Regardless of cost, no sign shall be erected or placed within the City of Naples without first making application for and obtaining a sign permit therefore, except temporary window and political posters, and temporary on-premise signs pertaining to the sale of real property. In addition to the requirements of this chapter all preexisting off-premise signs designed to be read or comprehended from U.S. Highway 40 or 45 shall comply with the regulations established by the State of Utah. Construction or placement of a sign shall not commence until all approvals have been obtained and the sign permit given.

All permanent signs must have a stamped engineered setup and placement plan. The plans are part of the sign permit requirements.

02-16-010 ILLUMINATED SIGNS

The following regulations apply to illuminated signs:

- A. For externally illuminated, all luminaires shall be mounted at the top of the sign and aimed downward. The luminaires shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from off-site view and to place the light output onto and not beyond the sign. At no point on the face of the sign shall the illumination exceed 30-vertical footcandles during hours of darkness.
- B. For internally illuminated signs or digital signs, they shall have a dark field and light message and the combined output of the light sources shall not exceed 500 initial lamp lumens per square foot of sign face per side.
- C. Signs shall be dimmed automatically from 30 minutes after sunset to 30 minutes before sunrise to 10% or less of their daylight luminance setting.
- D. Oscillating or strobe lighting shall not be permitted.

02-16-011 VIOLATION

Any persons or entity violating this ordinance shall be guilty of a Class C misdemeanor for the first offense and a Class B misdemeanor for each subsequent violation. Each day a sign remains in violation after notice from the City shall be a separate and additional offense. In addition, if any fine or other penalty is imposed, the violator shall be charged the cost of removal of the illegal sign. (See the Consolidated Fee Schedule for more information.)

02-16-012 COMPLIANCE WITH STATE CODE

Outdoor advertising within the 660' control corridor along US Highway 40 shall adhere to Utah State Code. (See UCA 72-7-501 through 516 for more details.)

CHAPTER 02-17 AIRPORT ZONE

Section 02-17-001	Purpose
Section 02-17-002	Vital Roadways
Section 02-17-003	Permitted Uses
Section 02-17-004	Other Considerations
Section 02-17-005	Additional Airport Regulations

02-17-001 Purpose

This zone is intended to keep open and open up collector streets for emergency vehicle travel and maintain the integrity of the Naples Transportation System. The ultimate goal is to relocate the existing airport to a new site away from Ashley Valley. In September, 1995, a study was completed titled the Vernal/Uintah County Airport Master Plan – Sunshine Bench Airport Site. Here is an excerpt from chapter 11, page 26 of that document:

“The foregoing site evaluation was presented to the Uintah County Commissioners, Vernal City and Naples City at a public meeting on June 23, 1995. The Commissioner and City Council groups understood the advantages and disadvantages of both sites, and based on the analysis presented, made the decision to select the Sunshine Bench site for a new airport, maintaining the existing airport only as much as necessary in the interim until the new airport is operational. The commissioners and councils felt that the impacts to the communities of Vernal and Naples that would be felt if the present site were maintained and improved, justifies the higher costs of relocating the airport to Sunshine Bench.”

02-17-002 Vital Roadways

Vital roadways such as 500 South and 2500 South shall not be closed. Other collector roads such as: 1000 South, 1500 South, 1750 South, 2000 South, and 1000 East are encouraged to be opened up to increase the integrity of the Naples Transportation System.

02-17-003 Permitted Uses

The following uses shall be permitted, upon compliance with the requirements set forth in this ordinance.

1. Open Space (fields, pastures, lawns, etc.)
2. Any use allowed in the Industrial I-1 zone

02-17-004 Other Considerations

The existing airport shall not expand into any zone outside of the Airport zone.

02-17-005 Additional Airport Regulations

- A. The airport shall construct an eight foot tall solid wall with a Sound Transmission Class (STC) rating of at least 30 dB along all lot lines adjoining a residential use. Such solid wall shall also include a minimum 4 foot wide landscape strip on airport property between the residential use and the wall.
- B. The airport shall provide cul-de-sac turn-arounds compliant with International Fire Code 2012 for every paved street that dead-ends into the perimeter of the airport.
- C. The airport shall maintain a storm water retention system which must be engineered to retain on-site storm water for a 24 hour, 100 year storm.
- D. The airport is responsible for providing 20 foot wide easements for all irrigation and utility lines that exist in part or whole on airport property.

CHAPTER 02-18 ADMINISTRATION and PROCEDURES

Section 02-18-001 Single family or two-family dwelling Standards

02-18-001 Single family or two-family dwelling standard

Any detached single family or two family dwellings located on an individual lot outside of a mobile home park or mobile home subdivision must meet the off street parking requirements in Chapter 0215 of the Naples Zoning Ordinance and the following standards in addition to any others required by law except as provided in Subsection I, herein:

- A. The dwelling must meet the Naples City Building Code or, if it is a manufactured home, it must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, and must have been issued in insignia and approved by the U.S. Department of Housing and Urban Development and must be inspected by the City Building Official or his designated representative to insure it has not been altered in violation of such codes.
- B. The dwelling must be taxed as real property. If the dwelling is a manufactured home, an affidavit must be filed with the State Tax Commission, pursuant to Utah Code Annotated 592602, and filed with Uintah County.
- C. The dwelling must be permanently connected to utilities and approved for all required utilities.
- D. Reserved
- E. The dwelling must be attached to a site built permanent foundation which meets the International Building Code or International Residential Code if the dwelling is a manufactured home, the installation must meet the International Residential Code (IRC) or ICCO Guidelines for Manufactured Housing Installations including any successors to these standards.

The space beneath the structure must be enclosed at the perimeter of the dwelling in accordance with said IBC, IRC or ICCO guidelines and constructed of materials that are weather resistant and aesthetically consistent with concrete or masonry type foundation materials.

At each exit door there must be a landing that is a minimum of thirty-six inches by forty-two inches and is constructed to meet the requirements of the International Residential Code (IRC).

All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation.

- F. At least sixty percent (60%) of the roof of the dwelling must be pitched at a minimum of 3:12 and will have a roof surface of wood shakes, asphalt, composition, wood shingles, concrete, fiberglass or metal tiles, slate or steel roofing, or built up gravel materials.
- G. The dwelling will have exterior siding material consisting of wood, masonry, concrete, or stucco, Masonite, metal or vinyl lap, or any material meeting the IBC, IRC (or materials of like appearance). The roof overhang must not be less than six inches including rain gutters, which may account for up to four inches of overhang, measured from the vertical side of the dwelling. The roof overhang requirement will not apply to areas above porches, alcoves, and other appendages which together do not exceed twenty-five percent of the length of dwelling.
- H. The width of the dwelling will be at least twenty-two feet at the narrowest point of its first story for a length of at least thirty feet exclusive of any garage area. The width will be considered the lesser of the two primary dimensions.
- I. The City Council may approve deviations from one or more of the developmental or architectural standards provided in Subsection E through H, on the basis of finding that the architectural style proposed provides compensating design features, and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity.
- J. Except as limited by subsection K, use of one manufactured home as a dwelling on a parcel of land located outside of a mobile home park or mobile home subdivision prior to the initiation by the City of the enactment of this ordinance, which use does not meet the requirements set forth in subsections A through H herein will be considered as a NONCOMPLYING dwelling. Through the dwelling was not previously approved by the City, if such manufactured home and the parcel on which it is located come into compliance with all development standards which would have been applicable to a single family dwelling located on such parcel at the time the manufactured home was first used on the parcel as a dwelling, the dwelling would be considered a conforming use. (Development standards will include subdivision, zoning, flood control, outside electrical hookup, applicable fees, health, and fire department requirements for single family dwellings on such parcel).
- K. The use of a manufactured home as a dwelling located on an individual parcel or lot outside of a mobile home park or mobile home subdivision will be grandfathered for present owners (present owners are defined as owning a manufactured home used as a dwelling on the day this ordinance went into effect). When the dwelling changes ownership or transfer of

title, the manufactured home will be required to be attached to the real property upon which it is situated for tax purposes.

- L. Replacement of an existing nonconforming manufactured home on a lot outside a mobile home park or mobile home subdivision will comply with all requirements herein.

CHAPTER 02-19 ZONES

Section 02-19-001	Establishment of Zones
Section 02-19-002	Territory Annexed to the City
Section 02-19-003	Boundaries of Zones
Section 02-19-004	Rules Applicable Where Boundaries Uncertain

02-19-001 ESTABLISHMENT OF ZONES

For the purpose of this code, the city is divided into the following zones in which land uses shall be limited, as specified in this title. Classification will be determined on the basis of location, topographic features, and other considerations to guide the orderly physical growth, neighborhood compatibility, and overall stability of the city.

(See Appendix C Land Use Map)

Agricultural Zone A-1

Residential/Agricultural Zone RA-1

Residential/Agricultural Zone RA-2

Residential Zone R-1

Residential Zone R-2

Residential Zone R-3

Special Residential Zone R-S

Park Zone P-1

Commercial Zone C

Commercial Downtown C-1

Commercial/Industrial Design Standards Overlay

Industrial Zone I-1

Heavy Industrial Zone I-2

Airport Zone A

02-19-002 TERRITORY ANNEXED TO THE CITY (See Chapter 8 of General Plan Annexation Plan)

02-19-003 BOUNDARIES OF ZONES

The boundaries of each of the said zones are hereby established as described herein or as shown on the map entitled Naples City Official Zone Map, or as hereinafter amended, a copy of which is attached hereto and all boundaries, notations, and other data shown on said map are made by this reference as much a part of This Title as if fully described and detailed herein. Said map shall be filed in the custody of the County Recorder and Naples City Recorder, and may be examined by the public, subject to any reasonable regulations established by the County Recorder and Naples City Recorder.

02-19-004 RULES APPLICABLE WHERE BOUNDARIES UNCERTAIN

Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

1. Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block or along a property line, then unless otherwise definitely indicated on the map, the centerline of such street, alley, or block or such property line shall be construed to be the boundary of such zone.
2. Wherever the boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal, or other waterway, or public park, or other public land, or any section line, then unless otherwise definitely indicated on the map, the center of such stream, canal, or waterway, or the boundary line of such public lane or such section line shall be deemed to be the boundary of such zone.
3. Where such boundary line cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.
4. Where the application of the above rules does not clarify the zone boundary location, the Appeal Authority shall interpret the map.

CHAPTER 02-20 PARKS

Section 02-20-001	Parks and Recreation findings
Section 02-20-002	Present Facilities
Section 02-20-003	Funding
Section 02-20-004	Parks and Recreation Advisory Committee
Section 02-20-005	Duties:
Section 02-20-006	Length of Term
Section 02-20-007	Chairmen/Officers
Section 02-20-008	Policies and Procedures
Section 02-20-009	Funds
Section 02-20-010	Master Parks and Recreation Plan

Section 02-20-001 Parks and Recreation findings

As more people are beginning to participate in physical fitness activities such as walking, cycling and exercising, the demand for trails and recreation facilities are increasing. As the numbers of households with two-career couples and single-parent families increases so has the demand for affordable recreation after school and summer programs. Recently national awareness has increased dramatically for recognizing the need of the elderly and physically handicapped. The Americans with Disabilities Act (ADA) requires that all Citizens have equal access to employment, facilities and services including parks, trails, and recreation facilities.

Section 02-20-002 Present Facilities

Park and recreation facilities available to the residents of Naples are provided by the City of Naples, Uintah School Zone, Uintah Recreational Zone and the L.D.S .Church. The major Community Park Facility is the City park at 1701 East 1500 South. This park offers picnicking, playgrounds, splash pad, walking paths, softball, volleyball, horse shoes, kick soccer, designed for multi use. The location of the park, just off US Hwy 40, a major highway thoroughfare has allowed it to become a popular stop for travelers.

Road side park facility at the intersection of SR 45 and SR 40 provides a rest stop for Visitors and Travelers to the area. A Kiosk provides information about the area, picnic sites, and grassed areas. A place to rest and orient.

TABLE 20A

Facility	Location	Description
Naples Road Side Park	2850 South Hwy 40	One acre with picnic tables, Kiosk, fountain and open lawn area
Naples City Park	1701 East 1900 South	32 acres with open lawn areas, picnic sites, pavilions, ball diamonds, walking paths, basketball, soccer area, horse shoes pit, volley ball courts, playgrounds, BBQ pit and shaded lawn areas.

Section 02-20-003 Funding

The City parks and recreation facilities are funded through the City’s General Fund and the Uintah Recreational Zone.

Section 02-20-004 Parks and Recreation Advisory Committee

Members: The City Manager is hereby authorized to create a Parks and Recreation Advisory Committee composed of five (5) members. The members shall be appointed by the City Manager with the advice and consent of the Mayor.

The Parks and Recreation Advisory Committee (PRAC) shall be composed of one member from the Naples City Council, two “at large” members chosen from such other groups or organizations as deemed appropriate by the City Manager and six members selected from the citizenry of Naples City.

Section 02-20-005 Duties:

- a. Develops and maintain a Master Parks and Recreation Plan
- b. Recommend recreation programs
- c. Perform any other duties deemed appropriate by the City Manager
- d. Develops Policies, Procedures and Bylaws

Section 02-20-006 Length of Term

The initial term of each member is subject to the following:

- a. Three members one year
- b. Three members two years
- c. Three members three years

There after, each member shall be appointed for a three year term.

The City Manager with the advice and consent of the Mayor may reappoint members for additional terms. Should a vacancy in the Committee occur nominees for membership may be solicited and recommended to the City Manager after notification of the vacancy.

Section 02-20-007 Chairmen/Officers

The City Manager with the advice and consent of the Mayor shall annually appoint one member to serve as chairman.

Election of additional officers, as the Committee may deem necessary, shall be held as provided in the Committee's Policies and Procedures.

Section 02-20-008 Policies and Procedures

The Parks and Recreation Advisory Committee shall establish and adopt policies and procedures governing its operation and the conduct of its meetings. Upon adoption of policies and procedures they shall be submitted to the City for review and approval. The policies and procedures become effective upon approval by the City Council.

The Committee upon its own initiative may amend the policies and procedures. The amendments shall be submitted to the City Manager for approval, with the advice and consent of the Mayor. The Committee shall keep minutes of its proceedings showing the vote of each member upon each question and shall be a public record.

Section 02-20-009 Funds

It is not the intent of the City Council that the PRAC collect or disburse funds, or in any manner operate a budget. However, should it become necessary to collect or disburse funds or establish a budget as determined by the City Council it shall be operated under the direction of the City Manager within established accounting and budget procedures as provided by State Law and City Ordinances.

Section 02-20-010 Master Parks and Recreation Plan

It shall be the function and duty of the PRAC to develop, establish and have adopted a Master Parks and Recreation Plan. The plan with accompanying maps, tables, charts and descriptive and explanatory matter shall show the Council's recommendations for the physical development and programs for public improvement and the financing thereof.

The Master Park Plan shall be a guide for the City in the development of parks, paths, walkways, alternative transportation ways, recreation, recreation facilities and programs.

The Master Park Plan should be reviewed and updated from time to time to reflect new circumstances.

CHAPTER 02-21 AGRICULTURAL ZONE A-1

Section 02-21-001	Objectives and Characteristics of Zone
Section 02-20-002	Permitted Uses
Section 02-20-003	Area Requirements
Section 02-20-004	Width Requirements
Section 02-20-005	Location Requirements

02-21-001 OBJECTIVES AND CHARACTERISTICS OF ZONE

The A1 Agricultural Zone is established to provide areas in which agricultural pursuits can be continued within the City of Naples.

Naples City residents identify “quality of life” and “rural atmosphere” as the primary reasons they enjoy living in the area. Many associate the small town sense of place and lifestyle with the surrounding agricultural environment. As Naples City continues to grow, it will become increasingly difficult to maintain the existing rural character unless measures are taken to preserve agricultural areas.

The intent is to protect agricultural uses from being encroached upon by urban development until such a time as residential or commercial development becomes necessary or desirable. The basic agricultural character will be protected or take priority, if such a time as residential or commercial development becomes necessary or desirable.

The character of agriculture is defined as, but not limited to, raising of crops, grains, fruits, livestock, fowl and the building incidental to farming and ranching uses.

02-21-002 PERMITTED USES

No farm animal shall be kept on lots (pastured) containing less than 20,000 square feet, which does not include the square footage of residential structures.

The keeping and raising of not more than eight (8) hogs for each one acre of farmland, provided that no person shall feed any such hog any dead animal parts, or offal, other than that produced on the premises.

Corrals, coops, horse walkers, sheds, netted pens, pens, stack yard and feed storage for the keeping of animals and fowl, and the storage of farm products, provided uses for care and keeping of livestock and fowl are located 100 feet distance from any existing property line.

The Planning Commission through the subdivision process will review existing uses of property adjacent to agricultural uses. If property under the Land Use ordinance is subdivided, the agricultural use will take precedent. All setback requirements in 02-21-005 will be measured from the agricultural preexisting use. One and two-family dwellings and buildings accessory thereto:

Public utilities, buildings and facilities.

Schools and churches, parks and golf courses, plant nurseries, veterinarian hospitals, hospitals and medical clinics.

Home occupation in accordance with this ordinance.

Planned Unit Development (PUD) in accordance with this ordinance.

Naples City continues to support property owner initiated agricultural protection areas as outlined in the Utah State Code and also continues to encourage wildlife management practices sensitive to agricultural land uses.

Conditional Uses:

1. Commercial land uses may be allowed within an agricultural zone on a conditional basis provided that they are agricultural based and determined compatible with the adjacent agricultural land uses. Nonagricultural development will be encouraged to locate in more appropriate zones.
2. Cluster and perimeter type residential development are encouraged on a case-by-case basis within the agricultural zones. These types of development will be allowed as a conditional use on marginal agricultural grounds and not on prime agricultural grounds, to be determined on a case-by-case basis.
3. Oil and gas wells
4. Kennel
5. Gravel and sand pit
6. Private airport

02-21-003 AREA REQUIREMENTS

Each one-family dwelling shall be located on a lot containing at least 16,000 square feet and a two-family dwelling on a lot containing at least 24,000 square feet of land. Two-family dwellings/duplex are allowed at a ration of one duplex to 5 single-family houses.

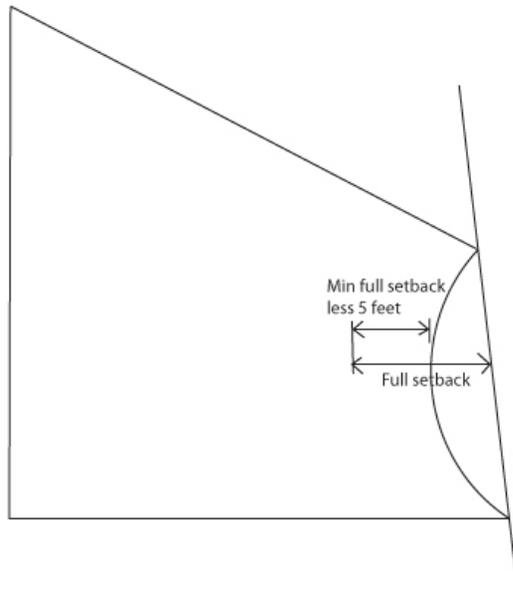
02-21-004 WIDTH REQUIREMENTS

The minimum width of any building site for a dwelling shall be eighty (80) feet measured at a distance of thirty (30) feet back from the front lot line.

02-21-005 LOCATION REQUIREMENTS

Front setback all buildings and structures shall be set back at least thirty (30) feet from the front lot line.

Cul-de-sac lots may measure the front setback, measuring perpendicular, from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than five (5) feet from the requirements of the zone in which the lot is located.



Side setback all dwellings and other main buildings shall be set back from the side property line a distance of at least eight (8) feet, and the total distance of the two side setbacks shall be at least twenty (20) feet.

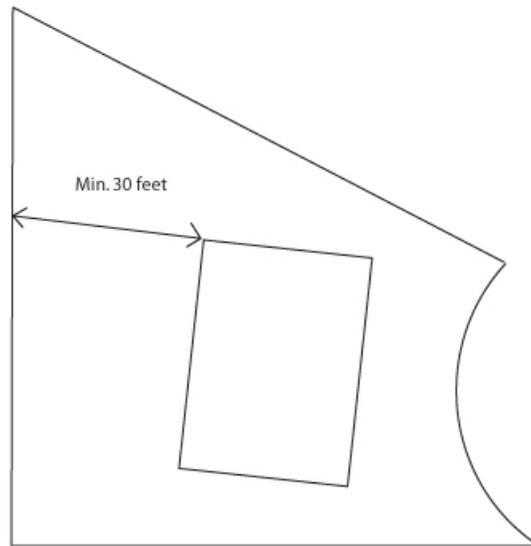
The minimum side setback for accessory buildings shall be the same as for main buildings, except that the side setback shall be a minimum of five feet, required for accessory buildings located fifteen (15) feet or more in back of the dwelling.

On corner lots, the side setback from the street for any dwelling, accessory building or other main building, shall not be less than twenty (20) feet.

Rear setback for interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least thirty (30) feet. Accessory buildings shall be set back at least five (5) feet from the rear property line.

For cul-de-sac and other irregularly shaped lots, the rear lot shall be measured perpendicular from the rear wall of the home to the lot line to be a minimum of

thirty (30) feet. In no case shall any part of the home be closer than eight (8) feet to any lot line, and in no case shall any two homes on adjacent lots be closer than twenty (20) feet.



For corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least thirty (30) feet, except that for dwellings having an attached garage or carport, the setback shall not be less than twenty (20) feet. Accessory buildings on corner lots shall be set back from the rear property line a distance of not less than eight (8) feet, except in the interior rear lot corner where the setback may be five (5) feet.

The design for curb and gutter in Residential subdivisions shall be either high back or modified high back according to UDOT standards.

CHAPTER 02-22 RESIDENTIAL-AGRICULTURAL ZONE RA-1

Section 02-22-001	Objectives and Characteristics of Zone
Section 02-22-002	Use Requirements
Section 02-22-003	Area Requirements
Section 02-22-004	Width Requirements
Section 02-22-005	Location Requirements
Section 02-22-006	Height Requirements
Section 02-22-007	Size of Dwelling
Section 02-22-008	Special Provisions

02-22-001 OBJECTIVES AND CHARACTERISTICS OF ZONE

The RA-1 Residential-Agricultural Zone has been established for the primary purposes of providing a location where residential development associated with limited numbers of livestock can be maintained. This zone is currently characterized by large lots or tracts of land interspersed by dwellings, barns, corrals, and agricultural service buildings used in connection with farming operations.

In order to accomplish the objectives and purposes of this ordinance, and to stabilize and protect the essential characteristics of this zone, the following regulations shall apply in the RA-1 Residential-Agricultural Zone:

02-22-002 USE REQUIREMENTS

Permitted Uses:

The following buildings, structures and uses of land shall be permitted in the RA-1 zone, upon compliance with requirements, as set forth in this ordinance:

1. Single family dwellings
2. Livestock and fowls may be raised, cared for, and kept in limited numbers as follows:
 - a. 1 cow, horse, donkey, or mule for every 10,000 sq. ft.
 - b. 1 hog or llama for every 6,500 sq. ft.
 - c. 1 sheep or goat for every 4,000 sq. ft.
 - d. 1 fowl for every-400 sq. ft.

The suckling offspring of a through c above are allowed and do not require any sq. ft. Any animal older than 1 year does not count as a suckling offspring.

The area requirement for each animal cannot be shared between animals.

The minimum area required to keep any livestock or fowls does not include the human dwelling area.

Other domestic animals not otherwise mentioned may be kept, subject to limitations of number and conditions of location, as may be determined by the Planning Commission to be in harmony with the objectives and purposes of this ordinance and in keeping with the characteristics of this zone. All animals and facilities for their care and keeping shall be subject to the rules and regulations of the Tricounty Health Department.

3. Schools, churches, and recreation areas, not including privately owned commercial recreation enterprises (which would be a conditional use).
4. Sheds, buildings, and cellars for the storage of farm machinery and produce.
5. Barns, corrals, pens, netted pens, horse walkers, and feed storage for the keeping of animals, and the storage of farm products, provided uses for the care and keeping of livestock are located at least 200 feet distance from any existing dwelling, public, or private building used for human occupancy on adjacent property, at least 100 feet from any existing dwelling, public, or private building used for human occupancy on the same property, and at least 100 feet from any property lines.
6. Chicken coops shall be located at least 50 feet from any existing dwelling, public, or private building used for human occupancy on adjacent property, and at least 30 feet from any property lines and any existing dwelling, public, or private building used for human occupancy on the same property.
7. Day-care facilities, which have been approved by the appropriate state and local agencies. Day cares permitting more than 8 children are prohibited.
8. Public utility substations, and veterinary clinics.
9. Home occupation, in accordance with Chapter 13 of this ordinance.

Any other use not listed above is not permitted.

02-22-003 AREA REQUIREMENTS

Minimum Area Requirements:

20,000 square feet minimum lot size for permitted residential uses and agricultural uses.

Three-quarter (.75) acre (32,670 sq. ft.) minimum lot size for schools, veterinary clinics and churches.

Elementary, Middle, Junior High, and High Schools, veterinary clinics, and churches, shall be located upon lots containing at least one acre. Day care

facilities and pre-schools shall be located upon lots containing at least 30,000 square feet.

02-22-004 MINIMUM LOT WIDTH REQUIREMENTS

A. Utilizing Septic Systems

- 1. Single Family Dwelling 100 feet of street frontage (lot width)

B. Connected to Public Sewer

- 1. Single Family Dwelling 100 feet of street frontage (lot width)

- 2. For schools, churches, hospitals, medical clinics, and veterinary clinics, the minimum width shall be 150 feet. For day cares and preschools, the minimum width shall be 100 feet.

02-22-005 LOCATION REQUIREMENTS

The front setback for all buildings and structures shall be set back at least thirty feet from the front lot line.

Cul-de-sac lots may measure the front setback, measuring perpendicular, from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than five (5) feet from the requirements of the zone in which the lot is located.

Side setback of all dwellings and other main buildings shall be set back from the side property line a distance of at least eight feet, and the total distance of the two side setbacks shall be at least twenty feet.

The minimum side setback for accessory buildings shall be the same as for main buildings, except that a 5 foot setback shall be required for accessory buildings located fifteen or more feet behind the dwelling.

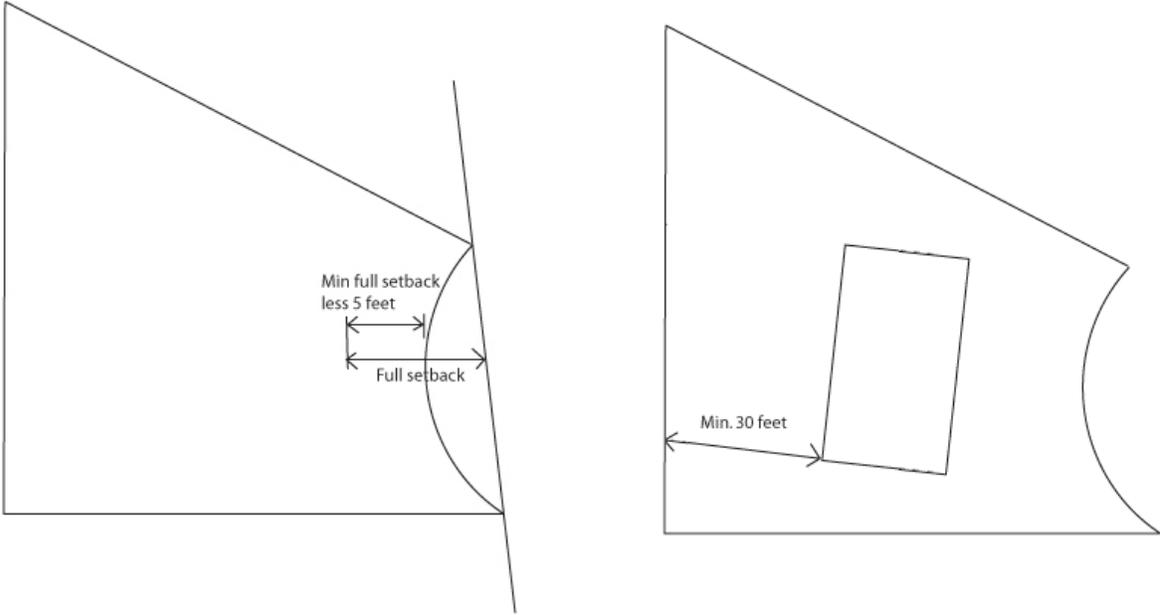
On corner lots, the side and rear setbacks from the street for any dwelling, accessory building, or other main building, shall not be less than twenty feet, except for dwellings having an attached garage or carport, the setback from the rear property line shall not be less than eight feet.

For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least thirty feet. (Accessory buildings shall be set back not less than five feet from the rear property line.)

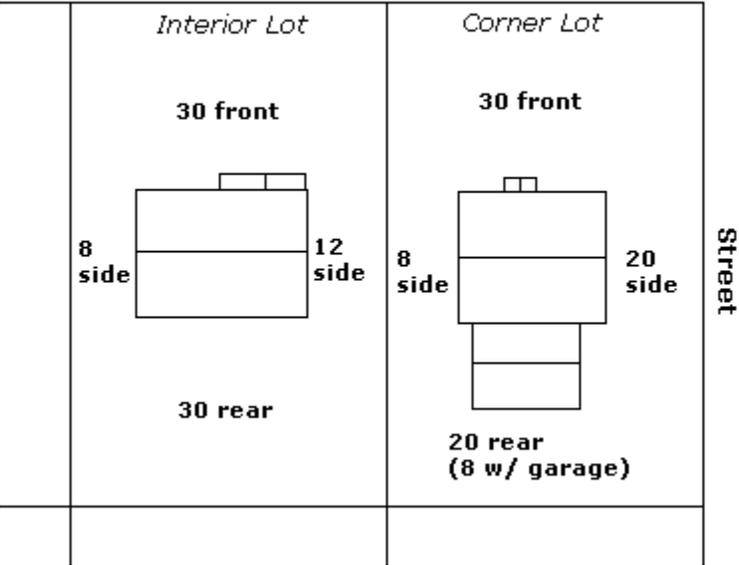
For cul-de-sac and other irregularly shaped lots, the rear lot setback shall be measured perpendicular from the rear wall of the home to the lot line to be a

minimum of thirty (30) feet. In no case shall any part of the home be closer than eight (8) feet to any lot line, and in no case shall any two homes on adjacent lots be closer than twenty (20) feet.

The footprint of the house and attached garage or carport may not occupy more than 40% of the lot.



Setbacks (in feet) Street



02-22-006 HEIGHT REQUIREMENTS

34 ft. or 2 ½ stories

02-22-007 SIZE OF DWELLING

The total floor area of any one family dwelling shall not be less than seven hundred and fifty (750) square feet.

02-22-008 SPECIAL PROVISIONS

A. For the purpose of determining front, side, and rear setback requirements, any separate building situated within fifteen feet of a dwelling, or other main building, shall be considered as a part of the main building, and not act as an accessory building.

B. The lot area around the buildings and structures shall be kept free from refuse and debris.

C. All dwellings shall be supplied with culinary water, and plumbed in accordance with the current edition of International Plumbing Code in Utah.

D. The design for curb and gutter shall be either high back or modified high back according to UDOT standards.

E. Plans showing proposed off-street parking layout and landscaping for churches and schools shall be submitted to and approved by the city building official prior to the issuance of a building permit. Said plans shall provide that all land not covered by buildings or by off-street parking space shall be landscaped as lawn, trees, shrubs, gardens, or ground cover and otherwise landscaped and maintained in accordance with good landscaping practice.

CHAPTER 02-23 RESIDENTIAL/AGRICULTURAL ZONE RA-2

Section 02-23-001	Objectives and Characteristics
Section 02-23-002	Use Regulations
Section 02-23-003	Area Requirements
Section 02-23-004	Minimum Width Requirements
Section 02-23-005	Location Requirements
Section 02-23-006	Height Requirements
Section 02-23-007	Size of Dwellings
Section 02-23-008	Special Provisions

02-23-001 OBJECTIVES AND CHARACTERISTICS

The RA-2 Residential Agricultural Zone has been established for the primary purpose of providing a location where residential development associated with limited numbers of livestock can be maintained. It is also established to encourage good neighborhoods, housing, or area design thus ensuring substantial compliance with the intent of those regulations and other provisions of this chapter.

Furthermore, it is established to regulate the health, safety and general welfare of Naples residents and at the same time secure the advantage of large scale site planning for residential needs. The regulations also permit the establishment, with proper controls, of public and semipublic uses such as churches, schools, parks and playgrounds, which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to single family neighborhoods.

02-23-002 USE REQUIREMENTS

Permitted Uses:

The following buildings, structures and uses of land shall be permitted in the RA-2 zone, upon compliance with requirements, as set forth in this ordinance:

1. Single family dwellings
2. Livestock and fowls may be raised, cared for, and kept in limited numbers as follows:
 - a. 1 cow, horse, donkey, or mule for every 10,000 sq. ft.
 - b. 1 hog or llama for every 6,500 sq. ft.
 - c. 1 sheep or goat for every 4,000 sq. ft.
 - d. 1 fowl for every-400 sq. ft.

The suckling offspring of a through c above are allowed and do not require any sq. ft. Any animal older than 1 year does not count as a suckling offspring.

The area requirement for each animal cannot be shared between animals.

The minimum area required to keep any livestock or fowls does not include the human dwelling area.

Other domestic animals not otherwise mentioned may be kept, subject to limitations of number and conditions of location, as may be determined by the Planning Commission to be in harmony with the objectives and purposes of this ordinance and in keeping with the characteristics of this zone.

- 3. Schools, churches, and recreation areas, not including privately owned commercial recreation enterprises (which would be a conditional use).
- 4. Sheds, buildings, and cellars for the storage of farm machinery and produce.
- 5. Barns, corrals, pens, netted pens, horse walkers, and feed storage for the keeping of animals, and the storage of farm products, provided uses for the care and keeping of livestock are located at least 200 feet distance from any existing dwelling, public, or private building used for human occupancy on adjacent property, at least 100 feet from any existing dwelling, public, or private building used for human occupancy on the same property, and at least 100 feet from any property lines.
- 6. Chicken coops shall be located at least 50 feet from any existing dwelling, public, or private building used for human occupancy on adjacent property, and at least 30 feet from any property lines and any existing dwelling, public, or private building used for human occupancy on the same property.
- 7. Day-care facilities, which have been approved by the appropriate state and local agencies. Day cares permitting more than 8 children are prohibited.
- 8. Public utility substations, and veterinary clinics.
- 9. Home occupation, in accordance with Chapter 13 of this ordinance.

Any other use not listed above is not permitted.

02-23-003 AREA REQUIREMENTS

Minimum lot area:

Single family dwellings	14,520 sq. ft.
Agricultural uses	14,520 sq. ft.
Any other permitted use	43,560 sq. ft. (1 acre)

Minimum frontage (measured at both the front property line and the front setback line):

All uses	100 feet
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02-23-004 LOCATION REQUIREMENTS

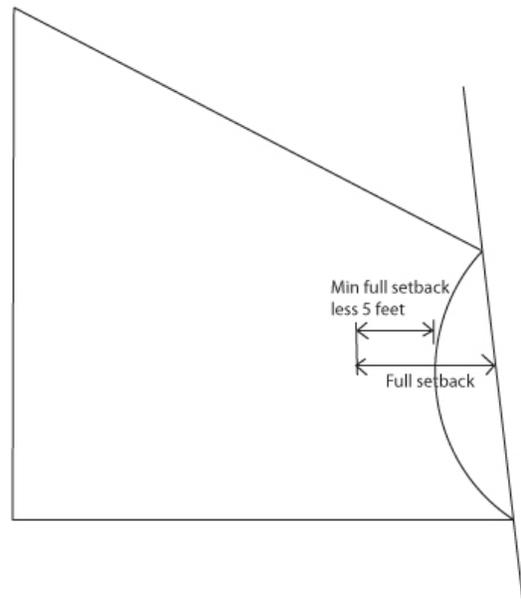
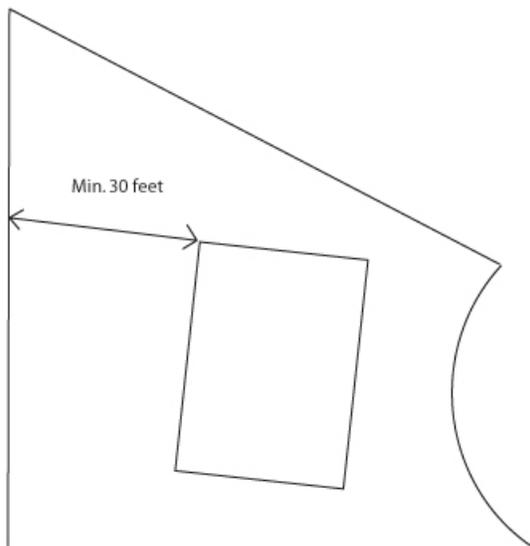
MINIMUM SETBACKS FROM PROPERTY LINES:

1. Main buildings on INTERIOR (non-corner) LOTS:
Front: 30 feet
Side: 8 feet (20 feet minimum for both sides combined)
Back: 30 feet

2. Main buildings on CORNER LOTS:
Front: 30 feet
Side: 20 feet on street-side, and 8 feet on interior side
Back: 20 feet (8 feet for dwellings with attached garage or carport)

3. Main buildings on CUL-DE-SAC LOTS:
Front: 30 feet measured perpendicular to a straight line between the front lot corners, and no less than 25 feet from the turn-around or cul-de-sac right-of-way.
Side: 8 feet
Back: 30 feet

4. Accessory buildings:
Front: 30 feet
Side: Same as main building, unless the accessory building is 15 feet behind the main building, then the side setback is 5 feet.
Back: 5 feet



02-23-006 HEIGHT REQUIREMENTS

Maximum of 34 ft. above grade or 2 ½ story, whichever is shorter.

02-23-007 SIZE OF DWELLING

The total floor area of any one family dwelling shall not be less than seven hundred - fifty square feet.

02-23-008 SPECIAL PROVISIONS

1. Plans showing proposed off-street parking layout and landscaping for churches and schools shall be submitted to and approved by the city building official prior to the issuance of a building permit. Said plans shall provide that all land not covered by buildings or by off-street parking space shall be landscaped as lawn, trees, shrubs, gardens, or ground cover and otherwise landscaped and maintained in accordance with good landscaping practice. Only twenty-five percent (25%) of the required front yard setback space shall be used for automobile parking, and the rest shall be landscaped and maintained with lawn, trees, shrubs, or group cover.
2. A bond or other financial guarantee shall be required, guaranteeing landscaping and other improvements within a year of occupancy. See 02-31 Subdivisions for the procedures of bonds.
3. At least eighty percent of the lot area not covered by buildings or parking shall be maintained as open space and shall be kept free from refuse and debris.
4. All residential dwellings shall be connected to a public sewer system.
5. The design for curb and gutter shall be either high back or modified high back according to UDOT standards.
6. Produce gardens shall have a 15 foot minimum setback measured from the curb.
7. For the purpose of determining front, side, and rear setback requirements, any separate building situated within fifteen feet of a dwelling, or other main building, shall be considered as a part of the main building, and not act as an accessory building.
8. All dwellings shall be supplied with culinary water, and plumbed in accordance with the current edition of International Plumbing Code in Utah.
9. All new residential developments shall have curb, gutter, and a minimum 5 foot wide sidewalk, all of which adhere to ADA standards. If a development includes a green strip between the sidewalk and the street, then it shall be a minimum of 4 feet wide. The green strip shall be maintained by the developer and/or property owner. Naples City may plow snow into piles on the green strip on occasion in order to keep the streets clear of snow.
10. The lot area around the buildings and structures shall be kept free from refuse and debris.

CHAPTER 02-24 RESIDENTIAL ZONE R-1

Section 02-24-001 Objectives and Characteristics of Zone
Section 02-24-002 Permitted Uses
Section 02-24-003 Minimum Lot Area Requirements
Section 02-24-004 Minimum Lot Width Requirements
Section 02-24-005 Location Requirements
Section 02-24-006 Height Requirements
Section 02-24-007 Special Provisions

02-24-001 OBJECTIVES AND CHARACTERISTICS OF ZONE

The R-1 Residential Zone covers the portion of Naples which is primarily suited for residential development, represented by a mixture of single-family, dwellings, schools, churches, and other community facilities designed to serve the residents of the zone. In order to accomplish the objectives and purposes of this ordinance and to stabilize and protect the essential characteristics of this zone, the following regulations shall apply in the R-1 Residential Zone:

02-24-002 PERMITTED USES

The following buildings, structures, and uses of land shall be permitted upon compliance with the requirements set forth in this ordinance:

- Single-family dwelling.
- Schools and churches.
- Public utility substations.
- Day-care nurseries, which have been approved by the appropriate state and local agencies. Day cares permitting more than 8 children are prohibited.
- Home occupations, in accordance with Chapter 13 this ordinance.
- Home Gardens

02-24-003 MINIMUM LOT AREA REQUIREMENTS

A. Single-Family Dwelling	12,000 sq. ft
B. Schools, churches, and public utility substations	20,000 sq. ft.

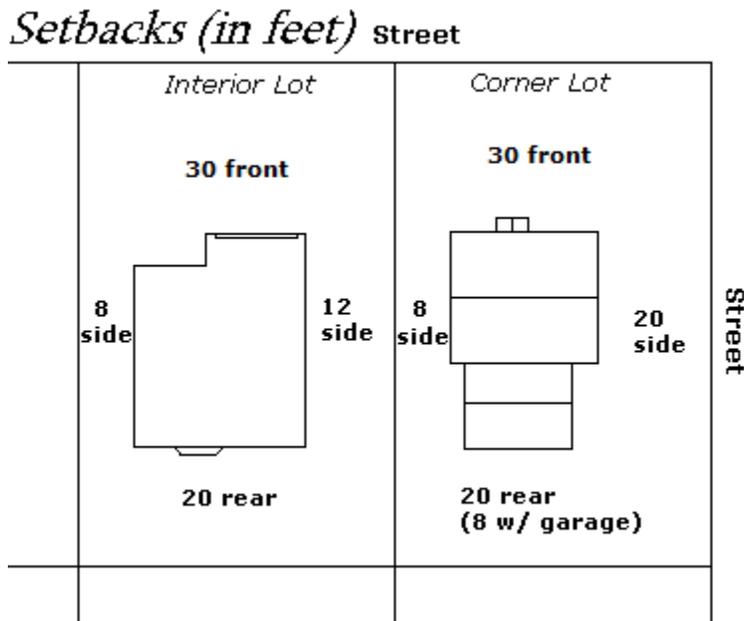
02-24-004 MINIMUM LOT WIDTH REQUIREMENTS (MEASURED AT 30 FOOT FRONT SETBACK LINE AND CONTINUOUSLY UP TO THE HOUSE)

A. Single-Family Dwelling	100 feet
B. Schools, churches, and public utility substations	100 feet

02-24-005 LOCATION REQUIREMENTS

MINIMUM SETBACKS FROM PROPERTY LINES:

1. Main buildings on INTERIOR LOTS (NON-CORNER LOTS):
 - Front: 30 feet
 - Side: 12 feet for one side and 8 feet for the other (20 feet minimum for both sides combined)
 - Back: 20 feet
2. Main buildings on CORNER LOTS:
 - Front: 30 feet
 - Side: 20 feet on street-side, and 8 feet on interior side
 - Back: 30 feet (8 feet for dwellings with attached garage or carport)
3. Main buildings on CUL-DE-SAC LOTS:
 - Front: 30 feet measured perpendicular to a straight line between the front lot corners, and no less than 25 feet from the turn-around or cul-de-sac right-of-way.
 - Side: 8 feet
 - Back: 30 feet
4. Accessory buildings:
 - Front: 30 feet
 - Side: Same as main building, unless the accessory building is 15 feet behind the main building, then the side setback is 5 feet.
 - Back: 5 feet



02-24-006 HEIGHT REQUIREMENTS

Maximum Height for Any Dwelling, or Other Main Structure is 35 feet above grade.

02-24-007 SPECIAL PROVISIONS

1. Plans showing proposed off-street parking layout and landscaping for churches and schools shall be submitted to and approved by the city building official prior to the issuance of a building permit. Said plans shall provide that all land not covered by buildings or by off-street parking space shall be landscaped as lawn, trees, shrubs, gardens, or ground cover and otherwise landscaped and maintained in accordance with good landscaping practice. Only twenty-five percent (25%) of the required front yard setback space shall be used for automobile parking, and the rest shall be landscaped and maintained with lawn, trees, shrubs, or group cover.
2. A bond or other financial guarantee shall be required, guaranteeing landscaping and other improvements within a year of occupancy. See 02-31 Subdivisions for the procedures of bonds.
3. At least eighty percent of the lot area not covered by buildings or parking shall be maintained as open space and shall be kept free from refuse and debris.
4. All residential dwellings shall be connected to a public sewer system.
5. The design for curb and gutter shall be either high back or modified high back according to UDOT standards.
6. Produce gardens shall have a 15 foot minimum setback measured from the curb.
7. For the purpose of determining front, side, and rear setback requirements, any separate building situated within fifteen feet of a dwelling, or other main building, shall be considered as a part of the main building, and not act as an accessory building.
8. All dwellings shall be supplied with culinary water, and plumbed in accordance with the current edition of International Plumbing Code in Utah.
9. All new residential developments shall have curb, gutter, and a minimum 5 foot wide sidewalk, all of which adhere to ADA standards. If a development includes a green strip between the sidewalk and the street, then it shall be a minimum of 4 feet wide. The green strip shall be maintained by the developer and/or property owner. Naples City may plow snow into piles on the green strip in order to keep the streets clear of snow.
10. The lot area around the buildings and structures shall be kept free from refuse and debris.
11. Household Pets and Urban Livestock are permitted uses, but all other Livestock and animals are prohibited. (See Supplementary Regulations 02-14-025).

CHAPTER 02-25 RESIDENTIAL ZONE R-2

Section 02-25-001	Objectives and Characteristics of Zone
Section 02-23-002	Use Requirements
Section 02-23-003	Conditional Uses
Section 02-23-004	Area Requirements
Section 02-23-005	Width Requirements
Section 02-23-006	Location Requirements
Section 02-23-007	Height Requirements
Section 02-23-008	Special Provisions

02-25-001 OBJECTIVES AND CHARACTERISTICS OF ZONE

The R-2 Residential Zone has been established as a zone for family residential purposes, somewhat more dense than the R-1 Residential Zone. While a greater amount of residential density is characteristic of this zone, attractive lawns, trees, shrubs, both on the street and around the buildings, is also characteristic of this zone.

In order to accomplish the objectives and purposes of this ordinance, and to stabilize and protect the essential characteristics of the zone, the following regulations shall apply in the R-2 Residential Zone:

02-25-002 PERMITTED USES

The following buildings, structures, and uses of land shall be permitted, upon compliance with the requirements set forth in this ordinance:

Any use permitted in the R-1 Residential Zone.

Duplexes (two-family dwellings), which must be at least 600 feet from the nearest multi-family dwelling.

02-25-004 MINIMUM AREA REQUIREMENTS

Single-family dwellings - 7,500 square feet
Duplexes – 8,500 square feet

02-25-005 MINIMUM LOT WIDTH REQUIREMENTS

The minimum lot width, measured along the front setback line, shall be 80 feet.

02-25-006 LOCATION REQUIREMENTS

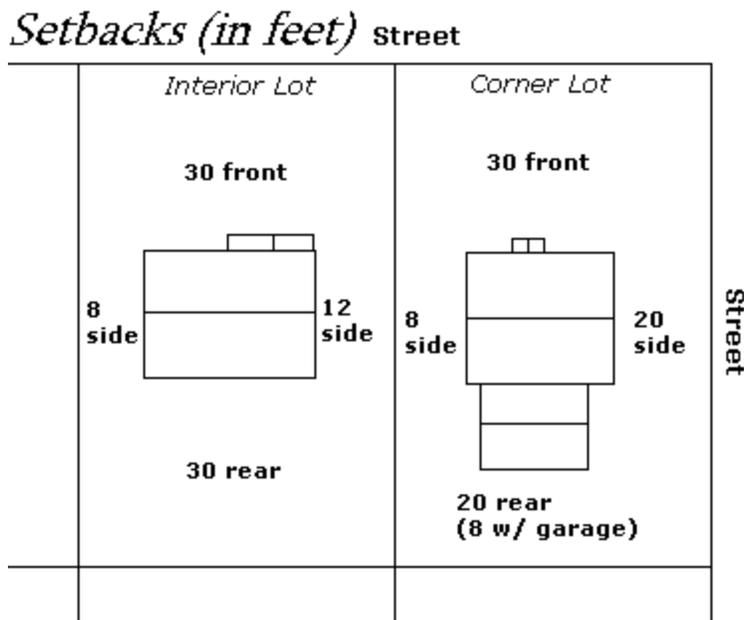
MINIMUM SETBACKS FROM PROPERTY LINES:

1. Main buildings on INTERIOR LOTS:
 Front: 30 feet
 Side: 8 feet (20 feet minimum for both sides combined)
 Back: 30 feet

2. Main buildings on CORNER LOTS:
 Front: 30 feet
 Side: 20 feet on street-side, and 8 feet on interior side
 Back: 20 feet (8 feet for dwellings with attached garage or carport)

3. Main buildings on CUL-DE-SAC LOTS:
 Front: 30 feet measured perpendicular to a straight line between the front lot corners, and no less than 25 feet from the turn-around or cul-de-sac right-of-way.
 Side: 8 feet
 Back: 30 feet

4. Accessory buildings:
 Front: 30 feet
 Side: Same as main building, unless the accessory building is 15 feet behind the main building, then the side setback is 5 feet.
 Back: 5 feet



02-25-007 HEIGHT REQUIREMENTS

Minimum None

Maximum – Thirty-five feet from grade to crown, except churches and schools. For buildings within 1,320 feet of airport property, the building plans shall be approved by the Federal Aviation Administration prior to issuance of a building permit.

02-25-008 SPECIAL PROVISIONS

1. Plans showing proposed off-street parking layout and landscaping for churches and schools shall be submitted to and approved by the city building official prior to the issuance of a building permit. Said plans shall provide that all land not covered by buildings or by off-street parking space shall be landscaped as lawn, trees, shrubs, gardens, or ground cover and otherwise landscaped and maintained in accordance with good landscaping practice. Only twenty-five percent (25%) of the required front yard setback space shall be used for automobile parking, and the rest shall be landscaped and maintained with lawn, trees, shrubs, or group cover.
2. A bond or other financial guarantee shall be required, guaranteeing landscaping and other improvements within a year of occupancy. See 02-31 Subdivisions for the procedures of bonds.
3. At least eighty percent of the lot area not covered by buildings or parking shall be maintained as open space and shall be kept free from refuse and debris.
4. All residential dwellings shall be connected to a public sewer system.
5. The design for curb and gutter shall be either high back or modified high back according to UDOT standards.
6. Produce gardens shall have a 15 foot minimum setback measured from the curb.
7. For the purpose of determining front, side, and rear setback requirements, any separate building situated within fifteen feet of a dwelling, or other main building, shall be considered as a part of the main building, and not act as an accessory building.
8. All dwellings shall be supplied with culinary water, and plumbed in accordance with the current edition of International Plumbing Code in Utah.
9. All new residential developments shall have curb, gutter, sidewalk, and maintained green strip between the curb and sidewalk, all of which adhere to UODT and ADA standards.

CHAPTER 02-26 COMMERCIAL ZONES C-1 and C

Section 02-26-001	Purpose and Intent
Section 02-26-002	Sign Regulations
Section 02-26-003	Special Regulations
Section 02-26-004	Permitted Uses
Section 02-26-005	Site Development Standards
Section 02-26-006	Protection of Adjoining Residential Properties
Section 02-26-007	Reserved
Section 02-26-008	General Regulations

02-26-001 PURPOSE AND INTENT

The commercial zones have been divided into two classifications, designed to reflect the degree to which commercial development impacts other adjacent uses. The two zones are as follows:

Downtown Commercial C-1

The Downtown Commercial Zone C1 is established to provide locations for a full range of convenience shopping facilities and services which are oriented to serve the city as a whole. A variety of activities are encouraged, especially those which promote both daytime and night time consumer activity.

In order to stabilize, improve and protect the cities' commercial areas, standards are established to ensure a quality rural environment with landscaping, light and air at street level, well defined rural open spaces and compatibility of building materials, colors, and textures so that the appearance from the highway frontage does not present a poor image of the city. See Chapter 02-27

Commercial Zone C

The intent of the commercial zone is to permit the establishment of a well-designed complex of retail commercial facilities and associated services, which will provide goods and services for the people to be served, minimize traffic congestion of public streets in the vicinity, and which shall best fit the general environment and land use pattern of the area. The protective standards contained in this chapter are intended to minimize any adverse effect of the planned commercial zone on nearby property values, by achieving maximum compatible integration of land uses, by preserving the aesthetic qualities of the area, and to provide for safe and efficient use of the commercial zone itself.

02-26-002 SIGN REGULATIONS

The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in Chapter 16 of this ordinance.

02-26-003 SPECIAL REGULATIONS

The Naples City Downtown Form Based Codes supersede any regulations in this Chapter where differences may occur.

Since it is intended that the establishment within this zone will serve the entire city and surrounding area, this zone is located in the city in a location that will best serve the population of the area.

In an effort to give some protection to the surrounding residential zones and to promote a progressive, well-kept business area, no storage of merchandise, material or junk, except vehicles in running order, is permitted in this zone outside of enclosed buildings nor shall any dust, noise, odor, smoke, fumes, vibration, or intermittent glare be emitted from the premises.

All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a solid sight obscuring fence or wall of not less than six (6) feet in height, of a neutral color and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall. Chain link fencing does not qualify.

No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, abandoned or dismantled automobile or automobile parts or similar material shall be stored or allowed to remain on any lot in any commercial zone.

In addition to the five percent (5%) landscaping required on the private lot area, all road right-of-way not utilized for pavement, curb or sidewalk shall be planted and maintained as landscaped area.

All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.

Hereinafter, specified permitted and conditional uses shall be permitted only when the following conditions are complied with:

All manufacturing shall be done within a completely enclosed building.

The design for curb and gutter in Commercial subdivisions shall be high back.

02-26-004 PERMITTED USES

In the following list of possible uses, those designated in any zone as “P” will be a permitted uses. Uses designated as “C” will be allowed only when authorized by a

conditional use permit obtained, as provided in Chapter 7 of this title. An “X” means that the use is not allowed.

	USE	ZONE	
		C	C1
1.	Air conditioning, sales and service	P	X
	Altering, pressing, and repairing of wearing apparel	P	P
	Animal hospital, small animals only, and provided conducted within completely enclosed building	P	P
	Antique, import or souvenir shop	P	P
	Archery shop or sporting goods store and range, provided conducted within completely enclosed building	P	P
	Arcade	P	P
	Art and artists supply store	P	P
	Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	P	P
	Athletic club	P	P
	Automobile parts sales within completely enclosed building	P	P
	Automobile, new or used, sales and service	P	X
	Awning sales and service	P	X
2.	Baby formula service	P	X
	Bakery manufacture limited to goods retailed on premises	P	P
	Bakery goods manufacturing	C	X
	Bank or financial institution	P	P
	Barber shop	P	P
	Bath and massage establishment	C	C
	Beauty culture school	P	P

Beauty parlor for cats and dogs, enclosed	P	P
Beauty shop	P	P
Bicycle sales and service, enclosed	P	P
Billiard parlor	C	X
Boat sales and service	P	X
Bookbinding	P	X
Book store, retail	P	P
Bowling alley	P	P
Boxing arena	C	X
Building materials sales or yard	P	P
3. Café or cafeteria	P	P
Candy manufacture retail	P	P
Candy store, confectionery	P	P
Carpenter and cabinet shop	P	X
Carpet and rug cleaner	C	X
Carpet, rug, and linoleum service and retail sales	P	C
Car wash, automatic type	P	X
Car wash, manual spray	P	X
Cash register sales and service	P	X
Catering establishment	P	P
China, crystal and silver shop	P	P
Christmas tree sales	P	X
Church	P	X
Cleaning and dyeing establishment	P	X
Clinics, medical or dental	P	P
Clothing and accessory store	P	P
Communication equipment building	P	P
Contractor shop, provided work conducted within a completely enclosed building	C	X
Costume rental	P	P

4.	Dairy products store	P	X
	Dance hall	C	C
	Data processing service and supplies	P	P
	Delicatessen	P	P
	Department store	P	P
	Detective agency	P	P
	Diaper service, including cleaning	P	X
	Drapery and curtain store	P	P
	Drugstore	P	P
	Educational institution	P	P
5.	Egg and poultry store, providing no live bird slaughtering or eviscerating permitted	X	X
	Electrical and heating appliances and fixtures sales and service	P	P
	Electronic equipment sales and service	P	P
	Employment agency	P	P
	Express and transfer service	C	X
	Fabric and textile sales	P	P
6.	Farm implement sales	C	C
	Florist shop	P	P
	Frozen food lockers, incidental to a grocery store or food business	P	X
	Fruit store or stand	P	X
	Furniture sales and repair	P	P
	Fur apparel sales, storage or repair	P	P
	Garden supplies and plant material sales	P	X
7.	Gift store	P	P
	Glass sales and service	P	X
	Government buildings or uses, non-industrial	P	P
	Greenhouse and nursery; soil and lawn service	P	X

	Grocery store	P	P
	Gun smith	P	P
	Hardware stores	P	P
8.	Health club	P	P
	Hobby and crafts store	P	P
	Hospital supplies	P	P
	Hotel	P	P
	House cleaning and repair	P	X
	Household appliance sales and incidental services	P	P
	Ice cream parlor	P	P
9.	Ice store or vending station	P	X
	Insulation sales	P	X
	Insurance agency	P	P
	Interior decorating and designing establishment	P	P
	Janitor service and supply	P	X
10.	Jewelry store, sales and service	P	P
11.	Laboratory, dental or medical	P	P
12.	Laundry or dry cleaning, Laundromat type	P	P
	Laundry or dry cleaning, collection station	P	P
	Lawn mower sales and service	P	X
	Leather goods, sales	P	P
	Legal office	P	P
	Linen store	P	P
	Linen supply service	P	X
	Locksmith	P	X
	Lodge or social hall	P	P
	Luggage store	P	P
	Lumber yard	C	X
	Manufacture of goods retailed on premises	C	X

	Meat, fish, and seafood store	P	P
	Medical office	P	P
13.	Millinery	P	P
	Miniature golf	C	X
	Monument works and sales	P	X
	Mortuary	P	C
	Motel	P	P
	Motorboat sales and service	P	X
	Motorcycle and motor scooter sales and service	P	X
	Music store	P	P
	Needlework, embroidery or knitting store	P	P
	Newsstand	P	P
	Notions store	P	P
14.	Novelty store	P	P
	Office supply	P	P
15.	Office machines, sales and service	P	P
	Optometrist, optical or oculist	P	P
	Paint or wallpaper store	P	P
	Parks and playgrounds	P	P
16.	Parking lot or garage for passenger automobiles	P	P
	Pest control and extermination	P	X
	Pet and pet supply store	P	P
	Pharmacy	P	P
	Photographic supplies	P	P
	Photo studio	P	P
	Physician or surgeon	P	P
	Plumbing shop	P	P
	Popcorn or nut shop	P	P
	Post office	P	P

	Printing, lithographing, publishing or reproduction sales and service	P	P
	Professional office	P	P
	Radio and television sales and service	P	P
	Radio, television or FM broadcasting Station	P	P
	Real estate agency	P	P
	Reception center or wedding chapel	P	X
17.	Recreation center	P	P
	Restaurant, drive-in	P	P
	Roofing sales or shop	P	X
	Second-hand store	P	P
	Seed and feed store, retail	P	C
	Service station, automobile with rotating brush car wash as accessory use	P	P
	Sewing machine sales and service	P	P
	Shoe repair or shoe shine shop	P	P
18.	Shoe store	P	P
	Shooting gallery	C	X
	Sign manufacture or sign painting	P	X
	Supermarket	P	P
	Tailor shop	P	P
	Taxi-cab stand	P	X
	Taxidermist	P	X
	Temporary building for uses incidental to construction work. Such shall be removed upon the construction work	P	P
19.	Temporary permits for bazaars and carnivals	C	C
	Theater, indoor	P	P
	Toy store, retail	P	P
	Trailer sales and service	C	X

	Travel agency	P	P
	Travel-trailer courts	C	X
	Used car lot	C	X
	Variety store or stand	P	P
20.	Ventilation equipment, sales and service	P	X
21.	Weather stripping shop	P	X
	Window washing establishment	P	X
22.	Other uses not mentioned above, but ruled by the Planning Commission to be similar to uses permitted above	C	C

No Residential uses shall be allowed in the C or C-1 commercial zones.

02-26-005 SITE DEVELOPMENT STANDARDS

A. C Zone

1. Minimum lot area - one (1) acre
2. Minimum lot width - one hundred (100) feet
3. Minimum yard setbacks
 - a. Front - thirty (30) feet
 - b. Side - none, except ten (10) feet adjoining a residential zone, or where required by the International Building Code
 - c. Side facing street on corner lot - twenty (20) feet
 - d. Rear – none, except thirty (30) feet adjoining a residential zone
 - e. Building height
 - 1) Minimum – One Story
 - 2) Maximum – Fifty-five (55) Feet
4. Lot coverage - the aggregate of all buildings shall not exceed sixty percent (60%) of the entire lot area.
5. The Development Standards for the purpose of this Chapter follows Chapter 02-27 Commercial Guidelines.

B. C-1 Zone

1. Minimum lot area - none
2. Minimum lot width - twenty (20) feet
3. Building setbacks:
 - a. Front – between a minimum of fifteen (15) and a maximum of twenty (20) feet (refer to 02-15 Off-street Parking Requirements for more information)
 - b. Side - none, except a minimum of ten (10) feet when adjoining a residential zone, or where required by the International Building Code
 - c. Side facing street on corner lot - between a minimum of fifteen (15) and a maximum of twenty (20) feet

- d. Rear – a minimum of ten (10) feet, except a minimum of thirty (30) feet adjoining a residential zone
- e. Building height
 - 1) Minimum – One Story
 - 2) Maximum – Fifty-five (55) Feet
- 4. Lot coverage - the aggregate of all buildings shall not exceed sixty percent (60%) of the entire lot area.
- 5. The Development Standards for the purpose of this Chapter follows Chapter 02-27 Commercial Guidelines and the Naples City Downtown Form Based Codes.

02-26-006 PROTECTION OF ADJOINING RESIDENTIAL PROPERTIES

Where a commercial development adjoins any lot or parcel of ground in any residential zone, there shall be provided and maintained along the adjoining property line a decorative, sight obscuring fence of not less than six feet in height, a ten (10) foot wide planting strip or any combination of fencing and landscaping which adequately protects the adjoining residential property and is properly maintained.

02-26-007 RESERVED

02-26-008 GENERAL REGULATIONS

A Commercial zone may be established only upon land held in single ownership, or under unified control, or where the Planning Commission determines that commercial development on separate adjoining properties should be coordinated for a physically unified commercial facility, which will be compatible with the surrounding land uses. The location of the Commercial zone shall have an acceptable relationship to and further the purposes of the General Plan for the city, as determined by the Planning Commission

See 02-31 Subdivisions for more information on the development process.

CHAPTER 02-27 Commercial and Industrial Guidelines Overlay Introduction

Section 02-27-001	Project Area Description and Design Theme
Section 02-27-002	Definitions
Section 02-27-003	Commercial Guidelines
Section 02-27-004	Design Goals
Section 02-27-005	Design Framework
Section 02-27-006	General Provisions
Section 02-27-007	Circulation Guidelines
Section 02-27-008	Site Planning Guidelines
Section 02-27-009	Site Grading and Drainage Guidelines
Section 02-27-010	Architecture Guidelines
Section 02-27-011	Landscape Architecture Guidelines
Section 02-27-012	Exterior Lighting Design Guidelines
Section 02-27-013	Sign Design Guidelines
Section 02-27-014	Typical Landscaping, Road class, and Buffering examples

02-27-001 Project Area Description and Design Theme “South Western European Design”

Located in the dramatic Uintah Basin, Naples City is a mix of residential, commercial, and industrial adapted to the native landscape of Ashley Valley. The aesthetic tenor for the development is rooted in the heritage of the Basin. Drawing from the area’s historic agricultural land base, the design reveals the traditional uses of the region, reinterpreted for today. Elements such as orchards, horse pastures, drainage channels, and irrigation channels have become defining forms for the community. The mingling of the native context with modern vernacular construction allows for contemporary living in a city and country style. The intertwining of environmental needs with developer constraints results in compact development preserving agricultural lands, and open areas.

The interpretation of the historic landscape surrounding Naples City blends the ideas of new urbanism with the natural western landscape. The linear and gridded forms of the landscape elements are recreated in each commercial area. Using a modified grid to structure the community allows for preservation of natural drainage channels while maintaining clear orientation and circulation. Short blocks, pedestrian ways, narrow streets with detached walks, regularly planted street trees, defined setbacks, and parks define the human scale for the community.

The elements of development shall emphasize greening the City by increasing buffering and landscaping requirements. The developments shall be walk-able and transit-oriented. We should not allow a strip mall with a sea of asphalt out front. Instead provide small wooded areas as buffer zones and locate parking areas behind or to the side of retail establishments with sidewalks and attractive streetscapes in front.

The street design reduces vehicle travel speeds and encourages pedestrian activity. The planning process involved city officials and community leaders in negotiating narrower street standards than those found in nearby communities. The design structure of each development promotes commercial, and retail to encourage a retail environment through variable commercial types and land uses.

02-27-002 Definitions

Should compliance with a guideline using this term is important to the Design Review Committee, but MAY NOT be required.

Shall compliance with a guideline using this term is MANDATED.

Consider used when suggesting a range of alternative design solutions. Compliance is recommended by not required.

Encouraged compliance with a guideline using this term is important to the Planning Commission, but is not required.

Provide The action mentioned shall be followed. Lack of compliance, where it applies, may be grounds for denial of approval.

Use This and other verbs presented in the imperative mood indicate that the action shall be followed, where applicable. Other examples are include, develop, delineate.

Alley A walk cutting through massed trees, or a formal procession of trees, originally in French seventeenth century gardens.

Bosque a grove of trees, particularly a thickly planted block forming part of the architecture of a garden.

Clerestory A portion of an interior rising above adjacent rooftops and having windows admitting daylight to the interior.

Stewardship The protection, management, care and guardianship of a property.

Fenestration The design and placement of windows in a building.

Streetscape The visual elements of street design.

Modern Vernacular Design that modulates precedent with innovation and blends recognition with surprise through the use of materials and forms.

Business Parks are self-contained commercial areas used for office space separated from other commercial zones by intervening zones of other types.

Satellite Commercial areas are self-contained commercial areas used for retail space separated from other commercial zones by intervening zones of other types.

Mixed Use Village Cores are commercial areas which have also incorporated residential uses. Mixed use village cores can be found only in the C zone in Naples City.

Commercial Village Cores are those areas designated as C-1 in the Naples City Land Use Ordinance.

02-27-003 Commercial Guidelines

These commercial guidelines address those physical elements of urban development that contribute to overall character, including built form, architectural style, streetscape, landscape architecture, parkland and open space, parking, service areas, signs, lighting and grading. The guidelines provide prospective developers with a clear statement of the design goals and objectives and development requirements for the Commercial/Retail Development. This framework will be used to create cohesive commercial zones through high quality design and construction. The guidelines are a tool for the development of site and building plans that will be submitted to the Planning and Land Use Commission.

The commercial areas are divided into four types: 1) mixed use village cores, 2) commercial village cores, 3) business park, and 4) satellite commercial. The design will maintain visual continuity and ease of movement between residential, village cores, commercial parcels, and business parks.

02-27-004 Design Goals

The goals for development in Naples City are to ensure that future urban form and development patterns are sustainable, that the architectural form of buildings relates to both pedestrians and automobiles, and that new development is in physical and visual harmony with the natural environment.

Develop corridors to connect people to commercial areas; these may be streets, pathways, or recreational corridors.

Develop mixed use, commercial and business zones that have distinct and identifiable characters.

Preserve and create open space that respects existing topography and minimizes the impact of development on the natural environment.

Design urban space and buildings that create or contribute to a sense of community.

Build lasting infrastructure, architecture and landscape architecture.

02-27-005 Design Framework

A. Preface

This section defines design themes for Naples City that uphold the preservation of the natural environment and the heritage of rural and small city in Uintah County, and establishes design principles that support innovative architecture, landscape architecture, and site planning.

B. Design Vision: The Natural Environment Theme

The aesthetic tenor for Naples City is rooted in the heritage of rural Eastern Utah. Drawing from the area's historic agricultural Land base, the design reveals the traditional uses of the region reinterpreted for today. The site was long used for agricultural farming and still displays agrarian oriented patterns on the land. Accordingly, drainage channels, horse and cattle pastures, orchards, and irrigation channels are defining forms for the new community.

The following forms are central to the vision for Naples City:

- 1 Regional historical planting patterns such as horse and cattle pastures, orchards, and alleys shall be promoted as landscape elements
- 2 Southwestern architecture shall be promoted within Naples City. The southwestern theme is comprised of a combination of earthen tones, exposed wood/lumber, columns, and stucco or rock finishes. Flatter roof lines copy the surrounding mountains and arched windows and doors are set apart with strong framing and supports.
- 3 The existing topography shall direct design; land use patterns shall respect and complement the land forms. The character of the natural site must be incorporated into the design such that the geometric forms of the built environment and the natural forms of the land form a complementary relationship.
- 4 Environmentally sensitive areas shall be protected from encroachment or inappropriate use.

C. Commercial Development of Naples City

There are two types of commercial zones within Naples City: C, which is associated with downtown, and C-1 which is non-downtown commercial. There is also an Industrial Zone (I-1). Each will provide a set of uses and facilities to serve the residents of Naples and the larger region. The following tenets will guide commercial and industrial development:

- 1 Create commercial corridors (commercial village cores) that maximize regional marketing potential afforded by high visibility yet maintain cohesion with adjacent properties and village centers.
- 2 Create a business park that will attract heightened technology, research and development firms.
- 3 Create and support the industrial areas that allow storage, manufacturing, and business operations.

D. Urban Design

Within all three commercial zones, buildings should relate to one another through scale, form and material, and should be appropriately scaled for pedestrian activity. Creating a relationship between the street, open space, and public amenities is critical to the overall character of Naples City. To this end, the following design precepts shall guide the development of the commercial zones:

- 1 Within the mixed use village cores, locate buildings adjacent to the street. The bulk or mass of buildings should establish a consistent streetscape that defines a recognizable street edge.
- 2 Building masses should be scaled to integrate with neighboring properties, particularly where dissimilar land uses abut.
- 3 Provide open space to accommodate active public life. These include city squares, village greens, pocket parks, and urban plazas.
- 4 Maintain a well designed transition between open spaces and developed area.
- 5 Where appropriate, use formal street scape treatments such as parkway strips between street and sidewalk, regularly spaced canopy trees, and special paving to denote pedestrian zones.
- 6 Establish gateway features at key intersections of the various commercial areas. These elements may include entrance plazas, fountains, tree bisques, special pavement treatments, monumentation, or public art.
- 7 Establish a series of vehicular and pedestrian nodes designed to enhance points of convergence and concentration of activities.
- 8 Provide direct vehicular access to specialty retail storefronts through on street diagonal and parallel parking.
- 9 Break up parking areas into smaller units in order to reduce the walking distance to storefronts and other commercial activities.
- 10 Require reciprocal cross access between parcels in order to minimize multiple entrances and curb cuts.
- 11 Promote a mixture of daytime and evening uses in order to concentrate shared parking arrangements and to increase opportunity for 24hour activity in the commercial zones.

12 Establish an off street open space/greenbelt link between commercial zones and adjacent neighborhoods and public facilities.

13 Use detached sidewalks whenever possible throughout the City.

14 All commercial development is encouraged to dedicate 1% of building cost for public artwork: fountains, bell tower, plaza w/colonnades and benches” to be located at or near the building or within public areas.

E. Industrial Cores

a. Preface

The industrial cores are in high demand along the US 40 corridor and the airport area. These areas are used for business administration, material and equipment storage, and industrial manufacturing. Prominent components of the design include prominent entries, strong frontal roof lines, upgraded fronts such as: stucco, cut stone, arches, that create a strong building character, and front and side lot landscaping. Evergreen and deciduous trees and large shrubs combined with other water conserving plants create the landscaping presence of the site.

b. Permitted Uses:

- Light Industrial
- Temporary storage
- Equipment and vehicular services
- Food/dining

c. Metal building regulations

All buildings constructed of metal, having any exterior wall or façade fronting a public street shall have the exterior wall or façade of such building of such construction as to have a minimum of architectural treatment of Grick, glass, wood stucco, stone or Masard after the South Western European Design. The exterior wall or façade of any metal building fronting upon any public street shall not have the appearance of a metal building.

Permitted Uses:

- Retail commercial
- Office and related uses
- Personal services
- Food/dining
- Health
- Arts/cultural
- Automotive certain auto uses
- Childcare
- Hotel/Motel

Grocery
Big box retail
Multifamily residential

F Commercial Village Cores

Commercial village cores are designed to accommodate the immediate needs of both vehicles and pedestrians by providing easy access to goods and services. Commercial village cores are similar to mixed use village cores in permitted uses, differing primarily in the addition of big box retail. Appropriate uses for commercial village cores include offices, governmental functions, restaurants, retail shops, professional services and entertainment. Located at the intersections of parkways, these areas offer high visibility yet maintain a design character that is cohesive and unified with adjacent properties. The intent is to create an environment where larger buildings are stitched together by plazas, squares, courtyards, internal private streets, and pedestrian walks. The layout and size of parking lots, landscaping, signage, and entry monuments are integral in creating continuity within the commercial village cores.

G Business Park

a. Preface

Business parks demonstrate the high quality design inherent to the community. Developed as a commercial zone hosting a low density mix of professional offices, research, and light industrial uses, the business park zones will be a technological center for the region. While primarily a location for business, research and technology, the business center will allow supporting services such as restaurants, lodging, and other such uses.

Views into the surrounding mountain ranges, and valleys provide the business park with a dramatic natural backdrop that will support innovative architecture and landscape architecture. The campus like site plan allows businesses the flexibility to house a variety of services within a central location and provides opportunities to establish corporate identity through design. The business park will become a premier location for new and relocating companies with the growing community of Naples providing quality living for employees.

b. Permitted Uses:

Office
Research
Light industrial
Restaurants
Lodging
Day care
Medical and dental facilities

Veterinary services
Computer and equipment sales and repair
Residential

H Special Permit Uses

The Planning Commission approve special uses. The prospective purchaser must submit plans and a detailed description of the proposed use. Approval or disapproval shall be based in part on the effect of the proposed use on adjacent properties. Special uses must be approved in writing by the Planning Commission.

02-27-006 General Provisions

A Conflict with Other Regulations

All development within Naples City planning area shall comply with Laws of the State of Utah and the United States Federal Government and be compatible with the intent of the codes and regulations of the City of Naples to the extent that in Naples City Commercial and Industrial Design Guidelines conflict with Design Guidelines that may be required by Naples City then the Commercial and Industrial Design Guidelines shall prevail.

B Waivers

The Developer shall have the right to waive, at its sole discretion, any provisions of Naples City Design Guidelines as may be applied to any specific development plan, except for any provision that is mandated (as described in definitions on page 12 herein). The City and the Developer will need to mutually agree to waive a mandated guideline/provision. No such waiver shall be construed or held to be a waiver of any other provisions of Naples City Design Guidelines, or of the same provisions as to any other party.

C Amendments and Supplements

Naples City, may from time to time with written notice to all owners of real property of Naples City, amend or supplement the Design Guidelines, at its sole discretion. Any such amendments shall be applicable to all development plans which are subsequently mutually approved by The Developer and the City.

D Approvals

Unless otherwise explicitly provided herein to the contrary, all approvals required under Naples City Design Guidelines shall be in writing and may be granted or withheld at the sole discretion of the City. Any approval pursuant to these design

guidelines does not constitute a warranty, assurance or representation by the Planning Commission and the approving party should have no responsibility by virtue of such approval.

E Design Review Committee Requirements

a. Design Review Committee

The Design Review Committee is established to assure current and future owners that the adopted covenants, codes and restrictions are being enforced and that the overall design theme will be adhered to by future development and the Planning Commission which has been established. The Planning Commission is responsible for reviewing plans for all development, including construction of any type, landscaping, lighting, signage, deed restrictions, reviewed by the Planning Commission to determine their compliance with the covenants and this document.

b. Design Review Procedure

All plans for construction must be submitted to the Planning Commission for approval. Staff review will take approximately 30 days per submittal. Action will take place no more than 60 days from the submittal of final working drawings. For a typical building project, 3 copies (one copy for owner, one copy for PC, one copy for Building Official) of the required information must be submitted. One copy shall remain on file with one copy to be returned to the applicant with Planning Commission comments.

Prior to the submittal, the applicant should arrange to obtain a copy of any available engineering, grading, utility, street and drainage plans.

c. Submittal Process

There is a four-step submittal/approval process. These are:

1. Pr-application Conference (Pre-Design review)
2. Preliminary Review (Schematic Design review)
3. Final Review (90% Construction Documents)
4. Final Approval Prior to Certificate of Occupancy

The following sections describe the process for each step and the information required.

d. Application Fee

An application fee must accompany the submittal; it shall be based on the following criteria:

<u>Project Type</u>	<u>Fee Amount</u>
Industrial/R&D/Warehouse	\$250.00
Retail/Commercial/Office	\$250.00

e. Pre-application Conference

Prior to the formal submittal of a request for approval, an informal conference is recommended between the applicant and the Planning Commission. This conference will serve to acquaint the applicant with the overall context of Naples City as well as covenants and design guidelines. At the same time, the Planning Commission will become familiar with the applicant's development intent. Conceptual site plans and conceptual building drawings will aid in discussion at this conference, however; applicants are strongly encouraged NOT to prepare detailed schematic designs until after this conference.

Suggested material for discussion at the Pre-application conference includes;

1. General project concept
2. Specific uses proposed and intensity of use proposed (floor area/parking demand)
3. Proposed construction timing
4. Conceptual building size, massing, and site plan ideas.

F Preliminary Submittal

This review cover conceptual site planning, architecture, and landscape architecture for the project. Review by the Planning Commission will not commence until all specified information has been submitted. The material must be submitted 21 days prior to a regularly or specially scheduled Planning Commission meeting. The material submitted should constitute schematic level design documents for architecture and landscape architecture. The required drawings are to be prepared by licensed design professionals. Based on the results of the pre-application conference, the following information shall be submitted by the applicant:

a. Preliminary Site Plan (to include)

1. Site and context plan (immediately adjacent properties)
2. Site coverage data total property area
3. Required setbacks for buildings and parking areas
4. Building height
5. Pedestrian circulation
6. Vehicular access and circulation
7. Buildings, storage, loading and trash location areas
8. Parking areas with total spaces provided
9. Driveways, sidewalks, trash enclosures, and utility screening
10. Site lighting including fixture selection
11. Landscape plan including hardscape elements
12. Grading and drainage plan
13. Development phasing concept, if applicable

Note: the site plan(s) must show development of the entire property, including proposed future phases.

b. Preliminary Architectural Plans (to include)

1. Building elevations (all sides)
2. Typical floor plans noting exterior dimension and total gross floor area
3. Notations explaining building materials, colors, and finishes
4. Special attention to screening of storage areas, mechanical equipment, loading docks and trash receptacles.

c. Preliminary Landscape Architecture Plan

1. Location of trees, shrubs, ground covers, berms, walls, fencing, etc .
2. Plants under consideration
3. Conceptual design of courts, plazas, terraces and other special features.
4. Delineate landscape theme areas: native, formal, naturalized, agrarian.

d. Project Data (to be included on the site plan)

1. Name of Owner, Developer and/or Builder (as applicable)
2. Name of project
3. Name of Architect/Landscape Architect/Engineer
4. Proposed use
5. Development schedule
6. Total site area
7. Total building area (gross and net rentable as applicable)
8. Total landscape area
9. Identification of project phasing and phasing schedule
10. Required parking by code
11. Location and block number
12. Name, address and telephone number of person who will maintain communication with the Planning Commission. This should be a person who will have long term responsibility for the projects.
13. A proposed building construction schedule to describe:

Start of site preparation and building construction
Building completion
Landscape and site work completion
Phasing and expansion plans
Occupancy

e. Final Application (Construction Drawings)

After preliminary approval, a final application must be submitted prior to

final Planning Commission approval and/or issuance of a building permit. The material submitted should constitute 90% complete construction drawings for architecture and landscape architecture. The following information shall be submitted for the final application.

G Site Development Construction drawings (to show in addition to the Preliminary Application requirements):

1. Location and size of building/easements/utility locations
2. Curb cuts and access points for autos and service vehicles
3. Parking areas, islands, and drive aisles with number of spaces noted
4. Pedestrian circulation system
5. Loading area (location and design)
6. Trash enclosures (location and design)
7. Open space area
8. Finished contour grading/drainage plan with drainage structures and any drainage storage.
9. Building pad elevations

Site plan shall be prepared on a topographic base map of 1foot contour interval and 1" = 20' unless otherwise approved by the Planning Commission.

H Landscape Construction Documents to show:

1. Grading, water retention, retaining walls, rock work, and slope stabilization
2. Walkways, plazas, decks, walls, and fences (type, details, materials, and location)
3. Trees, shrubs, ground covers, grasses and mulches; indicate type, size and location.
4. Location and dimensions of berms and other grading elements
5. Location and type of hardscape materials
6. Site furniture: benches, fountains, kiosks, trash receptacles, flag poles, etc.
7. Irrigation plan including line size, locations, valves and controllers
8. Materials list, including type, size, quantity, and specification of all materials.

Landscape plan shall be prepared on a topographic base map of 1foot contour interval; Scale: 1"=20' unless otherwise approved by the Planning Commission.

I Building Construction Documents to show:

1. Architectural site plan
2. Building floor plans

3. Exterior elevations, colored to accurately indicate the colors and materials to be used.
4. Building and wall sections specific to exterior elevations.
5. Sample board displaying actual samples of all exterior building materials and actual colors, as requested by the Planning Commission.

J Signage and Lighting documents to show:

1. Location of all information and directional signs
2. Location of all lighting fixtures by type, e.g., (area, building accent, security signage)
3. Signage system design: plan and elevation drawings to show the size, graphic layout, type face, construction details, materials, color and lighting method of all signs.
4. Exterior Lighting system design: plan and elevation drawings to show the size, construction details, material, and colors of all light fixtures.
5. Photometric analysis of lighting coverage

Plan shall be 1" = 20' unless otherwise approved by the Planning Commission.

K Construction Schedule

L Pertinent Details and Specifications

M Written material to include tabulation, expressed in square feet and in percent of site coverage describing (minimum, required, proposed):

1. Building coverage (footprint)
2. Landscaped open space
3. Driveways, parking, and loading areas.

This tabulation should total 100% of the site.

N Final Approval/Building Permit

The final submittal will be reviewed by the City Council and approved, conditionally approved, or disapproved. Detailed reasons for its conditional approval or disapproval will be given in writing. Final approval and infrastructure acceptance is required prior to building permit issuance.

O Construction Compliance Verification

The (City Council) shall have the right to review construction work in progress to evaluate compliance with the construction documents as approved. All design changes, which affect the exterior conditions of the project shall be approved by the Planning Commission and can be sent to City Council for final acceptance.

Construction Precautions:

In order to minimize soil erosion by water and wind, practical combinations of the following shall be used:

1. Expose smallest practical area of cleared land during construction
2. Temporary ditches, dikes, vegetation and/or mulching shall be used to protect critical areas exposed during development or construction.
3. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters during development.
4. Permanent landscaping shall be installed as soon as practical after construction activities.
5. Temporary mulching shall be used for imported fill and other distributed areas subject to erosion, on construction projects over 6 months in duration.

All construction storage, equipment yards and on site trailer and San-o-lets shall be fenced or segregated in a manner approved by the Planning Commission and shall be located on the site in a way to minimize their impact on adjacent properties and public streets. Construction sites shall be maintained in a neat and orderly manner. All trash shall be kept in enclosed containers and emptied frequently.

Construction access shall be coordinated with and approved by the City Building Official. Special care shall be taken to protect existing curbs and pavements from damage and removal of site soil tracked onto streets.

At the end of the construction period, by phase, the applicant shall submit to the City Building Official reproducible copies of record drawings (as built) showing the actual locations of all underground utilities and irrigation systems.

P Modifications

If it becomes impossible or impractical to complete construction of a structure or a multiple structure project substantially in accordance (with design consistency determinations obtained pursuant to the Design Review Process), the owner of such structure or project shall notify the Land Use administrator of such impossibility or impracticality and shall submit to the Land Use administrator an alternative design that is as close as reasonably possible to the consistent or approved design. The Planning Commission shall refer such proposed alternative design to the City within 30 days. The City shall treat such referral as a new application.

02-27-007 Circulation Guidelines

A Preface

The circulation concept for Naples City is based on a hierarchy of roadways and pedestrian paths that connects village cores, commercial cores, and business parks, to neighborhoods and surrounding development. The primary system consists of Highway 40 and other local collection roads. This circulation network is organized to allow for the greatest number of possible routes from one location to another. The street design and pattern is geared toward reducing vehicle travel speeds and encouraging pedestrian activity. Streets, alleys, walks, and trails are interconnected to facilitate access and minimize congestion.

B General Parameters

- a. The circulation system shall respond to topography and environmental constraints. On relatively flat terrain, grid, or modified grid street patterns should be used to reinforce traditional neighborhood design (TND).
- b. There shall be a clear separation between pedestrian and vehicular traffic.
- c. Pedestrian circulation layout on any development site should take into account all offsite generators of pedestrian movement, such as open spaces, schools, retail centers, bus stops, etc.
- d. Surface accent strips of brick or textured paving should be used to define pedestrian walkways.
- e. Long straight streets shall be avoided. Human scale, narrower and shorter run streets shall be encouraged.
- f. Streets and pathways should lead directly to visual anchors and/or focal points.
- g. Direct connections shall be provided to public features (e.g., village cores, golf course), thereby reducing public traffic on residential streets.

C Roadway Hierarchy

The variously sized roads within Naples City are intended to accommodate traditional and alternative forms of movement within the community.

Vehicular Circulation System:

The road system is divided into a seven part hierarchy: 1) four to six lane arterials; 2) two lane with turn lane community collectors; 3) two lane local streets; 4) two lane private byways in commercial areas. All roads will be built to minimum paved travel width, except for special provisions for commercial streets in the village cores.

Note: all roadway dimensions are to back of curb.

1. Four lane Arterials Parkways

Parkways are designed as four-lane roads expandable to six-lanes (total) and maintain 45 mph speeds.

2. Two lane Community Collector Class I

Designed to collect traffic from individual neighborhoods and carry it to the arterials, the two lane collectors have two, 12 feet drive lanes turn lane 14' and two, 8' parallel parking lanes within a 60 feet easement. Right-of-Way, (ROW). Additional features include 6 feet park strips, 5 feet minimum (6 ft. sidewalks would require 12 ft minimum fence setback) detached sidewalks within the ROW and a 10 feet minimum fence setback outside the ROW to allow for landscaping between the sidewalk and (optional) fence. Community Collectors Class I are designed for 25 mph.

3. Two-lane Community Collector Class II

Similar to the Class I except with only one, 10 feet parallel parking lane. Drive land widths are increased to 16 feet and designed to accommodate speeds of 35 mph.

4. Two-lane Private Internal Commercial Street with Diagonal Parking

The two lane private internal commercial street consists of two 12 feet drive lanes with associated 20 feet diagonal parking bays on each side of the street. Internal commercial streets will be characterized by traditional 10 to 12 feet adjacent sidewalks located within a 64 to 68 feet ROW.

5. Two-lane Private Internal Commercial Street with Parallel Parking

Two lane private internal commercial street consists of two, 12 feet drive lanes with parallel parking bays on each side of the street and 10 to 12 feet adjacent sidewalks all located within a 60 to 64 feet ROW.

6. Alleys

Alleys are characterized by a minimum 15 feet wide paved section in a 24 feet right-of-way and provide access to service entrances in mixed use village cores. An additional two and a half feet setback shall be provided from the edge of pavement to the service door.

D Mixed Use Village Cores Circulation

a. Pedestrian Circulation

Great pedestrian streets are characterized by a dense development pattern that accommodates several modes of transportation, particularly walking and biking.

1 Design direct connections along roads: pedestrian walks shall be provided along all roads within the village cores. Adequate separation from automobile traffic in the form of landscaped park strips, parking lanes, etc., should be provided.

2 Sidewalk size should be sufficient for easy use by more than one person. Standard walks of five feet wide should be increased to ten to twelve feet in areas of intense pedestrian use, such as shopping streets

3 Streetscapes should incorporate tree canopies, windrows, pergolas, arcades, colonnades, awnings, canopies, and other landscape or architectural devices to enhance pedestrian protection and comfort. Street furniture should be provided in pedestrian intense areas such as: plazas, courtyards, squares, turnouts, and porte-cocheres.

4. Provide direct connections to open space within the village core. Connections may be in the form of sidewalks between buildings to courtyards, plazas, and squares located behind storefronts.

b. Automobile Circulation

The presence of automobiles should complement rather than dominate the circulation system. To minimize vehicle presence, the following street standards should be adopted.

1. Multiple, direct vehicular connections to and from village cores should be provided to minimize the importance of any single vehicle connection and thereby reduce traffic on internal village core streets.

2. Within village cores roads shall be narrower and speeds slower to enhance the pedestrian atmosphere.

3. Driving speeds for village core internal streets should not exceed 20 mph.

4. The curb return radius of internal streets at intersections should not exceed 25 feet.

E Commercial Village Core Circulation

Located only at the intersections of parkways, commercial village cores offer high visibility and easy access for automobiles and pedestrians. The following circulation parameters have been established to aid the success of these commercial zones.

a. Pedestrian Circulation

Pedestrian accessibility opens auto-oriented developments to adjacent neighborhoods resulting in reduced traffic and creating a more inviting pedestrian environment. The following design standards should be followed.

1. Provide continuous sidewalk circulation contiguous to vehicular circulation elements (e.g., arterial, collectors, and local internal streets).
2. Provide connections to individual sites and buildings that are adjacent.
3. Link open spaces.
4. Provide direct and easy pedestrian access to storefronts.
5. Provide convenient pedestrian connections from the parkways regardless of differing grade conditions through the use of sidewalk ramps and staircases.
6. Sidewalks adjacent to retail storefronts should be 6 to 10 feet wide and located between storefront and planted or paved parkway strip.
7. Buildings should incorporate pedestrian pass through to allow for pedestrian circulation from rear parking lots to street frontage and sidewalks.
8. Sidewalks at least 5 feet in width shall be provided along all sides of the lot that abut a public street.
9. Continuous internal pedestrian walkways, no less than 5 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, perennial beds, ground covers, or other such materials for no less than 50 percent of its length.

10. Sidewalks, no less than 6 feet in width, shall be provided along the full length of any building facade that features a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least 5 feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

11. Internal pedestrian walkways provided in conformance with the above guidelines shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.

12. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete.

b. Automobile Circulation

Vehicular access to the commercial village cores occurs along parkways and major intersections. Subsidiary connections are made along internal private streets and circled aisles. The internal circled system moves through smaller parking areas and open space elements.

1. Development shall minimize curb cuts. Wherever possible, curb cuts and driveways should be shared between multiple projects.
2. The area of paved surface between the street and any structures on the property should be minimized.

F Business Park and Satellite Commercial Circulation

Within the business park, site access and internal circulation should be designed to emphasize safety and efficiency by reducing conflicts between vehicular and pedestrian traffic. Circulation and access areas should be combined where possible and adequate maneuvering and stacking areas should be provided.

a. Pedestrian Circulation

1. As throughout Naples City, pedestrian access is key to the design of the business park and satellite commercial. Site layout should encourage walking through the business center in order to reduce the number of vehicular trips within the site.
2. Areas of pedestrian activity such as plazas, courtyards, and seating areas, should be delineated with accent paving and pedestrian scale lighting. Where pedestrian and vehicular traffic interface, paving and signage should be used to alert drivers.

3. Clear pedestrian routes to building entrances should be provided.
4. Textured or integral-colored paving that is distinguishable from the road surface should be used to define main pedestrian routes within parking lots.
5. Each owner is responsible for public sidewalk portions that extend on and through his/her property. These responsibilities are and not limited to snow removal, repair, and cleaning.
6. Building entries should incorporate pedestrian amenities such as seating, appropriate lighting, and hardscape.

b. Automobile Circulation

Vehicular circulation within the business park should follow a hierarchy and organization that minimizes the visual presence of automobile circulation and service functions while maximizing uninterrupted sidewalks and pedestrian access.

1. Development shall minimize curb cuts. Wherever possible, curb cuts and driveways should be shared between projects.
2. Where multiple access points are provided, entrances and exits to and from parking and loading facilities should be clearly marked with appropriate directional signage.
3. Vehicles should not be required to enter a public street in order to move from one area to another on the same site.

02-27-008 Site Planning Guidelines

A Preface

Site planning for Naples City's commercial areas is intended to maintain visual consistency, ensure strong connections between neighborhoods and commercial area, and to create inviting and dynamic shopping zones. To this end, the site planning guidelines seek to: 1) control building placement; 2) establish building setbacks that promote dynamic streetscape; 3) site buildings to frame formal open spaces; 4) promote pedestrian connections that link commercial activity centers; 5) provide conveniently located access points and driveways; and 6) lessen the impact of visually disruptive elements such as service areas.

Requirements for parking, service, loading, special equipment, utilities, communication devices, and fencing and screening are similar for each commercial area. Specifications are at the end of this section.

B Industrial Development (No Heavy Industrial)

Much of the area around the airport and US 40 will be developed into light industrial development. Each different development will have its own unique needs. The buildings will be primarily steel box with type facades including buildings with storage and parking areas in the rear and sides. Some visitor parking will be located in the front of the building and most employee parking will be located in the rear or side of the site. There is little pedestrian demand in these locations other than connectivity through the area along streets or through open space corridors.

a. Metal building regulations

All buildings constructed of metal, having any exterior wall or façade fronting a public street shall have the exterior wall or façade of such building of such construction as to have a minimum of architectural treatment of brick, glass, wood stucco, stone or Masard after the South Western European Design. The exterior wall or façade of any metal building fronting upon any public street shall not have the appearance of a metal building.

b. Spatial Structure

Variation in types and sizes building within the Industrial development is encouraged. Open space areas should be maintained within the areas at intersection and entryways. Roadway designs and intersections should anticipate large vehicular movements and access. Entrances to sites should anticipate large turning movements also. Building frontages should face the roadway with landscaping and slight berming.

c. Setback Requirements

Front setbacks should reinforce the streetscape edge and allow for a suitable sidewalk, parking, landscaping and streetscape amenities. Setback requirements shall be measured from the front, side and rear parcel boundary lines to the front, side and rear setback lines. Setbacks for buildings and parking lots from adjacent street rights-of-way are:

Front setback	55' minimum
Side setback	10' minimum
Rear Setback	30' minimum

(At corner lots, the “front” side is the direction the major entry faces, or the direction the majority of the building mass faces.)

1. No storage or outside work areas shall be allowed within the setback areas.
2. No building or architectural feature shall penetrate the setback area without special approval of the City.
3. Setbacks from major parkways shall be an additional 20'.
4. All setbacks shall be measured from the foundation wall or outermost architectural feature, e.g. overhand, etc.
5. Setback requirements may be varied with approval from the City to accommodate special site and building conditions.

C Commercial Village Core

Commercial village cores will be located at the intersections of the major parkways. These commercial areas feature a variety of goods and services ranging from small retail establishments to big box retail. To avoid the strip mall structure, the commercial village cores will be organized around public open space amenities and will maintain lesser setbacks and smaller parking lot configurations. This section provides general design guidelines for the commercial village cores should be personal and pedestrian friendly.

a. Spatial Structure

Buildings should offer pedestrian scale features, spaces, and amenities. Entrances and parking lots should be functional and inviting with walkways conveniently tied to logical destinations. Furthermore, bus stops and drop off/pickup points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, public art, pedestrian light fixtures, bollards, planter walls, and other architectural elements.

Each retail establishment shall contribute to community and public spaces by providing at least two of the following; patio/seating area, pedestrian plaza with benches, courtyard, transportation center, window shopping walkway, kiosk area, water feature, clock tower, fountains or other such focal feature or amenity. Such areas shall have direct access to the public sidewalk and shall not be constructed of materials that are inferior to the principal materials of the building and landscape. Large retail buildings should feature multiple entrances to reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks and open spaces, and provide convenient movement

between buildings. All sides of a building that directly face a public street shall have at least one customer entrance. The rear or sides of buildings should feature architectural details and landscaping to alleviate expanses of blank walls.

b. Setback Requirements

Setbacks from streets shall conform to setback requirements established in the corresponding zone guidelines (See Land Use Ordinance chapters 02-21 through 02-26 and 02-28).

D Business Park and Satellite Commercial

This section addresses broad site planning issues for buildings, parking and utilities. Roadways and sidewalks should be organized in an axial fashion, with visual terminus in a building element, landscape element or view corridor. Buildings should be organized to relate to adjacent buildings rather than as separate pieces of the plan and should work together to create pedestrian areas. To structure site planning in the Business Park the following precepts have been established:

1. Controlled site access. A minimum of two accesses are required.
2. Structures should be surrounded by landscape/hardscape features so that the office portion of the building does not directly abut paved areas. A landscape strip, minimum 20 feet long and 5 feet wide, should be provided between parking areas and the office portion of a structure.
3. Where business park uses are adjacent to non business park uses, appropriate buffering techniques such as setbacks, screening, berming, and landscaping shall be provided to mitigate any negative effects of business park operations.
4. Development in the Business Park is encouraged to dedicate 1% of building cost for public artwork to be located at or near the building or within public areas.

a. Setback Requirements

A variety of building and parking setbacks should be provided in order to avoid long monotonous building facades and to create diversity. In addition, building setbacks should be proportionate to the scale of the structure and in consideration of existing development adjacent to it. Larger structures require

more setback area for the balance of scale and so as not to impose on neighboring uses.

Setback requirements shall be measured from the front, side and rear parcel boundary lines to the front, side and rear setback lines.

Minimum setbacks for buildings and parking lots from adjacent street rights-of-way are:

- Front setback 30'
- Side setback 20'
- Rear setback 30'

(At corner lots, the “front” side is the direction the major entry faces, or the direction the majority of the building mass faces.)

1. No storage or outside work areas shall be allowed within the setback areas.
2. No building or architectural feature shall penetrate the setback area without special approval of the Planning Commission.
3. All setbacks shall be measured from the foundation wall or outermost architectural feature, e.g. overhand, etc.
4. Setback requirements may be varied, with approval from the Planning Commission, due to special site and building conditions.

E Site Planning Requirements

This section delineates requirements for parking, service, loading, special equipment, utilities, communication devices, and fencing and screening for mixed use village cores, commercial village cores, and the business park.

a. Parking Requirements

Parking areas should provide safe, convenient, and efficient access. They should be distributed to reduce overall scale of paved surface and to shorten walking distances between cars and buildings. No more than 50 percent of the off street parking area for the lot, tract, or area of land devoted to the large retail establishment shall be located between the front facade of the building and the abutting streets.

1. The parking lot and cars should not be dominant visual elements of the site. Large expansive paved areas located between the street and the building shall be avoided in favor of smaller multiple lots separated by landscaping and

buildings.

2. Divide lots with planted buffers to create a series of smaller lots (maximum 200 cars).
3. Parking areas, drive aisles and lots adjacent to and visible from public streets shall be adequately screened from view by the using rolling earth berms and landscaping. Water conserving profiles are encouraged in the design of landscape berms. Low decorative screen walls, changes in elevation, landscaping, or combinations thereof should be used wherever possible.
4. The business park site should be a self contained development capable of accommodating its own parking needs. The use of public streets for parking and staging of trucks shall not be allowed.
5. For security purposes, all parking spaces should be visible from the interior of the structures, especially entrances.
6. The layout of parking lots should work with the existing site grading. The use of terraced or stepped parking platforms is encouraged to break down apparent size of parking areas.
7. Minimize walking distance from furthest parking space to a building.
8. Locate vanpool and carpool spaces close to buildings to encourage their use.
9. Standard minimum parking space dimensions shall be 10'0" by 20'0" for full size cars and 8'0" by 16'0" for compact cars.
10. Minimum drive aisle width shall be 23'0".
11. Handicap parking required per Naples City Development Code.
12. Parking is not permitted in landscape areas.
13. Parking lots shall have landscaped islands provided at maximum intervals of 23 spaces at retail uses and 15 spaces at office uses and at the end of all parking rows. These islands shall be a minimum width of six feet (6'0"). A continuous poured in place concrete curb shall be provided around landscape islands.
14. The use of parking bumpers in surface lots is prohibited.

15. A continuous poured in place concrete curb and gutter shall be provided around all parking and access areas. Curb may be used as a wheel stop with a maximum 5' overhang.

16. Roadways and primary drive lanes within parking lots shall be oriented so as to create an axis which terminates in either a building element, landscape element, or view corridor whenever possible.

17. Human services facilities (day care centers, schools, libraries, etc.) That regularly have more than 20 clients onsite and are located on an arterial, major collector, or parkway shall be served by a minimum of one passenger loading area.

18. Minimum parking requirements by land use are defined in the Naples Development Code, Appendix A (See parking requirements)

b. Service, Loading, and Special Equipment Areas

To minimize visual and noise impacts on adjacent uses, loading areas, storage areas, HVAC units, garbage receptacles, etc., shall be screened, recessed, or enclosed. Appropriate locations for loading and outdoor storage include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances.

1. Service and delivery activities shall be separated from primary public access and screened from public view either by being located underground or internal to structures, or by providing walls, fences, and/or landscaping of sufficient height and density. Roofs shall be required if the area is over viewed by residential uses.

2. Service, storage, and maintenance areas shall be constructed and maintained according to the following criteria:

a. No materials, supplies, or equipment, including trucks or other motor vehicles, shall be stored onsite except inside a closed building or behind architectural screening, to prevent visibility from neighboring properties and streets.

b. All storage areas shall be located on the side or rear portions of buildings.

c. No service, storage, maintenance, or loading area shall extend into a setback area.

3. Loading areas shall be entirely onsite. Offsite vehicle loading shall not be permitted.
4. All service and loading areas shall be positioned so service vehicles will not disrupt traffic flow to or from the site.
5. Commercial and industrial buildings shall have one off street freight loading area for each 10,000 square feet of gross floor and/or outdoor storage area.
6. Loading areas should not be visible from street frontages. Loading docks shall be located on the interior side or rear yards (where the rear of a building does not face a public street) and concealed from public view.
7. Refuse collection areas shall be screened with solid perimeter walls using materials and colors compatible with those of the adjacent buildings.
8. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from abutting streets.
9. No area for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public street, public sidewalk, or internal pedestrian way.
10. Delivery and loading operations should not distribute adjoining neighborhoods or other uses. No delivery, loading trash removal or compaction, or other operations shall be permitted between the hours of **10 p.m. and 7 a.m.** within the mixed use village cores unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 db, as measured at the lot line of any adjoining property.
11. Loading docs, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated in to the overall design of the building and the landscape so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
12. Non enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences.
13. Vehicles shall be stored in designated areas only. If vehicles are to be stored more than 48 hours, they shall be stored in an area screened from adjacent properties, parking areas, public roadways, and pedestrian areas.

C Utilities and Communication Devices

1. Utility equipment and communication devices located on the ground shall be screened so that the site will appear free of all such devices. Utility lines for water, gas, sewage, electrical, and communication shall be installed underground.

All permanent utilities shall be underground; above ground utility access points shall be screened from public view and permitted by conditional use permit.

2. Minimize visual and audio impact of utilities, transmission dishes and related services.

3. Transmission dishes and antennae are not permitted on roofs of buildings unless adequately screened. Where located on the ground, screen these devices with landscaping and screen walls constructed of the same materials as the building.

4. Overhead wiring and telephone lines are permitted during construction only.

5. Provide utility easements where required.

6. Transformers and utility meters shall be grouped where possible. Where street cuts are made for utilities, cutting, backfilling and paving shall be repaired in accordance with Naples standards and specifications.

7. Utilities shall be grouped and screened with materials consistent with the architecture of the building and at a height acceptable to the Design Review Committee.

D Fencing and Screening

1. No fence or screen of any kind shall be constructed unless specifically approved by the Planning Commission.

2. Where screening is required, a combination of elements should be used including solid decorative masonry walls, berms, and landscaping.

3. Chain link fencing of any type is prohibited.

4. Any mechanical equipment, whether on the roof, side of building, or ground, shall be screened. The method of screening shall be architecturally integrated in terms of materials, color, shape, and size.

5. Screen fences or walls shall be built at a height at least 12" higher than that of the materials or equipment being stored.

6. No fence shall be located within 25 feet of the front property line or of any street right of way unless specifically approved by the Planning Commission.

E Walls

1. Decorative walls shall be used to screen automobiles, loading areas, utility structures, and automobile headlights from neighboring residential areas. Decorative walls shall be kept as low as possible while performing their screening and security functions.

2. Where walls are used at property frontages, or screen walls are used to conceal storage and equipment areas, they should be designed to blend with the site's architecture. Landscaping should be used in combination with such walls wherever possible.

3. Long expanses of wall surfaces should be offset and architecturally designed to prevent monotony. Landscape pockets should be provided.

02-27-009 Site Grading and Drainage Guidelines

A. Preface

Each site within Naples City represents a specific set of conditions that should influence the grading design applied. A grading concept that would be ideal for one site might be totally inappropriate for another. Most of the design concepts are based on the creation of more natural appearing landforms.

B. Guidelines

Excessive grading should not be necessary in Naples City and is not desirable. Grading should produce graceful contours, not sharp angles, and should respect the natural land forms. Contoured swales and berms will soften the impact of structures on each lot. Varying the degree of long slopes will avoid the unnatural look of broad flat surfaces. The following are general grading guidelines:

1. Grading practices shall respect the natural features of the development by avoiding prominent ridgelines and contouring in harmony with existing landforms.
2. All manufactured slopes shall be rounded to conform with the existing topography.
3. Grading shall be minimized and buildings and roadways are to conform to and "blend" with landforms.

4. Variation and undulation of slopes to retain the natural character of Naples City shall be encouraged.
5. All graded slopes shall be planted with a combination of native grasses, ground covers, shrubs, and trees to insure slope stability, reduce erosion potential and improve visual quality. Plant materials of varying form and density should be used to soften slope banks.
6. Borrow ditches should not be paved with asphalt concrete or concrete. Borrow ditches should be seeded and accented with native rocks.
7. Finished floor heights in relation to any adjacent curb in commercial areas should be limited to a 5% differential to minimize excessive handicap ramps.
8. Building and site design is encouraged to work with the natural contours of the land.
9. The following standards shall apply to all site grading:

<u>Area</u>	<u>Min Slope</u>	<u>Max Slope</u>
Planted Areas	2%	33%
Parking Lot	1%	5%
Driveways, Access Drives	1%	5%
Pedestrian Plaza	1%	2%
Sidewalks(direction of travel)	1.5%	6%
Sidewalks (horizontal tilt)	0%	2%

All slopes must also conform to ADA Standards.

10. No cut or fill slopes shall be steeper than 3:1 with smooth vertical transitions. Terracing with retaining walls of approved materials will be allowed in certain situations. Materials will be compatible with the building design and shall be approved by the Planning Commission.
11. Add site topographic features (such as landscape berms and swales)
12. Site drainage must be designed to eliminate water collection at building foundations and minimize water collection at entrances and service ramps.
13. Retention/detention areas should be designed as year round amenities with pedestrian access.

02-27-010 Architecture Guidelines

A Preface

These guidelines address the visual image of all buildings within the commercial development. The prominence and location of commercial and institutional buildings along major roads should encourage architectural design which is highly visible and innovative, while being sympathetic to surrounding built form. Building design should address the sidewalk through elements such as entrance structures, colonnades, canopies, and awnings. Building envelopes that are well proportioned and aesthetically interesting on all visible sides are encouraged. Where substantial building setbacks are required, greater articulation of the building is required.

B Design Professionals

Design and documentation of all buildings shall be by licensed architect.

C Guidelines

a. General Tenets

1. Modern southwest design for architecture is strongly encouraged.
2. Building massing should include variations in the building envelope. Elements such as entrances, forecourts, terracing or other building features should provide interest and detail when viewed from public streets.
3. In all areas, a strong articulation of building facades is encouraged. However, details or elements that appear as “add-ons” are discouraged.
4. Front facades should be of a high standard of design and quality of materials. Flanking facades should be upgraded to a design and materials standard equal to the front facade treatment.
5. Where appropriate, building design should provide for future expansion, and should demonstrate how expansion can be accommodated while respecting design principles.
6. Mechanical and equipment facilities located on building roofs shall be screened.

b. Siting and Orientation

Placement of the building in relation to the surrounding elements is as important as the design of the building. The proposed building orientation should respond to surrounding buildings, existing pedestrian paths and sidewalks, and adjacent streets. Rows of buildings which create a monotonous, “cookie cutter” design are discouraged.

1. The proposed building orientation should respect climatic conditions. Buildings should maximize public comfort by providing comfortable public outdoor areas. Building exposures subject to climatic intensities should utilize landscaping and architectural surface relief to offset weather impact.
2. Building siting should be sensitive to surrounding roads and public spaces in terms of height, scale, massing and blocked views.
3. Buildings should be sited to reinforce the character and quality of plazas, courtyards, greens and open spaces.
4. Buildings should be oriented so that entrances are clearly identifiable and directly accessible from a sidewalk. Buildings should be accessible for pedestrians and public transit users, not just for people driving private automobiles.

c. Scale

Scale relationships must be carefully considered and appropriate transitions provided where a change of scale is proposed or required. Stair stepping building height, breaking up the mass of the building and shifting building placement can mitigate the impact of differing building scales and intensities.

d. Building Elevations

Elevations should incorporate the use of strong vertical and/or horizontal reveals, offsets, and three dimensional detail between surface planes to create shadow lines and break up flat surface areas.

1. Rear building elevations, especially those facing adjoining residential areas, should be aesthetically enhanced with materials to match the front of the building. Side elevations along side streets should be treated with same quality of design and materials as the front elevations. There shall be no unimproved side to a structure.
2. Building siting should be sensitive to surrounding roads and public spaces in terms of height, scale, massing and blocked views.
3. Buildings should be sited to reinforce the character and quality of plazas, courtyards, greens, and open spaces.
4. Buildings should be oriented so that entrances are clearly identifiable and directly accessible from a sidewalk. Buildings should be accessible for pedestrians and public transit users, not just for people driving private automobiles.

5. On commercial sites, especially large retail centers, a portion of the total building area should be located near the street perimeter to reinforce the streetscape.

e. Transparency

A high degree of transparency should occur at lower levels of building facades to insure the visibility of pedestrian uses, and to provide an active, human scaled architectural pattern along the street. On front elevation or elevation facing public open space of golf course, between 60% and 90% of the ground floor facade should be transparent glazing. Areas of the building that are functionally restricted from providing vision glass may be exempted from minimum glazing percentages provided other architectural scaling techniques are employed. A pattern of individual windows at upper floors also should be established to increase variety of scale through fenestration patterns, material variation, detail and surface relief.

f. Roof Forms and Materials

Rooftops should contribute to the visual unity of the project and should be considered from both the ground level as well as from adjacent buildings. Roof forms should support and reinforce overall building massing. Roof form should compliment the context in terms of height, proportions, form and materials, and whether the surrounding buildings are of a similar scale.

Roofing materials should be tile or other hard surface, durable materials. The use of asphalt shingles is discouraged.

g. Materials and Colors

Materials and colors of the development should be selected for earth tone compatibility with the site, as well as compatibility with the neighboring area. High quality, low maintenance materials are encouraged as well as building materials that age well.

1. The selected materials and color palette should be compatible with the valley's mountain and basin environment.
2. Building materials should convey durability and express regional character.
3. Facade materials that appear tacked on shall be avoided.

4. The use of reflective glass as a complete exterior surface is discouraged due to the great increase in reflected glare. Use of highly reflective glass should be avoided. Reflective glass should be limited to an outside reflective factor of 30% or less. Mirror glass is not allowed except in very limited applications.
5. All sides of a structure should exhibit design continuity.
6. All facades facing public streets or open space shall be constructed of high quality materials including the following:
 - Masonry, including stone, brick, terra cotta, architectural precast concrete, cast stone and prefabricated brick panels, stucco
 - Glass and glass block

The final approval of exterior materials is at the discretion of the City Council.

h. Maintenance

Owners or occupants shall maintain all buildings, drives, parking lots, signs or other structures located upon the property in good and sufficient repair and shall keep such premises painted, windows glazed, paving swept and otherwise maintain the property in a neat, clear and orderly manner. Building, site, material and color modifications after initial construction require City approval.

1. Any structure, driveway or parking lot surface that is damaged by the elements, vehicles, fire or any other cause shall be repaired as promptly as possible.
2. Grounds shall be maintained in a healthy growing condition. Dead or dying plants shall be removed as soon as possible and replaced during the next growing season.
3. If the owner or occupant does not achieve and maintain high quality maintenance standards, the City shall issue a notice requesting action. If the problem is not remedied within 30 days, the City shall cause the maintenance work to be performed and shall charge the owner or occupant for all costs incurred.

i. Parking Garages

Parking garages may be used in the commercial zones and are subject to the same architectural standards as other structures.

1. Parking structures shall be designed to conceal the view of all parked cars and light sources from adjacent public right-of-way or public open space for the

full height of the structure.

2. Facade openings that face any public right-of-way or open space shall be vertically and horizontally aligned and the floors fronting on such facades shall be level.
3. The sidewalk level of parking structures shall be designed to accommodate active uses, display windows, public art or other features that enhance the structure's relationship to pedestrians. Adequate ground floor dimensions are required and shall include floor to floor heights, structural, driving aisle and utility layouts within 30 feet of public right-of-way designed to accommodate occupancy by pedestrian uses.
4. Parking structures should not exceed 50% of any given block frontage.
5. Parking structures should utilize materials and architectural detailing found in the primary development being served.
6. Reduce impact on pedestrians from cars entering and exiting parking garages by locating garage access on alleys, wherever possible.

D Industrial Core

a. General Character

1. Architecture expressed throughout all buildings should relate contextually in form and scale and be of consistent quality.
2. Buildings should be broken into smaller components, where large buildings are perceived as a cluster of smaller elements at a scale complementary to adjacent structures.
3. Consistent rhythms of similar (not identical) details and architectural elements should be used to reinforce the continuity of the street and aid in the creation of a strong community image.
4. Buildings that address a primary intersection or street terminus should employ wall projections, recessions, materials, and other details and enhance the visibility and character of these locations.
5. Entry ways and building roof lines should be constructed with focused architectural improvements.

b. Fenestration

1. Window fenestration should continue or establish a rhythm along the street.
2. Clear glass is preferred for glazing, but some tinting based on functional considerations, such as building orientation, is acceptable.
3. Use of reflective glass is strongly discouraged.

c. Height Restrictions

All roof top mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Other roof top mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.

1. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit, but should be placed underground whenever possible and screen and hide antenna towers so to blend in with the theme.
2. Chimneys, flag poles, satellite receiving dishes, and other similar items with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.

E Commercial Village Core

a. General

1. Where possible, large buildings (big box architecture) should be broken into smaller components through facade articulation, staggering, fenestration, etc., to maintain scalar continuity with adjacent commercial buildings.
2. The sidewalk level of parking structures should be designed to accommodate active uses, display windows, public art or other features that enhance the structure's relationship to pedestrians.
3. Locate and shape buildings to provide for future infill development on surface parking areas.
4. Coordinate commercial building placement and appearance in relation to the street.
5. Multiple use developments should be designed comprehensively to

provide a cohesive appearance.

6. Integrate clearly defined pedestrian and vehicular access routes.
7. Rooftop mechanical equipment and vents should be incorporated as an integral part of the building wherever possible. Roof top units and vents should be screened using materials complementary to the building.
8. Variations in roof lines should be used to add interest to and reduce the scale of large buildings. Roof features should complement the character of adjoining neighborhoods. Parapets, overhanging eaves and sloping roofs are acceptable roof treatments.
9. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.

b. Elevations

1. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the façade and extending at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.
2. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60% of their horizontal length.
3. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is permitted only with Planning Commission's approval.
4. Customer entrances should feature a combination of the following:

Canopies or porticos
Overhangs
Recesses/projections
Arcades
Raised corniced parapets over the door
Peaked roof forms
Arches
Outdoor patios
Display windows
Architectural details such as tile work and moldings which are integrated into the building structure and design.
Integral planters of wing walls that incorporate landscaped areas and/or places for sitting.

5. Exterior building materials shall be high quality materials including:

brick
wood
sandstone
native stone
tinted, textured, concrete masonry units

c. Height Restrictions

Height restrictions shall be in accordance with guidelines established within the corresponding zones (see Land Use Ordinance chapters 02-21 through 02-26 and 02-28).

F Naples Retail Commercial Center

The Naples Retail Commercial Center will build out over several years so establishing continuity between structures is critical. Buildings should respond to one another through shared scale, massing, and plan organization. Buildings should work in harmony with adjacent structures to create and maintain pedestrian scaled outdoor space and view corridors to the golf course and mountains.

a. General

1. Use stepped down buildings to break up larger structures, particularly those over 2 stories in height.
2. Consider variations in facade elements, such as inset window areas, entries and/or projections of building volumes.
3. Building mass should be broken down where possible. Horizontal breaks and vertical projections will effectively reduce the perceived scale of buildings.
4. The creation of pedestrian scaled plazas between buildings is encouraged.
5. Use berming and other landscape treatments at building edges to reduce

- the building's visual mass and length.
6. Fenestration and detailing shall be scaled appropriately to the building to articulate the wall surface.
 7. Building entries shall be architecturally related in mass and composition to the entire building.
 8. Tall buildings adjacent to lower structures should establish scale relationships with the neighboring buildings through methods such as horizontal alignment of architectural features and fenestration, similar proportions, similar use of materials, and step backs that reflect the height of the lower structures. Other options include cornice alignment, belt courses, colors, and modules.
 9. Each building facade oriented to a public street or open space shall at minimum incorporate three or more of the following architectural scaling patterns:
 - ✦ Expression of building structural elements such as floors (banding, belt coursing, etc. columns (pilasters, piers, quoins, etc.), foundation (water tables, rustication, etc.)
 - ✦ Patterns of window and door openings that are emphasized through change of plane, and/or the use of sills, lintels, mullions, muntins, and other scale providing elements.
 - ✦ Changes in material
 - ✦ Changes in color
 - ✦ Changes in texture
 - ✦ Changes in material module or pattern

Patterns of architectural ornament integral to the building materials

10. Architectural detail may relate to but not necessarily mimic traditional building details, such as pilasters, belt courses and cap or reveal in order to establish a recognizable human scale vocabulary. August 4, 2014 retail patterns may also relate to the inherent formal qualities of architectural structural systems.
11. Building footprints should be designed to minimize their shadow impacts on public rights-of-way and other public open space.
12. Long expanses of high, unbroken street walls shall be avoided.
13. Locate and shape buildings to provide for future infill development on surface parking areas.
14. Rooftop mechanical equipment and vents should be incorporated as an integral part of the building. Roof top units and vents should be screened using materials complementary to the building.

02-27-011 Landscape Architecture Guidelines

A Purpose and Intent

The landscape guidelines are intended to establish criteria necessary for the development, preservation and enhancement of open space in Naples. A well designed and maintained landscape will enrich buildings and create a unified and visually pleasing character for the entire community.

B Concept

The landscape concept for Naples City derives its character from the rural Utah landscape. This landscape possesses a rustic quality that blends with the agricultural tradition. Reflecting these two aspects, the cultivated landscape at Naples City is divided into two distinct categories: the native landscape and the agrarian landscape.

C The Native Landscape

The native landscape consists of native plant materials currently present in the area and those used for re-vegetation after development construction. The native landscape will occur in designated open space areas within Naples City. No water other than natural rainfall and snow runoff will be applied to these landscapes. Efforts shall be made to minimize disturbance of these areas from adjacent roadways and development parcels. Native plants shall be used in groupings similar to those seen in nature to facilitate visual integration of the community with the surrounding terrain.

D The Agrarian Landscape

An orchard-like landscape will be created in areas that, because of their visual prominence or intense use, are important elements in the community. These areas include village cores, the business park, formal parks, squares, commons, recreation facilities, entry gateways, and edges of major public roads. Alleys will be used in conjunction with the orchard-style planting. Trees to be used in these areas include crab apple, pear, cherry, or other ornamentals orchard trees. Poplar varieties will be used to create windrows defining the orchard edges.

E Conserving Resources

In addition to utilizing agricultural elements, the landscape concept incorporates several ideas that are essential to its long term viability. First, landscape development will be efficient: resources will be concentrated to areas receiving the most intense human use such as parks and recreation facilities. Second, the landscape will be designed with the objective of reducing water requirements. Third, the landscape will be designed to minimize maintenance requirements. This will be achieved by limiting areas of irrigated turf and restricting use of high maintenance elements such as clipped hedges, etc.

F Design Professionals

Design and documentation of all site layout and landscape architecture shall be by a licensed landscape architect.

G General Requirements

1. Landscaping in accordance with the approved plan shall be installed prior to obtaining a certificate of occupancy for the building except where seasonal limitations exist, in which case, the landscaping must be installed within 60 days from the time planting operations can be undertaken. Erosion control must be undertaken when seasonal conditions do not permit immediate planting.
2. All planting shall be per the plant material list.
3. The street concept has been designed to provide continuity throughout the development. Each developer is required to provide street trees and ground plane landscaping as per the streetscape plan.
4. All areas not paved or built upon must be landscaped and, where necessary, irrigated. Large areas of gravel or mulch are prohibited. Use of water conserving trees, shrubs, and ground covers is required.
5. Areas to be developed in a further phase need not be landscaped or irrigated. They do, however, require a minimum application of a drought tolerant seed mix that must be established and properly maintained to prevent erosion. Weed control and periodic mowing of these areas is required.
6. All public rights-of-way must be landscaped and irrigated within one year of the purchase of property, whether or not development has begun.
7. The irrigation system must be below ground and fully automatic. Use a drip irrigation for trees and shrubs is encouraged. All back flow devices must be either underground or screened from view. Over spray onto hard capped areas should be minimized.
8. Each owner shall regularly maintain all segments of their property, keeping them in a neat and orderly condition, including the replacements of dead and unhealthy plant materials.
9. All landscape design must be approved by the City.
10. All landscaping will be bonded or cash hold in escrow until completed.

H Landscape Criteria for Development Edges

Three -edge zones have been identified at Naples City: buffers between land uses and at development edges; and Naples City and US 40. A graduated transition between non-irrigated and irrigated landscapes is necessary for these areas.

1. Landscape Buffers Between Land Uses and at Development Edges

Perimeter buffers consisting of berms and plant groupings shall be used to provide a soft edge between different uses. A minimum 25 feet landscape buffer shall be provided around the perimeter of development enclave. This transition should be smooth and continuous. Retaining walls shall only be used in buffer situations if the grade is too steep for any other solution.

2. US 40

The parkway plants should reflect the native hillsides. Gentle earth mounding and native plant materials should be incorporated for transitioning and screening. Native Junipers or Pine or listed trees shall be planted in loose groves to preserve views. (Clusters of formal orchard plants shall occur at all intersections.)

I Commercial Areas

The four types of commercial zone will have complementary landscape treatments, yet each design shall be modified to reflect the scale and use intensity particular to the different areas.

1. Industrial Core

The landscape character of the industrial cores shall be agrarian in form. Orchard style tree grids, windrows, special paving and lighting, and more water conserving plants are some of the elements to be used in these urban areas with a focus on trees and large shrubs.

2. Commercial Village Cores

The landscape treatment of the commercial villages cores shall be similar to the industrial village cores. Elements generally will be larger in scale to reflect the more broad spatial quality of commercial areas. Generally, non water intense plants will be used with courtyard plazas, and squares. Parking medians shall be slightly mounded and able to accommodate shade trees.

3. Business Park and Satellite Commercial

The business park and satellite commercial landscape shall be more detailed and formal, maintaining the level of finish typically associated with quality, corporate environments. A substantial transition zone will be created to blend the business park with adjacent landscapes.

J Landscape Elements

1. Courts and Plazas

Landscape development in the court and plaza areas shall include ornamental trees and shrubs, annuals and perennials, and public art. Special paving is recommended in pedestrian traffic areas.

2. Key Intersections

Treatment at key intersections and entry points shall include accent paving, bollards, signage, low walls, and ornamental/accent planting. Accent paving is also recommended to highlight pedestrian crossings across the road.

3. Landscape Transitions

Planting materials, grading, land forms, and landscape features shall be used to provide smooth transitions between landscape types. These transitions should be used to reinforce the soft edge of property lines. Site design of grading, land forms, walks, walls, fences, paths, roads and irrigation systems should establish and maintain these transitions.

4. Streetscape Landscaping

The planting of street trees is required for each property. A streetscape tree design has been provided to ensure continuity throughout the development.

5. Service and Utility Areas

The use of low walls, berms, and hedges is suggested to aid in screening loading docks and service areas. See Site Planning section for further details.

6. Plant Materials Standards

Planting materials used shall meet the minimum standards established by the American Association of Nurserymen, as published in the "American Standards for Nursery Stock".

7. Site Furnishings

A wide variety of site furnishings may be utilized on any particular site. Selection of these furnishings shall require approval by the Planning Commission. The terms "site furnishings" is intended to cover at least the following items: shelters, fences, walls, water features, benches, trash receptacles, bicycle racks, telephones, flagpoles, lighting, and security fencing.

02-27-012 Exterior Lighting Design Guidelines

A Preface

The lighting standard shall provide visual continuity for the development and minimize the impact of exterior lighting on adjacent residential areas. The spacing, location, height, source, fixture, and illumination level of all lighting is subject to review by the City.

1. Use accent lighting at specific building features. Lighting of architectural features is to provide accent, not to exhibit or advertise buildings. All illumination sources must be located within the property boundaries and be shielded from public view. Lamp selection should be compatible with building color and texture.
2. Accent lighting of landscaping is permitted. Landscape illumination shall be low level and background in appearance.
3. Exterior paved areas and pedestrian walks shall be lighted using (low) intensity fixtures.
4. Lights shall be placed so as not to cause glare or excessive spillage onto adjacent lots.
5. Service area lighting should be contained within the service yard boundaries. No light sleep-over shall occur outside the service or storage area.
6. All seasonal/temporary lighting must be reviewed by the City.
7. Poles and luminaries shall be as described in schedule of exterior fixtures.
8. Pole height shall not exceed 30 feet in height, measured from the ground to the top of the pole.
9. Internally illuminated awnings are prohibited.

02-27-013 Sign Design Guidelines

A Preface

All signage within Naples City is regulated for aesthetic consistency and appropriateness.

B General Requirements and Prohibitions

1. All signs and graphics require approval of the City. Signs and graphics not having this approval shall not be installed. A specific signage plan and design must be submitted to the City for approval.
2. Signs on the interior of buildings that are not visible from the building exterior are not subject to City approval.
3. No unfinished, exposed, illuminated sign cans, electrical raceways, or wiring crossovers will be permitted unless in the construction or installation phase.
4. Flashing, blinking or moving signs, exposed light, iridescent colors, fluorescent materials, steamers, or searchlights are prohibited.
5. Signs using special effects, such as exposed neon or fluorescent tubing, must be approved in advance by the Planning Commission. A color layout to scale of the proposed sign must be submitted for approval.
6. Temporary signs, posters, or banners of a specific advertising or promotional nature may be displayed for short time periods if the signage, size, color, placement and their mounting devices are first submitted, in layout form to scale, for approval to the Planning Commission. If so approved, a removal date of the sign will be established at the time the temporary permit is granted.
7. Off premises billboard signs are prohibited.
8. Bench signs are prohibited.
9. Tenants and owners are responsible for the installation and maintenance of all signs. Tenants and owners must obtain all necessary permits and approvals.
10. All materials used in signage, except temporary signage, shall be durable, or permanent in nature, require minimum maintenance, and be resistant to weathering and staining.
11. No signs shall be posted, or attached to trees, public utility improvements, lighting poles or fixtures, traffic signs, or traffic control devices.
12. No sign shall be posted, placed or erected within public rights-of- way and thoroughfares.
13. The display of banners (signs made of fabric, plastic, or other similar material) is prohibited unless approved for special uses by the City.

14. No sign or any portion thereof may project or extend above the parapet wall or top of the exterior wall or building facade upon which the sign is mounted.

15. Rooftop signs are prohibited.

16. Except for directional and traffic control signs, offsite signs are prohibited unless approved by the Planning Commission.

17. All unapproved signs or banners are subject to removal.

C Industrial Core

1. Signs on building surfaces shall be mounted flush and shall not exceed 10% of the front facade.

2. All signage is for identification and not advertising.

D Commercial Village Core Signage

1. Signs may be mounted flush to building front. However they may not exceed 20% of that surface.

2. Externally lighted signs may overhang the building line no more than four (4) feet.

3. Neon signs may not exceed four (4) square feet. These signs are allowed only inside business windows.

4. Neon lettering is allowed on building fronts but shall be placed no higher than the floor line of the second story or a maximum of 12 feet above the ground plane. Neon lettering may not exceed 18 vertical inches.

E Business Park Signage

1. Signs erected within the Business Park are required to be for identification not advertising.

2. Landscaped monuments are to be used adjacent to streets. They should be made of materials and colors relating to the buildings.

3. Monument signs, not including support structure, cannot exceed 20 square feet per sign face for a single business. In complexes containing several businesses, up to 30 square feet will be allowed per sign face.

F Signage Plan Submittal

1. A signage plan must be submitted to the Planning Commission for review and approval prior to installation
2. The signage plan submittal should include the following:
 - a. A scale site plan showing the location and type of proposed signage.
 - b. Scaled drawings of proposed signs including lettering and logos, materials, dimensions and colors.

02-27-014 TYPICAL LANDSCAPING, ROAD CLASSES AND BUFFERING EXAMPLES

- A. Typical Landscaping examples
- B. Typical Road Class examples
- C. Typical Buffering example

CHAPTER 02-28 INDUSTRIAL ZONE

Zone I-1	Light Industry
Zone I-2	Heavy Industry

Section 02-28-001	Objectives and Characteristics of Zones
Section 02-28-002	I-1 Zone, Purpose and Intent
Section 02-28-003	I-1 Zone, Permitted Uses
Section 02-28-004	I-1 Zone, Conditional Uses
Section 02-28-005	Special Provisions
Section 02-28-006	I-2 Zone, Purpose and Intent
Section 02-28-007	I-2 Zone, Permitted Uses
Section 02-28-008	I-2 Zone, Conditional Uses
Section 02-28-009	Area, Frontage, Location and Height Requirements
Section 02-28-010	Landscaping Requirements

02-28-001 OBJECTIVES AND CHARACTERISTICS OF ZONES

The I-1 light industrial zone covers that portion of the city which is suited for light and medium intensity industrial development. In an effort to give some protection to nearby residential and commercial zones, certain types of industrial uses are not permitted in the I-1 zone, such as industries which are hazardous or are offensive, due to excessive odors, noise, vibration, dust, or other emissions.

The I-2 heavy industrial zone is that area of the city better suited for heavy industrial use. Heavy industrial uses are of more intense nature than those uses permitted in the I-1 zone, and often are accompanied by noise, odors, and other factors, which make the uses objectionable near residential and commercial zones.

02-28-002 I-1 ZONE, PURPOSE AND INTENT

The objective in establishing the I-1 industrial zone is for the purpose of providing space for light manufacturing and fabrication of goods in a controlled and aesthetically desirable environment. To provide areas for the promotion of new industry for the city is to accommodate basic industries which tend to increase the employment and economic base and which market their products on a wholesale basis, primarily outside of the local economy. The zone is characterized by attractively designed buildings, landscaping, and off-street parking. Developments in these areas shall have a park-like appearance which blends the buildings and manufacturing areas into the landscaped areas.

02-28-003 I-1 ZONE, PERMITTED USES

A. The following buildings and uses of land shall be permitted in the I-1 zone, upon compliance with the requirements of this ordinance:

1. Agriculture, livestock, and buildings and structures related to agriculture and the raising of livestock, except livestock feed yards containing more than one hundred head, and hog farms containing more than thirty hogs;
2. Agricultural farms smaller than 20 acres;
3. Automobile repair shop;
4. Caretaker dwelling, incidental to the use of the land for industrial purposes;
5. Carpenter, electrical, plumbing or heating shops;
6. Concrete mixing and batching plants;
7. Cesspool cleaning equipment and storage;
8. Dry Cleaning plant;
9. Farm and construction equipment sales, rental and service establishments;
10. Fertilizer and soil conditioner manufacture and processing and sales of animal products;
11. Feed, cereal and flour mill;
12. Food processing, wholesale, excluding fish, meat, vinegar, yeast and fat;
13. Foundry, light weight casting, nonferrous without causing odors or fumes;
14. Furniture upholstery shop;
15. Honey extraction and processing;
16. Ice manufacture and storage;
17. Insulation sales and services;
18. Knitting mill;
19. Lumber yard;

20. Manufacturing establishments;
21. Machine shop, general;
22. Mining services;
23. Oilfield services;
24. Oilfield gas and oil extraction;
25. Pest control and extermination;
26. Plumbing shop;
27. Printing;
28. Publishing or lithography shops;
29. Rubber welding;
30. Sand blasting;
31. Seed and feed store retail;
32. Sheet metal shop and retaining, provided all operations are conducted within a completely enclosed building;
33. Sign manufacture or sign painting;
34. Storage of merchandise, materials, equipment, either inside or outside of buildings;
35. Storage rental units;
36. Transportation;
37. Wholesale sales.

B. The following uses shall NOT be permitted in the I-1 zone:

1. All industrial, manufacturing, and processing establishments of the following:
Animal byproducts, manufacture of explosives, acetylene, acid, alcohol or ammonia;
2. Residential (except caretaker dwellings), Churches, Day Care Nurseries, Schools;

02-28-004 I-1 ZONE, CONDITIONAL USES

The following uses may be permitted, when a conditional use permit has been granted, in accordance with Chapter 8 of this ordinance:

1. Livestock feed yards in excess of 100 head, and hog farms in excess of 30 hogs.
2. Asphalt mixing plants, coal yards.
3. Automobile wrecking and salvage yards, when surrounded by an eight foot sight obscuring fence so that the material stored in the enclosure cannot be seen from any public street adjacent to the yard.
4. Temporary dwellings for on-site employees of no more than two structures. Each structure may house no more than six persons. The temporary dwellings may exist for a period of time not to exceed one year. These dwellings must follow the requirements found in Chapter 02-30.
5. Hotels and motels.
6. Bulk sales of oil and gas services chemical products.

02-28-005 SPECIAL PROVISIONS

Where any industrial zone adjoins any lot in a residential zone, there shall be provided and maintained along such property line a six foot vinyl or ornamental masonry or other decorative solid fence or wall of a neutral color, and/or landscaping which, as recommended by the Planning Commission, and approved by the City Council will adequately protect the adjoining residential property.

All outside parking area shall be lighted during the evening business hours. All lights shall be directed away from adjacent residential areas.

Any use listed as a permitted use in the C or C-1 commercial zones, shall be a permitted use in the I-1 industrial zone, except for churches and schools, which are not permitted. Hotels and motels are only permitted conditionally (see 02-28-004 #5).

02-28-006 I-2 ZONE, PURPOSE AND INTENT

The I-2 Heavy Industrial Zone is that area of the city better suited for heavy industrial use. Heavy industrial uses are of a more intense nature than those permitted in the I-1 zone and are often accompanied by noise, odors, and other factors which make the uses objectionable near residential and commercial zones. The I-2 zone shall not be designated if adjacent to any residential or park zone.

02-28-007 I-2 ZONE, PERMITTED USES

The following uses shall be permitted in the I-2, Heavy Industrial Zone:

1. Any use listed as permitted in the I-1 zone;
2. Petroleum refining and petroleum crude oil storage;
3. Rock crushing;
4. Agricultural farms of 20 acres or more.

02-28-008 I-2 ZONE, CONDITIONAL USES

The following uses may be permitted, in accordance with Chapter 8 of this ordinance:

1. Manufacture of explosives, and other chemicals and products of an objectionable or dangerous nature, including insecticides;
2. Ore smelting and refining;
3. Sewage treatment facilities and lagoons;
4. Other uses which create a substantial amount of odor and noise, in excess of those levels customary to most industrial operations;
5. Sexually oriented business.

02-28-009 AREA, FRONTAGE, LOCATION, AND HEIGHT REQUIREMENTS

There shall be no area or height requirements in the I-1 and I-2 zones, except that an area sufficient to accommodate setbacks, off-street parking, loading and unloading, and vehicular access shall be provided. Lots shall have a minimum of 80 feet of frontage along the road on which they are located.

Location Requirements

All buildings and structures shall be set back at least thirty (30) feet from the right-of-way line of public streets, and from all residential zone boundaries.

02-28-010 LANDSCAPING REQUIREMENTS

The Developer shall provide a plat design of the meaningful landscape and its maintenance. The components, layout, arrangement, and size shall be approved by the Planning Commission.

Meaningful landscaping is grass, trees, shrubs, xeriscape, etc., in an appealing layout and size arrangement approved by the Planning Commission. Landscaping shall be maintained by the property owner. The minimum area requirements for landscaping are as follows:

1. A minimum 20 ft. strip of landscape measured from back of sidewalk, along the frontage;
- OR**
2. A minimum of 5% of the total lot area landscaped near the frontage.

A bond or other financial guarantee shall be required, guaranteeing landscaping and other improvements, at the Planning Commission's option.

The design for curb and gutter in Industrial zones shall be either high-back or modified high-back, but modified high-back shall only be allowed where there is no sidewalk.

CHAPTER 02-29 INFILL DEVELOPMENT

Section 02-29-001	Objectives and Characteristics of Development
Section 02-29-002	Purpose
Section 02-29-003	Use Regulations and Conditions
Section 02-29-004	City Council Action
Section 02-29-005	Building Permit Issuance
Section 02-29-006	Time Limit

02-29-001 OBJECTIVES AND CHARACTERISTICS OF DEVELOPMENT

Infill development is development that takes place within or adjoining existing residential development. It may be a single vacant lot, a parcel that has been skipped over, or where demolition has occurred.

Infill development allows for growth, utilizing areas that have infrastructure in place and will not take from agricultural land.

02-29-002 PURPOSE OF INFILL DEVELOPMENT

The purpose of infill development is to:

Establish flexible development standards which can be implemented in areas of the city where residential activities exist, are needed and are desirable. The “right” home for the lot is the key to making infill successful. The small, odd shaped lot can accommodate a home that is built with special circumstances in mind.

Implement guidelines and conditions to reduce using prime agricultural land, encourage infill development in areas with adequate infrastructure. The guidelines or conditions are designed to preserve and enhance the residential character of the neighborhood while allowing for greater density on a small scale.

02-29-003 USE REGULATIONS AND CONDITIONS

The infill development is a conditional use (see Chapter 02-08). This type of development can be used in the A-1, RA-1, RA-2, R-1, and R-2 zones. The Planning and Land Use Commission will review these infill proposals on a case-by-case basis. The commission, at its discretion, may hold a public hearing before recommending approval or disapproval of the infill lot. The Commission shall establish conditions to mitigate impact on neighboring properties, assure public safety, and address health concerns. All conditions shall be recorded on the plat.

Some of the conditions, but not limited to, are as follows:

Must meet residential zone requirements.

The access to the home must conform to the requirements described in the International Fire Code (pages 397-398): Appendix D - Fire Apparatus Access Roads, for weight support, fire hydrant location, road grade, turning radius, street width and length, gates, and signs.

The lot must not have been illegally subdivided.

The first 30 feet of driveway or access from the street must be paved.

Any mud tracked onto the street is in violation of this ordinance, is a class C misdemeanor and is subject to a fine and the cost of clean up.

An address sign is required to identify the access to the property, and must be clearly visible both day and night.

Limited to one residence.

Architecturally designed for the lot.

02-29-004 CITY COUNCIL ACTION

The Planning and Land Use Commission will make recommendation to the City Council for approval or disapproval. The City Council shall approve or disapprove the infill lot proposal and may impose additional conditions as they deem necessary to secure the purpose of this chapter and protect public welfare.

02-29-005 BUILDING PERMIT ISSUANCE

The building official shall not issue any permits until the City Council gives final approval and the infill development plat is recorded. No occupancy permits shall be issued until all conditions of the infill development are met.

02-29-006 TIME LIMIT

The approved infill development plat shall be filed within 12 months of the final approval date of the City Council. If the 12 months period has expired, the infill development proposal and plat shall require re-approval by the City Council.

CHAPTER 02-30 MOBILE HOME PARK REGULATIONS

Section 02-30-001	Mobil Home Park Regulations
Section 02-30-002	Travel-Trailer Courts, Intent and Land Use
Section 02-30-003	Additional Regulations
Section 02-30-004	Definitions

02-30-001 MOBILE HOME PARK REGULATIONS

A. Approval

The owners of a tract of land not less than eight (8) acres, which land lies in an MH zone, may construct a mobile home park thereon, upon compliance with regulations and restrictions, as hereinafter set forth, and after approval of such mobile home park by the City Council.

B. Intent

To provide areas where mobile home parks can be properly developed without adversely affecting surrounding residential neighborhoods.

To provide areas where mobile homes can be located that do not meet the standards contained in section 02-14-017 and 02-14-024 of this ordinance. Travel-trailers and recreational vehicles shall not be located in mobile home parks, except in storage areas.

C. Application

Before a permit shall be issued for a mobile home park, four (4) copies of the overall plan of the development must be submitted to the Planning Commission one (1) week prior to the meeting date. The plan must show:
The topography represented by contours shown at not greater intervals than two (2) feet, when required by the Planning Commission.

The proposed street and trailer space layout, including curb and gutter.

Proposed reservations for parks, playgrounds, and open spaces.

Tabulations showing percent of area to be devoted to parks, playgrounds, open space, number of mobile homes, and total area in the mobile home park.

Proposed location and number of parking spaces.

Generalized landscaping plan, including water, electric, and gas lines, fire hydrant locations, and sewer lines.

Storm drainage facilities and disposal plan for storm water runoff.

Utility drawings

Three (3) copies of detailed construction drawings shall be supplied to and approved by the city engineer, prior to final approval by the City Council.

Such construction drawings shall be drawn by a licensed engineer, and shall show the following:

1. Profile and location of water and sewer lines.
2. Location of water valves and fire hydrants.
3. Location and size of water meters.
4. Location and size of sewer manholes.
5. Storm water disposal plan.

D. Standards and Requirements

The development of a mobile home park shall conform to the following standards and requirements:

The area shall be in one ownership, or, if in several ownerships, the application for the approval of the mobile home park be filed jointly by all owners of the property included in the plan.

The density in a mobile home park shall not exceed seven (7) units per acre. Mobile homes may be clustered within the mobile home park, provided that no single mobile home space shall be smaller in area than four thousand (4,000) square feet. Travel-trailers and recreational vehicles shall not be located in mobile home parks, except when unoccupied and located in the storage area.

The remaining land not contained in individual lots, roads, or parking, shall be set aside and developed as parks, playgrounds, and service areas for the common use and enjoyment of the occupants of the development and visitors thereto.

Not less than ten percent (10%) of the gross area of the mobile home park shall be set aside as playground, or recreation area for the joint use of occupants. The land covered by vehicular roadways, sidewalks off-street parking, or areas not suitable for playground use shall not be construed as part of the area required for parks and playgrounds. Ten percent (10%) of the lot area shall also be set aside for recreational vehicle storage area.

No mobile home or add-on shall be located closer than fifteen (15) feet from the nearest portion of any other mobile home or add-on.

All area not covered by mobile homes, hard-surfacing, buildings, off-street parking, space, or driveways, shall be planted in lawns, trees, and shrubs, or otherwise landscaped, except that natural drainage ways may be left in the natural state.

All off-street parking spaces and driveways shall be hard-surfaced before the adjacent mobile home spaces may be occupied. (The City Council may temporarily waive this requirement when cold weather prevents paving.)

A strip of land at least fifteen (15) feet wide on the sides, and thirty feet on the front and rear of the mobile home park shall be left unoccupied by mobile homes, and shall be planted and maintained in lawns, shrubs, and trees designed to afford privacy to the development. A six (6) foot chain link or other approved fence around the mobile home park shall also be required.

All storage and solid waste receptacles outside of the confines of a mobile home must be housed in a closed structure or closed container.

Roadways shall be hard-surfaced, bordered by either roll-back or high- back curb, and of adequate width to accommodate anticipated traffic as follows:

- a. For one-way with no parking:
 - 1) Minimum eighteen (18) feet in width
- b. For two-way traffic with no parking:
 - 1) Minimum thirty (30) feet in width, or larger, as may be required by the City Council.
- c. For entrance streets:
 - a. Minimum of thirty six (36) feet in width.

There shall be no more than two (2) entrances from the park onto any one street. Entrances shall be no closer than twenty-five (25) feet from each other, nor closer than twenty-five (25) feet to the corner of an intersection, or otherwise required by the Planning Commission.

Access shall be provided to each mobile home stand by means of an access way reserved for maneuvering mobile homes into position. Access to mobile home spaces shall be from interior private roads.

Off-street parking shall be provided at the rate of two (2) parking spaces per mobile home space contained within the mobile home park. In no case, shall the parking space be located greater than one-hundred (100) feet away from the mobile home space it is designed to serve.

In addition to meeting the above requirements and conforming to the other laws of the city, all mobile home parks shall also conform to requirements set forth in the code of camp-trailer court, hotel, motel, and resort sanitation regulations adopted by the Utah State Board of Health, and to the fire prevention code, which codes area hereby adopted by reference, and all restrictions, regulations, and

notations contained therein shall be made a part of this ordinance, as fully set forth herein. In event of any conflict between said regulations or codes of this section, this section shall take precedence.

Utilities and other services

Utility lines and equipment shall be located and constructed in conformity with good engineering and construction practices, and shall be in compliance with all applicable laws, ordinances or codes of the State of Utah.

1) Sewer:

The mobile home park shall be served by a private sewer system connecting to the public sewer system, or served by an approved sewage disposal system. Main sewer collector lines shall not be installed in areas (such as underneath mobile home pads) that will limit their access to repair. Rather, main sewer lines shall be installed in designated utility easement areas. Mobile home designated utility easement areas. Mobile home parks located within one (1) mile of a public sewer line may be required by the City Council to connect to the public sewer, based on a recommendation by the city engineer as to the feasibility of connecting to the public sewer, the developer shall submit information such as elevation of Mobil home park, grade to sewer line, and such other information a the city engineer may deem to make his determination.

2) Water:

A public supply of water shall be obtained from an approved public water system.

An adequate amount of water shall be piped to each mobile home space through a private system of a design acceptable to the city engineer.

3) Fire hydrants:

Fire hydrants of a design and in sufficient numbers, as approved by the city engineer and/or fire department, shall be installed according to the city specifications.

4) Electrical:

All electric, telephone, and other service lines to each mobile home lot shall be underground and shall comply with all currently adopted state and local, laws and regulations.

5) Liquid or gaseous fuels:

Any liquid fuel storage shall be located in tanks at a distance away from any mobile home lot, as determined safe by the building inspector and/or Fire Chief.

All fuel lines shall be underground, and, if metered, said meters shall be arranged in a uniform manner.

6) Street lighting:

Street lighting shall be provided in sufficient number and intensity to permit safe movement of vehicles and pedestrians at night.

7) Refuse handling and receptacles:

The storage, collection, and disposal of refuse in the mobile home park shall be managed so as to create no health hazards, rodent harborage, or accident hazards. All refuse shall be stored in containers provided in sufficient number and capacity to prevent any refuse from overflowing or blowing away. Satisfactory container racks or dumpsters shall be provided at a permanent location convenient to mobile home spaces.

E. Planning Commission and City Council Approval

The Planning Commission shall review the plan and make a recommendation for approval, disapproval, or approval with conditions to the City Council. In considering the plan, the planning commission, among other things, shall make sure that such developments shall constitute a residential environment of sustained desirability and stability, and that it will not adversely affect amenities on the surrounding area. The Planning Commission may recommend changes to be made to the plan and development standards in excess of the minimum standards contained in this ordinance, such as walls, fences, buffers, setbacks, greater amounts of landscaping or parking spaces, etc. Such changes may be imposed as conditions of approval where it is determined by the City Council that such standards are necessary to insure that the mobile home park will mix harmoniously with adjoining or nearby houses.

F. Guarantees

Adequate and reasonable guarantees shall be required for installation of the landscaping including grass and other required improvements, as set forth in this section. Guarantee may be in the form of a bond, a mortgage on real estate, or other acceptable form in the sum to be determined by the city surveyor.

In any case, when a mobile home park is owned by more than one natural person, the developer shall establish and appoint an agent for the purpose of service of progress, which agent shall be authorized to receive progress and represent fully the interests of the mobile home park.

Prerequisite to the operation of any mobile home park in Naples City shall be the obtaining of an annual license. It shall be unlawful to operate a mobile home park without first obtaining a license, and said license shall be refused or revoked upon failure of the owner and/or operator to maintain the park in accordance with the

standards and requirements as herein set forth.

G. Record Final Plat

After receiving final approval of the mobile home plat by the City Council, the approved plat shall be recorded in the office of the city recorder. The final plat shall be prepared by a registered engineer, architect, or landscape architect. No building permit shall be issued for said mobile home park until final plans have been approved and a financial guarantee posted guaranteeing that required improvements will be installed without cost to the city.

02-30-002 TRAVEL-TRAILER COURTS, INTENT AND LAND USE

Travel-trailer/RV courts may be permitted in the and I-1 conditional use zones. All such installations shall be permitted only after approval of the City Council and recommendation of the Planning Commission, subject to the restrictions and conditions contained in this ordinance. See Chapter 8.

Application Approval

Before a permit shall be issued for a travel- trailer court, the overall plan of the court must be submitted to the Planning Commission for its review. The plan should show proposed land layout and trailer space.

Proposed reservation for parks, playgrounds, and other open space.

A generalized landscaped plan.

Any other data that the Planning Commission may require.

B. Standards and Requirements

The travel-trailer court shall conform to the following standards and requirements:

Travel-trailer courts shall be a minimum of four (4) acres in size and abut upon a collector or arterial street, as set forth in the major street plan of the city.

Entrances and exits from the travel-trailer court shall be by forward motion only.

Mobile homes, as defined in this chapter, shall not be allowed in travel - trailer courts.

No exit or entrance from the travel-trailer court shall be through a residential zone, and no entrance or exit shall be located closer than fifty feet to the intersection of two streets.

All travel-trailers shall be set back at least thirty (30) feet from any public street right-of-way, except for state or federal highways where setbacks shall be fifty (50) feet.

All one-way roadways shall be at least twelve (12) feet in width, and all two-ways at least twenty-four (24) feet in width, and all roadways shall be hard-surfaced.

All areas within the court which are not hard-surfaced including the thirty (30) foot setback space shall be landscape and maintained with lawns, trees and shrubs designed to provide privacy and noise containment.

Each travel-trailer space shall be at least twenty-five (25) feet in width and at least fifty (50) feet in length. No travel-trailer, R.V. Unit, or add-on shall be located closer than fifteen (15) feet from another travel-trailer.

A minimum six (6) foot high chain link or other approved fence shall be installed around the perimeter of the travel-trailer court.

At least twenty percent (20%) of the total area shall be maintained in open green space.

Prerequisite to the operations of any travel-trailer court in Naples City shall be the obtaining of a business license.

The license shall be issued only after inspection by the building inspector. It shall be unlawful to operate a travel-trailer court without first obtaining a license, and said license shall be refused or revoked, upon failure of the owner and/or operator to maintain the court, in accordance with the standards and requirements of Naples City.

1. In addition to meeting the above requirements, all travel-trailer courts shall conform to the requirements set forth in the code of camp, trailer court, hotel, motel, and resort sanitation requirements, as adopted by the Utah State Board of Health, and shall also conform to the fire prevention code, which codes have been adopted by Naples City.

02-30-003 ADDITIONAL REGULATIONS

Nothing in this chapter shall be interpreted to prohibit storage of a travel-trailer when not in use on property of the owner, so long as not utilized as a dwelling. Travel-trailers shall not be stored on property so as to obstruct the view of traffic, or to create a nuisance for adjoining property owners.

All travel-trailers shall be stored at least thirty (30) feet back from any public street in any residential zone.

No add-on or additions shall be allowed in any trailer court without prior consent of the building inspector.

Existing trailer courts not in compliance with this ordinance shall constitute a non conforming use, but shall be subject to health and sanitary requirements, as provided for in this chapter.

02-30-004 DEFINITIONS

Mobile Home

A moveable living unit at least ten (10) feet in width designed to be transported 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 bath, kitchen facilities, plumbing and electrical connections provided for attachment to appropriate external systems. The term, mobile home, shall not include conventional houses, which are manufactured elsewhere, and moved into an area for use as permanent housing.

Travel Trailer/Camper

The term "travel trailer" or "camper" shall mean any trailer, R.V. unit or camper used or maintained primarily as a temporary dwelling for travel, vacation, or recreational purposes.

Travel Trailer Court

The term "travel-trailer court" shall mean an area or tract of land used to accommodate two (2) or more travel-trailer, camper, or R.V. units. Mobile homes shall not be allowed in travel-trailer courts on either a temporary or permanent basis.

Mobile Home Parks

An area or tract of land dedicated to use as an area for parking and utilization of mobile homes.

CHAPTER 02-31 SUBDIVISIONS

Section 02-31-001	General Purpose
Section 02-31-002	Definitions
Section 02-31-003	Prohibited Acts
Section 02-31-004	Penalty
Section 02-31-005	Validity
Section 02-3-1006	Scope of Application
Section 02-31-007	Enforcement and Permits
Section 02-31-008	Plats
Section 02-31-009	Acceptance of dedicated streets and public improvements
Section 02-31-010	General Improvement Requirements
Section 02-31-011	Improvement Completion Assurance
Section 02-31-012	Single Lot and Minor Subdivisions
Section 02-31-013	Orderly Development Required
Section 02-31-014	Design Standards, Area and Access Requirements
Section 02-31-015	Subdivision Improvements
Section 02-31-016	Inspection
Section 02-31-017	Development Costs
Section 02-31-018	Signature Blocks

02-31-001 GENERAL PURPOSE

The purpose of this ordinance is:
To promote health, safety and general welfare of the residents of Naples City.

To promote the efficient and orderly growth of the City.

To provide standards for the physical development of subdivisions of land, construction of buildings and improvements within this municipality including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, design standards for public facilities and utilities, accesses to public rights-of-way, dedication of land and streets, granting easements or rights-of-ways and to establish fees and other charges for the authorizing of a subdivision.

02-31-002 DEFINITIONS - (See Chapter 02-02 definitions)

As used herein, the following words when capitalized shall mean:

Alley

A public thoroughfare at least 26 feet wide.

Applicant

The holder, or written authorized representative, of fee title to land or buildings or to property, whether a person, partnership, corporation, or other entity recognized by law, including any assignee, or successor in interest.

Block

A piece of land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the council.

City

Naples City

Council

The governing/legislative body of the Naples City.

Construction Standards

The standards and specifications adopted by this ordinance.

Cul-de-sac

Turnaround on a dead end street.

Developer

(See Applicant)

Easement

An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose (such as to cross it for access to a public road).

Engineer

The licensed engineer appointed by the municipality to be the municipal engineer, or the engineer appointed for a specific project.

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 and which meets the requirements of this ordinance.

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.

Improved Lot

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

Improvement

Work, objects, devices, facilities, or utilities required to be constructed or installed in a subdivision. Such improvements shall include, but are not limited to, street construction to required standards, grading, landscaping, water facilities, sewer facilities, streets, trees, sidewalks, curbs and gutters, drainage facilities, street signs, street lights, traffic control or other safety devices, fire hydrants, utilities 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.

Intervening Property

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

Lot

A parcel or tract of land which is or may be legally occupied by a building(s).

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.

Major Street

(See Street, Major)

Master Street Plan

The master street plan of this municipality.

Master Plan

The master plan of this municipality.

Metes and Bounds

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

Minor Street

(See Street, Minor)

Minor Subdivision

A subdivision containing 8 lots or less¹ with all lots having the required frontage on a dedicated public street and not traversed by a proposed street.

Official Map

The official map or maps adopted by this municipality pursuant to the municipal Land Use and planning enabling legislation.

Off Site Facilities

¹ Amended from 9 lots or less on 12/10/09

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.

On Site Facilities

Facilities installed within or on the perimeter of the subdivision.

Oversized Facilities

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

Owner

(See Applicant)

Parcel of Land

A contiguous area of land with a separate or discrete legal description.

Permanent Monument

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

Person

An individual, individuals, tenants in common, joint tenants, a corporation, partnership, firm, limited partnership or association of individuals however styled or designated.

Planning Commission

The Planning Commission of Naples City.

Preliminary Plat

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

Protection Strip

A strip of land, of less than the minimum depth required by the Land Use ordinance for a building lot, which prevents the access of property other owners to the street or utilities.

Streets

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 40 feet in width, which has been abandoned or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues, alleys and boulevards.

Street, Major

A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled access highway, major street, parkway, collector, arterial or other equivalent term to identify those streets comprising the basic structure of the street plan. Major streets are at least 80 feet wide.

Street, Collector

A street, existing or proposed, which is the main means of access to the major street system. Collector streets are at least 66 feet wide.

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. Minor streets are at least 40 feet wide.

Street, Marginal Access

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

Street, Private

A thoroughfare within a subdivision which has been reserved by dedication of the Applicant 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 Applicant or other private agency.

Subdivision

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

Utilities

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

Vicinity Plan

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

Land Use Ordinance

The Land Use ordinance of Naples City.

02-31-003 PROHIBITED ACTS

Improved Lots Required: All buildings shall only be built on improved lots, except buildings which are bona fide agricultural buildings as to which there is no human occupancy.

Subdividing Land: It shall be unlawful for any person to subdivide for the purpose of transferring, selling, conveying or assigning any tract or parcel of land which is located wholly or in part in the municipality, except in compliance with this ordinance.

Subdivisions: It shall be unlawful for any person to sell or exchange or offer to sell or exchange any parcel of land which has been subdivided unless the subdivision has been approved by Naples City and meets the provisions of this ordinance and Utah state code.

02-31-004 PENALTY

Any persons, firm, or corporation, who shall subdivide land or who shall transfer or sell any lot or land in a subdivision, as defined in this code, which subdivision has not been approved by the Planning Commission, and except as provided for in this code, also approved by the City Council of Naples City, Utah, and recorded in the office of the County Recorder, shall be guilty of a misdemeanor for each lot or parcel of land so subdivided, transferred or sold, and the description of such lot or parcel of land by metes and bounds in the instrument of transfer, or other document used in the process of selling or transferring, shall not exempt the transaction from such penalties, or from the remedies herein provided. The City may enjoin such transfer or sale or agreement by action for injunction brought in any court of competent jurisdiction, or may recover a civil penalty by civil action in any court of competent jurisdiction, together with costs and attorney fees incurred in enforcing this chapter.

The civil penalty for illegal subdivision shall be \$1000 per lot or parcel.

Any person or entity violating any of the provisions of this chapter shall be guilty of a class B misdemeanor. Each separate criminal event or each day of violation shall constitute a separate offense.

02-31-005 VALIDITY

If any section, subsection, sentence, clause, or phrase of this chapter, for any reason, are held to be invalid, such holding shall not affect the validity of the remaining portion of this chapter.

02-31-006 SCOPE OF APPLICATION

All lots, plots or tracts of land located within Naples City shall be subject to this ordinance whether the tract is owned by an Applicant or a subsequent purchaser, transferor or holder of the land.

02-31-007 ENFORCEMENT AND PERMITS

Land Use and Building Official to enforce.

The Land Use Administrator and the Building Official are hereby designated and authorized as the officers charged with the enforcement of this ordinance.

Permits

The Building Official shall not grant a permit nor shall any officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any Utah state law, rule or regulation or ordinance of Naples City until a subdivision/development plat has been approved and recorded pursuant to this ordinance, and all other requirements are met. Any license or permit issued in conflict with such provisions shall be null and void. It shall be the responsibility of the Applicant to show that the lot has been lawfully created.

Inspections

The Building Official, or designee, shall inspect or cause to be inspected all roads, buildings, fire hydrants and water supply, and sewage disposal systems or other infrastructure in the course of construction, installation or repair. The Applicant shall notify the Building Department of any work to be done, and the Building Official, or designee, shall inspect the work within 2 business days of said notification. Excavations and installed systems for fire hydrants, water and sewer mains and laterals, shall have been approved by the engineer. If any such installation is covered before being inspected and approved, it shall be uncovered at the expense of the Applicant after notice to uncover has been issued to the responsible person by the inspector.

02-31-008 PLATS

Prior to subdividing/developing any tract of land, the Applicant shall comply with the requirements of this chapter.

A. Concept Plan Review

The Applicant shall submit to the Planning Department the Concept Plan application and required fees. The Planning Department shall evaluate whether the application requirements have been met and the application fees have been paid. If possible, the evaluation shall be completed within 30 days after receipt of the application and required fees.

Prior to submitting a preliminary plat, an Applicant shall submit an initial written “concept plan” to the Land Use Administrator including a sketch plan of the proposed subdivision in which the proposed subdivision is sufficiently described to enable the Land Use Administrator to determine whether the proposed subdivision complies with the municipality’s Land Use ordinances, capital growth and General Plans, street plans and services. The Land Use Administrator shall advise the Applicant of possible problems with the proposed subdivision within 30 days after it has received the initial application including sketch plans. Approval of the concept plan shall not constitute approval of the “Preliminary Plan”. This section is mandatory and an Applicant may not submit a preliminary plat plan in lieu of the concept plan. If disapproved, the Planning Commission shall express its reasons in writing to the Applicant.

B. Submission of Preliminary Plat

The Applicant shall submit to the Planning Department the Preliminary Plat application and required fees. The Planning Department shall diligently evaluate whether the application requirements have been met and the application fees have been paid. If possible, the evaluation shall be completed within 30 days after receipt of the application and required fees.

At least 10 days prior to the date of the Planning Commission meeting at which the preliminary subdivision plat is to be reviewed, the Applicant shall submit seven copies of the proposed Preliminary Plat to the Planning Commission office. The Planning Commission shall circulate for comment and review copies of the proposed preliminary plat to all affected departments and divisions of Naples City and to any affected entities which may be providing special services.

C. Planning Commission Approval

1. Conditions of Planning Commission Approval

All proposed developments that require recommendation from the Planning Commission and approval from the City Council must complete the following three steps: concept plan approval, preliminary plan approval, and final plan approval. Each step must be approved independently. The approval of each of the three steps expires after one year, unless the next step is approved within that time, or unless the Applicant submits a request for extension (not more than 1 year for each extension) and is granted such extension by the Planning Commission (see 02-03-006 C.). Every proposed development requires a public hearing, except for Minor Residential Subdivisions (8 dwelling units or less. See 02-31-002 Minor Subdivision.) Until a completed application for final plat approval and payment of all required fees have been made, the proposed

development shall comply with any ordinance or statutory amendments or changes.

Preliminary Plans require a site plan created by a licensed engineer or surveyor (see 02-03-005 C.). Preliminary Plans also require a rendered elevation showing the façade if the new construction is in the C, C-1, I-1, or I-2 zone. The Planning Commission shall approve only those Preliminary Plans which it finds have been developed in accordance with the standards and criteria specified in this ordinance and all other ordinances of this municipality including, but not limited to, the Major Street Plan, the General Plan and the Building Codes.

2. Soil Controls

As part of the preliminary plat application, the Applicant shall provide to the Planning Commission complete information about any potential geologic problems within the development area including but not limited to expandable soils, potential slide of slough areas, high ground water, etc. If no geologic problems exist in the development area, the Applicant and their surveyor/engineer shall so certify to the Planning Commission.

The Planning Commission shall determine from the concept plan review or the Preliminary Plat application the possible need for environmental impact analysis, which would take into account the soil, slope, vegetation, drainage and other geological characteristics of the site. If the site requires substantial cutting, clearing, grading or other earthmoving operations in construction of structures or roads in the proposed development or if geologic conditions warrant, the Planning Commission and/or City Council shall require the applicant to provide soil erosion and sedimentation control plans or stabilization plans and specifications prepared by a registered civil engineer.

3. Approval or Disapproval of Preliminary Plat

The Planning Commission shall, if possible, act within 45 days after the preliminary plat is filed with the Planning Commission by the Planning Department, recommend approval of the plat if it finds that the development complies with the requirements of the Naples City ordinances. The Planning Commission may conditionally approve the preliminary plat imposing such conditions as it may require in order to bring the plat into compliance with the requirements of Naples City ordinances. In the event the Planning Commission disapproves the preliminary plat, it shall state in writing to the Applicant each reason it has identified for the disapproval in a timely manner.

4. Notification of Adjacent Property Owners

Ten days prior to the public hearing to discuss a subdivision plat approval or amendment, or vacation of a subdivision, notice shall be mailed to the affected entities and property owners, posted on the City website, and either published in a local newspaper or posted in 3 public places. Any residential subdivision with only 8 lots or less shall be exempt from notification requirements.

D. Form and Contents of Preliminary Plat

The Preliminary Plat shall contain all of the following information:

1. The Preliminary Plat shall be drawn to a scale not smaller than 100 feet to the inch, and shall be on standard 24 inch by 36 inch paper.
2. Unless the Subdivision is a Minor Subdivision, then the proposed name of the subdivision shall be shown on the plat and must be a unique subdivision name within Uintah County. See U.C.A 10-9a-603 (a)
3. Sufficient information to locate accurately the property shall be shown on the plat.
4. Where the plat submitted covers only a part of the Applicant's tract, or is part of a larger vacant area, the plat shall show the locations of the subdivision as it forms part of the larger tract or parcel of land. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
5. The names and addresses of the Applicant, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided as shown in the records of the county recorder.
6. A contour map at appropriate intervals.
7. The boundary lines of the tract to be subdivided, showing all fences, ditches, canals, and existing structures within 100 feet of the boundary line.
8. The location, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots, with proper labeling of spaces to be dedicated to the municipality, or held in common.

9. The location, principal dimension and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within 600 feet of the boundary thereof, whether recorded or claimed by usage; the location of and dimensions to the nearest existing benchmark or monuments, and section line; the location and principal dimensions for all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including exceptional topography, airports and air approaches to the airport.
10. The location of existing bridges, culverts, surface or subsurface drainage ways, irrigation lines, ditches, utilities, public buildings, pumping stations, within the subdivision or within 300 feet thereof.
11. Proposed offsite and onsite water facilities, sanitary sewers, storm drainage facilities, and fire hydrants.
12. A tentative plan by which the Applicant proposes to handle a 125% of a 2 hour, 100 year storm water drainage for the subdivision.
13. Each sheet of the preliminary plat shall contain the, sheet number, and North arrow.
14. Boundary lines of adjacent tracts of land, showing fences, ownership and property monuments.
15. All underground utilities and other utility facilities.

E. Fees

The Applicant shall pay nonrefundable fees as required by the Naples City General Provision Fee Resolution for each step of the development process.

F. Documents Required

The Applicant shall provide to the Planning Commission not later than the time the plat is submitted for preliminary approval the following documents:

Utilities

Information showing availability or plans for providing utilities to the development.

Zone Changes

Proposed changes to existing Land Use zone boundaries or Land Use classifications, if any.

Agreements with Adjacent Owners

Copies of any agreements with adjacent property owners to the proposed subdivision.

Soil Report

A preliminary soil report prepared by a registered civil engineer, based upon adequate test boring or excavations (if required by this ordinance).

Costs of Infrastructure

Engineered estimates of required public infrastructure costs, broken down for ~~bonding~~ improvement completion assurance purposes.

Title of Land

Evidence that the applicant is the record title owner of the land in the proposed subdivision or development.

G. Final Plat

1. Final plat required after compliance with the provisions of this ordinance

A Final Plat of the subdivision covering all or part of an approved preliminary plat shall be prepared by a licensed surveyor not in the employ of the City in conformance with the design standards and submitted within one year from the date of preliminary plat approval, unless the time is, in writing, extended by the Planning Commission. Otherwise, preliminary approval shall be void.

The Applicant shall submit to the Planning Department the Final Plat application and required fees. The Planning Department shall diligently evaluate whether the application requirements have been met and the application fees have been paid. If possible, the evaluation shall be completed within 30 days after receipt of the application and required fees.

2. Contents, procedure and form of Final Plat.

The Final Plat shall be on a sheet of mylar approved by the Uintah County Recorder's office. The plat shall be so drawn that the top of the drawing faces either North or West, whichever better accommodates the drawing. All lines, dimensions and markings shall be made on the mylar with waterproof black ink. The plat shall be made to a scale large enough to clearly show all details; in any case not smaller than 100 feet to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable. The plat shall have signature blocks for by all persons required to sign the final plat in the approved form. The final plat shall contain the following information:

- a. The subdivision or development name and the general location of the subdivision or development in bold letters at the top of the sheet.

- b. A North point and scale of the drawing and the date.
- c. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.
- d. The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys, irrigation lines, ditches and easements; also the boundaries, bearings and dimensions of all portions within the subdivision intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street naming and numbering system. Each lot shall show the street address assigned thereto. In the case of corner lots, an address will be assigned for each part of the lot having street frontage. The description of the boundaries of the subdivision together with a certification by the Applicant's engineer stating that the lots described comply with the requirements of the municipality's Land Use ordinance.
- e. The registered land surveyor's "Certificate of Survey" in the form required by this Ordinance.
- f. The owner's Certificate of Dedication signed by all owners of any interest in the land within the development or subdivision.
- g. A notary public's acknowledgment of each owner's dedication in the approved form.
- h. Approval of an engineer representing Naples City.
- i. The Planning Commission's approval.
- j. The City Attorneys' approval.
- k. The Council's approval shown by the signature of the Mayor and attested by the Recorder.

3. Authorization to Proceed

One copy of the approved Preliminary Plat with written conditions attached and signed by the Chairman of the Planning Commission shall be retained by the Planning Commission and one copy shall be given to the Applicant. Receipt of

the signed copy by the Applicant shall be authorization to proceed with the preparation of plans and specifications for the improvements required in the final plat. Prior to the construction of any improvements required by this ordinance, the Applicant shall provide the Planning and Land Use office with all plans, information and data necessary to install and construct the improvements. This information shall be examined by the licensed engineer representing the City and shall be approved if he/she determines them to be in accordance with the requirements of the City's ordinances. Construction of buildings shall not begin until after the final plat has been approved, and recorded with the County Recorder, and all bonding is in place. Approval of the preliminary plat does not constitute final approval of the project.

The Building Official shall ensure that development is in compliance with the final plan, and all other conditions required by the Planning Commission and City Council. After approval of the plan by the City Council, no alteration shall be made without first obtaining recommendation from the Planning Commission and approval from the City Council.

4. Review and Recommendation by Planning Commission

- a. The Final Plat shall be submitted by the Applicant to the Planning Commission for review and recommendation. An additional public hearing with notice as required by this ordinance may be held prior to consideration and recommendation on the final plat if the Planning Commission finds that it did not receive sufficient public input before and during the public hearing. The Planning Commission shall circulate for comment and review copies of the Final Plat to all affected municipal departments and special service districts. The City Surveyor shall approve or disapprove the plat within 30 days after the plat is submitted to the Planning Commission. If he/she disapproves, he shall state to the Planning Commission the reasons for the disapproval. At the time of submission of the final plat, the Applicant shall furnish a complete set of construction plans and profiles, prepared by a licensed professional engineer, not employed by the municipality, of all existing and proposed streets within the subdivision.
- b. If the Planning Commission recommends against approval of the final plat, it shall so notify the Applicant in writing stating the reasons therefore based on the ordinances of the City or the laws of the State of Utah. The written notice shall be personally delivered or sent by certified mail to the Applicant within ten days after the action by the Planning Commission. If the Planning Commission recommends against approval of the final plat, the Applicant may still submit the final plat to the City Council for approval.

- c. The Planning Commission may recommend approval of a final plat subject to specified conditions.
- d. The Planning Commission may recommend approval of the final plat as submitted.

5. Other Required Approvals

- a. The engineer representing Naples City shall approve the Final Plat and standards if he/she finds that the subdivision fully complies with the improvements required by the ordinance, and that the easements are appropriately located and that the design of the development meets good engineering standards.
- b. Following approval by the Planning Commission and the engineer representing Naples City, the Applicant shall secure the approval of the City Attorney.

6. Review and Approval by City Council

- a. After all other required approvals or recommendations, the Applicant shall take the final plat before the City Council which shall approve the plat if it finds that all fees and assessments have been paid, and that the plat fully complies with the ordinances of the City, the laws of the State of Utah, and all other conditions required.
- b. The Final Plat, bearing all official approvals as above required, shall be recorded in the office of the Uintah County Recorder by the Applicant.

H. Requirements of Language

The form of the owner's dedication and other signature blocks shall be available at the planning office and shall be in a form approved by the City Attorney.

The City Attorney shall review the plat and determine:

- a. That all owners of land within the subdivision/development, as identified on a current title report from a Utah licensed title company, have signed the dedication.
- b. That the bond, trust account, letter of credit, trust deed, deposit, or other acceptable improvement completion assurance filed with Naples City is in appropriate form and signed by the necessary parties and is with a company legally doing business in Utah and in good standing, and is sufficient to protect the interests of Naples City.

- c. That the Applicant has executed the subdivision/development agreement required by this ordinance.
- d. That the subdivision/development plan complies with the ordinances of Naples City and the laws of the State of Utah.

I. Fees prior to final approval.

See General Provision Fee Resolution

J. Approval for Six (6) Months to Record Final Plat

If the final plat has not been recorded with the County Recorder within 6 months of final approval, the final plat must be re-submitted for recommendation from the Planning Commission and approval from the City Council.

K. Ongoing Development Approval and Expiration

Each individual phase of a subdivision must have a recommendation from the Planning Commission and approval from the City Council for the final plat of that phase. Preliminary approval of an entire subdivision shall be voided if the final plat of a section or phase is not submitted for final approval within 18 months of the final approval of the most recently approved phase. Any change in the design of the subdivision that received preliminary approval will require resubmission of the plat for preliminary approval.

02-31-009 ACCEPTANCE OF DEDICATED STREETS AND PUBLIC IMPROVEMENTS

Dedication

The Applicant shall dedicate the public streets, easements and other public improvements to Naples City at the time the Final Plat is approved. The dedication shall be deemed an offer by the Applicant which shall be irrevocable. Naples City shall accept the offer of public improvements only if it finds that the Applicant has constructed, installed and maintained the public improvements required by this ordinance and that the improvements comply with the minimum requirements of this ordinance at the time of acceptance.

Time of Acceptance

Unless the City Council extends the time for acceptance of the public improvements, the improvements shall be deemed accepted at the expiration of one year following the completion of the public improvements. In the event the City Council does not accept the public improvements, the Applicant shall be so advised in writing of the reason for the non-acceptance and shall be required to

construct the improvements to City standards prior to the issuance of any building permit.

02-31-010 GENERAL IMPROVEMENT REQUIREMENTS

A. Scope

This section defines the general requirements for improvements to be built by the Applicant. The improvements shall include all street improvements in front of all lots and along all dedicated streets to a connection with existing improvements of the same kind or to the boundary of the subdivision nearest existing improvements. Layout must provide for future extension to adjacent development and to be compatible with the contour of the ground for proper drainage. All water lines, sewer lines, appropriate utilities and any other buried conduit shall be installed to the boundary lines of the subdivision.

B. Construction Drawings

Complete and detailed construction plans and drawings of improvements shall be submitted to the engineer prior to commencing construction. Construction shall not be started until plans have been checked and approved by the engineer.

For the purpose of standardizing the preparation of drawings to obtain uniformity in appearance, clarity, size and style, the following is required:

1. The construction plans shall be submitted in triplicate. Two sets shall be retained by the engineer and one set shall be returned to the Applicant with approval mark of the engineer.
2. The approved set shall be available at the construction site.
3. These plans and designs shall meet the standards defined in the specifications and drawings hereinafter outlined. The minimum information required on drawings for improvements are as follows:
 - a. All drawings and/or prints shall be clear and legible and conform to good engineering and drafting practice. Size of drawings shall be 22" x 34" (trim line) with one-half inch border on top, bottom and right sides, left side one and one-half inches.
 - b. North Arrow.
 - c. Scale and elevations referenced to U.S.G.S. datum.
 - d. Stationing and elevations for profiles.
 - e. Name of Municipality
 - f. Project Title (Subdivision, etc.)
 - g. Specific Type and Location of Work
 - h. Space for Approval Signature of Engineer and Date

- i. Name of Engineer or Firm Preparing Drawings with License Number
- j. Curb and gutter, drains and drainage structures, sidewalks and street surfacing shall show:
 - i. An appropriate scale of no more than 1":100'.
 - ii. A plan view, profile, and cross-section for the roadways.
- k. Drainage System Plans
 - i. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area, but also where applicable the system shall be designed to route the runoff from those areas adjacent to and "upstream" from the development itself, as well as its effects on lands downstream.
 - ii. All proposed surface drainage structures shall be indicated on the plans.
 - iii. All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.
 - iv. The storm drainage system must be engineered to retain on-site storm water for 125% of a 2 hour, 100 year storm over the impervious area.

02-31-011 IMPROVEMENT COMPLETION ASSURANCE

A. Required improvements.

The improvements required by this ordinance apply to all developments and owners/developers and to all persons that have or receive any interest in any land which is located within a subdivision, development, proposed subdivision, or proposed development.

B. Improvements made prior to recording final plat.

The improvements required by this ordinance shall be constructed, installed and maintained by the Applicant and inspected and accepted by the City prior to recording the final plat, unless the construction, installation, and maintenance is guaranteed in the manner provided in this ordinance. Improvements shall not be installed or constructed until their location and specifications have been approved by the engineer representing Naples City.

C. Guarantee of performance.

In lieu of completion and acceptance by the City Council of the improvements required by this ordinance before approval of the final plat by the City Council,

the Applicant may provide funds to guarantee that the installation and construction of the required improvements shall be completed , inspected and approved by the City within two years from the date of approval of the final plat and that the improvements shall be maintained in a state of good repair free from defective material or workmanship for a period of 24 months from the date of completion by one or more of the following methods:

1. Bond

Applicant may file with the City Recorder a bond payable to the City with a corporate surety, licensed and in good standing in Utah and approved by the City Council and the City Attorney, in an amount equal to one hundred twenty percent(120%) of the cost of improvements not previously installed, as estimated by the engineer representing Naples City. The bond shall guarantee that all improvements required by this ordinance shall be installed as required herein and that the improvements shall be maintained in a state of good repair free from material or workmanship defects for a period of 24 months from the date of completion. The bond shall be irrevocable and shall provide for the payment of the funds therein to the City in the event of default or any failure by the Applicant to install the improvements as required herein and in the development agreement.

2. Trust Account

Applicant may deposit in a trust account payable to and controlled by the City with a bank, credit union or savings and loan institution doing business in Utah and licensed and in good standing with the Utah Department of Financial Institutions and insured by the applicable federal agency (FDIC, FSLIC etc) an amount of money equal to at least 120% of the cost of the improvements. The costs of the improvements shall be determined by the engineer representing Naples City. The trust account agreement shall be approved by the City attorney and shall be signed by the Applicant, the City and the bank and shall provide for the payment of the funds therein to the City in the event of default or any failure by the Applicant to install the improvements as required herein and in the development agreement. The agreement shall also guarantee that all improvements required by this ordinance shall be installed as required herein and that the improvements shall be maintained in a state of good repair free from material or workmanship defects for a period of 24 months from the date of completion.

3. Irrevocable letter of credit.

Applicant may deliver to Naples City an irrevocable dedicated letter of credit payable to the City from a bank, credit union or savings and loan institution doing business in Utah and licensed and in good standing with

the Utah Department of Financial Institutions and insured by the applicable federal agency (FDIC, FSLIC etc) which letter shall in an amount of money equal to at least 120% of the cost of the improvements. The costs of the improvements shall be determined by the engineer representing Naples City. The letter of credit shall be approved by the City attorney and shall provide for the payment of the funds therein to the City in the event of default or any failure by the Applicant to install the improvements as required herein and/or in the development agreement. The letter of credit shall also guarantee that all improvements required by this ordinance shall be installed as required herein and that the improvements shall be maintained in a state of good repair free from material or workmanship defects for a period of 24 months from the date of completion.

- D. No lot or portion of a subdivision may be approved, recorded, sold or conveyed until all required improvements have been completed or until City has accepted and received financial guarantees to assure adequate performance and completion.
- E. The Applicant shall be and remain responsible for completion of the required improvements and for the quality of the materials and workmanship. In no event shall the City be responsible to pay any bills incurred by Applicant. City shall have no responsibility to install improvements or expend any funds not paid for by the financial guarantees set forth herein.
- F. The City may require the Applicant to record notice on the development that until all required improvements have been installed and approved and accepted by City, no building permit shall be issued for any structure in the development and no person shall be allowed to occupy any structure therein.

G. Default: Criminal penalty

In the event the Applicant defaults in any performance required by this ordinance or the development agreement or the bond or trust account documents, the City Council may declare the trust account or bond funds forfeited and the City may install, or cause to be installed, the required improvements using the funds thus obtained. This shall not relieve the Applicant from liability for the performance of all obligations required by this ordinance. Failure by the Applicant to complete the improvements required herein within the time established by this ordinance shall be a class B misdemeanor as to each lot sold or conveyed to a third party.

H. Partial Releases of Funds

Subject to the improvement assurance documents approved by the City and City Attorney, at such times as the City inspects and approves the improvements installed by the Applicant and upon written approval from the City, the obligation of the improvement assurance may be reduced in proportion to the costs of

installation of the improvements that have been inspected and approved by the City. In no case shall more be released from the improvement assurance for the completion of each item of work shown on the detailed breakdown of costs than is attributed to that item of work.

- I. Approval of partial payment from a trust account or reduction in other improvement assurance must be in writing and is conditioned upon the City receiving, on a form approved by the City, proof of completion of the work and, in the event of partial payments, a signed Utah Conditional Waiver and Release upon progress payment in the form approved by the City Attorney.

J. Final disposition and release

The Applicant shall remain responsible for the quality of all materials and workmanship. At the completion of the work, the Applicant shall submit a sworn declaration that all improvements have been completed and installed in accordance with the ordinance, plans, plat, development agreement, etc. Upon receipt of the declaration, the engineer representing Naples City and/or public works department, shall make a preliminary inspection, of the improvements, and shall submit a report to the City Council, setting forth the conditions of such facilities. If all liens are paid, and other conditions thereof are found to be satisfactory, the City Council shall release the remaining portion of the bond, trust account, or letter of credit or other assurance, except that an amount equal to ten percent (10%) of the cost of the improvements as installed shall be retained for two years as set forth herein as an improvement assurance guarantee to warranty the materials and workmanship. If the conditions of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability; or if any outstanding liens are not paid, the City Council may declare the Applicant in default.

K. Maintenance

The Applicant shall, during the improvement assurance warranty period, maintain all of the improvements in the subdivision in good condition and free from defects in materials and workmanship. During the warranty period, the City may provide routine maintenance of public improvements such as snow removal and cleaning, which has been dedicated to and accepted by the City.

L. Warranty of Improvements

- 1. The Applicant shall warrant and guarantee that the improvements provided hereunder, and every part thereof, will remain in good condition for a period of two years after the date of the construction completion inspection report by the engineer and agrees to make all repairs to and maintain the improvements and every part thereof in good condition during that time with no cost to the

municipality.

2. The engineer shall determine when repairs or maintenance are required for improvements which have not been accepted by the municipality. Unless unreasonable, arbitrary or capricious, the engineer's decision shall be binding on the Applicant. The improvements required hereby extend, but are not limited to, the street base, and all pipes, joints, valves, backfill and compaction as well as the working surface, curbs, gutters, sidewalks, and other accessories which are or may be affected by the construction operations. Whenever, in the judgment of the engineer, the work needs repair, maintenance, or rebuilding, he shall cause a written notice to be served the Applicant and thereupon the Applicant shall undertake and complete such repairs, maintenance or building. If the Applicant fails to do so within ten days from the date of the service of such notice, the engineer shall have such repairs made and the costs of such repairs shall be charged to the Applicant with an additional 25% of the cost of the repairs levied in addition thereto for stipulated damages resulting from such failure on the part of the Applicant to make the repairs.
3. The Applicant shall be responsible for all of the repairs of the improvements during the improvement assurance warranty period and shall promptly, at its own expense, make all necessary repairs and correct all discovered defects. If, at the end of the warranty period, the improvements comply with the requirements of this ordinance and applicable City codes, the City shall give its final written approval and acceptance of the improvements and shall fully release the improvement assurance warranty commitment. If at or prior to the end of the warranty period, the improvements fail to comply with this ordinance and the standards of construction of the City, the City shall notify the Applicant in writing of such defects. The Applicant shall have not more than sixty (60) days to correct the defects to the improvements. If the defects are not corrected to the satisfaction of Naples City within the sixty (60) day period, then the City shall be entitled to disbursement of the retained warranty assurance funds.
4. Warranty Assurance Duration
The Planning Commission has determined that a period of less than two (2) years would be inadequate to protect the public health, safety and welfare of the community due to the potential unstable soil conditions in the subdivision or development area and due to the extreme fluctuations in climatic conditions that exist in the Uintah Basin when rendered impracticable the discovery of sub-standard or defective performance within a one (1) year period. Therefore the warranty assurance period shall be two (2) years from date of final completion and inspection by Naples City. Prior to final release, the Applicant must provide evidence of final payment on the Utah Labor and Release form from all contractors, subcontractors, and materialmen providing work on the development.

M. Default on two year warranty

In the event the Applicant is in default, or fails or neglects to satisfactorily repair and maintain the required improvements during two (2) years from the date of approval and acceptance of the improvements by the City Council, or to pay all liens in connection therewith, the City Council may declare the bond, or escrow or other assurance, forfeited, and the City may repair or cause the required improvements to be repaired, using the proceeds from the collection of the bond, escrow or other assurance, to defray the expense.

N. Release

After a period of two (2) years from the completion and acceptance of all required improvements, the City shall release, at the request of the Applicant, the remaining ten percent (10%) of the escrow, or other assurance, provided the required improvements do not show unusual depreciation and all improvements are installed as required and are operational and the Applicant and the development are in compliance with all requirements of the ordinance, development, plan, trust account agreement, etc.

02-31-012 SINGLE LOT AND MINOR SUBDIVISIONS

Objectives:

The purpose of this section is to streamline the process of approval for single-lot and minor subdivision proposals. Owners of property in any zone who make a proposal for a single-lot or minor subdivision shall make application through the Land Use Administrator's office.

Prior to subdivision or development of Land, the Applicant shall:

- 1. Submit an application with a Concept Plan to the Land Use Administrator's office.** The Land Use Administrator shall review application and Concept Plan under plat and shall advise the Applicant of possible problems with the proposed single-lot subdivision within 30 days after receiving the initial application documents. The approval of the Concept Plan shall not constitute approval of the Preliminary Plat or Final plat. If disapproved, the Land Use Administrator shall express the reasons in writing to the Applicant in a timely manner.
- 2. Submission of Preliminary Plat.**

After approval of the Concept Plan, the Applicant shall submit five (5) copies of the proposed preliminary plat to the Land Use Administrator's office. The Land Use administrator shall circulate for comment and review copies of the proposed

preliminary plat to all affected departments and divisions of the City government and to any districts which provide services.

3. Land Use Administrator's Approval

a. Conditions of approval.

The Land Use Administrator shall approve the Preliminary plat if it is found to be in accordance with the standards and criteria specified in this ordinance and all other ordinances of the City including, but not limited to, the Land Use Ordinance, Master Street Plan, the General Plan, building codes and Master Park Plan.

b. The Land Use Administrator shall determine from the review of the Concept Plan or the Preliminary Plat any possible need for environmental Impact analysis, which would take into account the soil, slope, soil erosion, sedimentation control, vegetation, waterways, drainage and other geological characteristics at the site. If the site requires substantial, clearing, grading earth moving to develop the site, the Administrator shall require the applicant to provide control plans and specifications prepared by a Utah Registered Civil Engineer.

c. The Land Use Administrator shall within 30 days after the Preliminary Plat had been filed with the Land Use office either approve or disapprove the Preliminary Plat based on compliance with the municipal ordinances.

d. Authorization to proceed with development and the Single-lot subdivision is permitted once one (1) copy of the approved final plat with the written conditions has been signed by the Land Use Administrator, City Attorney, Ashley Valley Water & Sewer, and licensed surveyor, and engineer representing Naples City if engineering work is required, and has been recorded and is stamped with the date and file number at the County Recorder's office, and has been filed with the Uintah County Surveyor's office. A recorded copy must be filed with the Naples Land Use Administration office. If the Final plat has not been recorded within a 12-month period, the Final plat must be submitted for approval to the Land Use Administrators office.

e. Fees

See general provisions fee resolution. The Applicant shall pay a non-refundable plan check fee for each lot. The fee shall be paid on or before the date the Preliminary plat is submitted for Final approval.

f. Final Plat Form

The Final plat shall be prepared by a licensed surveyor hired by the Applicant. The form of the plat shall follow the Major Subdivision Plat provisions where applicable. See Standards for Final Plat. (02-31-008 G. 2.)

- g.** All improvements necessary for the development of the subdivision lots shall be installed at the expense of the Applicant.
- h.** Notice to public not required unless determined to be necessary by the Land Use Administration Office.
- i.** Minor subdivisions are only permitted on existing roads. When the properties are subdivided, the portions of the properties that lie upon an existing public street shall not be required to be dedicated or deeded to the City.

02-31-013 ORDERLY DEVELOPMENT REQUIRED

An Applicant shall develop a subdivision/development in an orderly manner and in such a way that the required improvements will be continuous and all of the improvements will be made available for the full, effective and practical use and enjoyment by the purchaser, grantee, assignee, transferor or lessee of any of the lands within the development.

02-31-014 DESIGN STANDARDS, AREA AND ACCESS REQUIREMENTS

A. Minimum area of subdivision

There shall be no minimum area for a subdivision, except as required to meet the minimum lot size requirements, as provided in the Land Use ordinance for the area in which the subdivision is located.

B. Access

It shall be the responsibility of the Applicant to provide the proper road access to the subdivision as required in this ordinance. The mere existence of a road or right-of-way to the proposed subdivision does not mean that adequate access exists. The Applicant shall follow the requirements of the International Fire Code – Appendix D: Fire Apparatus Access Roads.

C. Relations to adjoining street systems

Owners/Developers shall locate access streets within the subdivision so that the streets connect with existing public streets. Reasonable effort should be made to

locate and design streets so that the adjoining land is not adversely impacted. Half streets on the boundary of a subdivision are prohibited.

D. Angle of minor streets

Minor streets shall approach the major or collector streets at an angle between 80 and 100 degrees.

E. Streets to conform to Master Street Plan

Master and collector streets shall conform to the width designated on the master street plan wherever a subdivision is in an area for which a major street plan has been adopted. For territory where such street plan has not been completed at the time the subdivision preliminary plan is submitted to the Planning Commission, major or collector streets shall be provided as required by the Planning Commission, with minimum easement widths of 80 feet for major streets and 66 feet for collector streets.

F. Minimum street width

Streets shall have a minimum width of 40 feet of asphalt. All streets and alleys must conform to the requirements detailed in the 2009 International Fire Code, Appendix D – Fire Apparatus Access Roads.

G. Alleys

Alleys shall have a minimum width of 26 feet of asphalt and shall only be one direction. Alleys shall not be permitted in the following residential zones: R-1, R-2, RA-1, RA-2, and R-S. The maximum length of an alley shall only be 700 feet. A snow removal easement shall be engineered into the design of the alley. There shall be no parking within an alley.

H. Cul-de-sacs

Maximum cul-de-sac (dead end street) length shall be no more than 500 feet. Dead ends over 150 feet in length must be terminated by a turnaround not less than 100 feet in diameter. See the International Fire Code, Appendix D – Fire Apparatus Access Roads for examples of allowed turnarounds. If surface water drainage is into the turnaround due to the grade of the street, necessary catch basins and drainage easements shall be provided. Where a street is designed to remain only temporarily as a dead end street, an adequate temporary asphalted 110 foot diameter turning area shall be provided at the dead end thereof to remain and be available for public use so long as the dead end exists. A temporary cul-de-sac is only allowed for a period of 8 years.

I. Easements

The Applicant shall set aside easements of at least 10 feet in width for utilities access to each lot.

J. Service roads

Service roads paralleling major streets shall be required unless the Planning Commission approves double frontage lots which may back onto major highways or collector streets as designated on the major street plan. Where lots back onto a major highway or collector street, a buffer planting strip of trees or shrubs shall be provided at a width of ten feet or wider, but in no case less than ten feet.

K. Protection strips prohibited

Protection strips are prohibited. Plats shall not be approved where a proposed subdivision/development plat or any proposed or actual street to the subdivision/development cuts off access to the proposed or actual street by adjacent property owners.

L. Blocks

1. Length and Walkways

Blocks shall not be longer than 1,300 feet. Dedicated walkways five feet wide may be required in the middle of blocks. Where a walkway is required, the Applicant shall surface the full width of the walkway with concrete or asphalt and install a chain link fence at least four feet high on each side, the full length of the walkway. The chain link fence shall be owned and maintained by the property owner on whose property the fence is located.

2. Width

Blocks shall be at least two building lots wide

M. Lots

All lots shown on the subdivision plan shall conform to the minimum requirements of the Land Use ordinance for the zone in which the subdivision is located, and to the minimum requirements of the engineer representing Naples City and Ashley Valley Water and Sewer for sewage disposal. The minimum width for any residential building lot shall be as required by the Land Use ordinance.

1. All lots shall abut a dedicated street, a public street, or a street which has become public by right of use. Streets shall be at least 40 feet wide (asphalt). In the event a lot abuts a public right-of-way created by use, the owners/developers shall improve the right-of-way to the standards required by this ordinance.
2. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.
3. All remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than allowed to remain lot remnants.
4. Where the land in a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be held in either single or joint ownership before approval of the final plan and such ownership shall be recorded in the office of the county recorder.

N. Future Roads

Section lines and quarter section lines shall be reserved for public roads, unless otherwise designated on the master road plan, or unless such location is determined to be unnecessary for future road purposes by the Planning Commission. The minimum easement width of 66 feet total, and 33 feet on each side of section lines will be required. See Master Road Map for all road easements.

O. Street Grades

Minimum street grades of a .5 percent will be required, with the maximum grade being 7 percent for collector streets, and 10 percent for minor streets. Where the observance of this standard is unfeasible, the Planning Commission shall have the power to grant an exception, when special pavement surfaces and adequate leveling areas are installed, or, in the opinion of the Planning Commission, the best subdivision of the land is thereby secured.

P. Street curves

Where the street lines within a block deflect from each other at any one point more than ten (10) degrees, there should be a connecting curve. The radius of the curve for the inner line should not be less than three hundred fifty (350) feet for major streets, two hundred fifty (250) feet for an important neighborhood street, and one hundred fifty (150) feet for minor streets.

02-31-015 SUBDIVISION IMPROVEMENTS

A. Time of construction

The improvements required by this ordinance shall be installed, approved and accepted prior to recording the final plat, except as provided in this ordinance. Improvements shall not be installed until the location and specifications are approved by the engineer. Water and sewer mains and laterals and fire hydrants shall be installed prior to the surfacing of streets and the installation of road base, curbs, gutters, and sidewalks.

B. Streets on property of other public agencies or utility companies

Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement, and maintenance of such streets shall be obtained from the public agency or utility company.

C. Street improvements.

All streets shall be constructed by the Applicant in accordance with the standards, rules, and regulations of this ordinance.

D. Curbs, gutters, and sidewalks

Curbs, gutters, and sidewalks shall be installed on existing and proposed streets by the Applicant in all subdivisions except the rear of those lots which back on major streets and are not permitted access to such streets. After recommendation by the Planning Commission, the City Council may waive sidewalk requirements on streets which exceed an average grade of ten percent between intersections, and may do so in subdivisions where the average lot width exceeds 200 feet at the front building setback line and/or the average lot area exceeds 50,000 square feet.

The design for curb and gutter in Residential subdivisions shall be either high back or modified high back according to UDOT standards. Curb and gutter design in commercial zones shall be high back. The design for curb and gutter in Industrial zones shall be either high back or modified high back.

E. Water supply

A culinary water supply, which must be approved by Tri-county Health Department, shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of Ashley Valley Water and Sewer District. Where an approved public water supply is available, the Applicant shall install water mains and service lines or laterals from such

mains to each lot within the subdivision prior to the installation of road base, surfacing, curbs and gutters, and sidewalks.

F. Fire hydrants

Fire hydrants shall be installed by the Applicant at locations determined by the engineer representing Naples City and the City of Naples Fire Department.

G. Sewage disposal

Individual sewer disposal systems or public disposal facilities shall be provided and must meet Ashley Valley Water and Sewer District and state codes and regulations for each lot in the subdivision. Where a public sanitary sewer is available within 300 feet of the subdivision at the time of recording the final plat, the Applicant shall connect with such sanitary sewer and provide sewer mains and extend laterals from the main sewer line to each lot in the subdivision prior to the installation of the road base, surfacing, curbs, gutters and sidewalks, unless waived by the council.

H. Surface water

The Applicant shall design, construct and install a storm water drainage system within the subdivision which shall be constructed of materials and according to the specifications of the master storm drain plan and according to generally accepted engineering standards based on 125% of a 2 hour, 100 year storm. Each phase of a subdivision shall be connected during construction to a storm water retention system sufficient to retain storm water for that phase. The storm water retention system may consist of one or more storm water retention areas. Each phase of a subdivision must have its own storm water retention area, unless the storm water retention area of that phase is combined with the storm water retention area of another phase. If the storm water retention area is used for multiple phases, then the combined storm water retention area must be designed to retain storm water for all phases that use that storm water retention area. For residential subdivisions, the storm drainage system and area shall be provided by the owner/developer and maintained in one or more of the following ways:

1. Establish a homeowners association with the proper documents and funding mechanism, including the articles of incorporation and bylaws and CC&Rs, to own and maintain the storm water retention area and system for storm water runoff control purposes. This requirement for owning and maintaining the storm water retention area and system is only the minimum requirement and reason for the homeowners association to exist. The homeowners association may have additional rules, regulations, and purposes.
OR
2. If the storm water retention area and system is entirely on the surface and not underground, then the owner/developer shall, in lieu of an HOA, set aside an

area approved by the City Council within the Subdivision engineered to retain the water as required by this ordinance, which may be privately owned. If not a common area, the retention pond/area shall be established by recorded easements and covenants and restrictions that run with the land and that require the owner of the land to maintain the area as designed and at its expense and to make any repairs or improvements as needed over the years to effectuate the purpose of the water retention facility. The owner shall be required to hold the City harmless from any damage or expense related to repairs or maintenance or from damage caused by failure of the system, in perpetuity. The area shall also be identified on the plat and the recorded documents shall be approved by the City Attorney as to form and effect. The following requirements must also be met for this option to be used:

- a. A solid, free-standing, permanent sign must be located on the property within 10 feet of the storm water retention area. The sign must be visible when viewed from the storm water retention area. The bottom of the sign must be between 3 feet from the ground level at the base of the sign. The sign must be 2 feet wide and 1 foot tall. The cap height, measured as the distance from the imaginary line upon which the letters in a font appear to rest to the top of the uppercase letters, must be at least 1 inch for all words on the sign. The sign must have the following language permanently written on it: “The storm water retention area located on this property shall be maintained by the owner(s) of the same property. For more information, see book ___ page ___ of the Uintah County Records. This sign may not be removed or altered under penalty of law.”
- b. The following language must be written on the recorded subdivision plat with a reference in the legend indicating the private property containing the storm water retention area: “The storm water retention area located on this property shall be maintained by the owner(s) of the same property.”

OR

3. In lieu of options #1 and #2, if the storm water retention area is built under a public road with drain boxes that are accessible for maintenance, then Naples City will be responsible for ongoing maintenance of the storm water retention area. Refer to the Naples City developer’s packet for storm water system specifications.

I. Drainage system plans – (See 02-31-010 B. 3. g.)

J. Fences

Fences shall be installed along the perimeter of a subdivision/development when the Planning Commission determines such fence is necessary to protect adjacent lands or the residents of the subdivision/development.

K. Landscaping

The Planning Commission and/or City Council may require an Applicant to provide ground cover where it determines that soil erosion may be a problem or that surface water may flood portions of the city or damage city property, or to prevent the growth of noxious weeds which may become a nuisance or fire hazard or endanger public health. It may specify the types of ground cover.

L. Monuments

Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type approved by the engineer. All subdivision plats shall be tied to a corner or monument of record or established land office survey corner.

M. Street signs

The Applicant shall furnish and install all necessary street signs in accordance with city specifications and UDOT standards. (See 02-16 Sign Regulations)

N. Street names

New street names should not duplicate those already existing. Before the street is named, the proposed name must be submitted to and approved by the Planning Commission.

O. Private lanes, driveways, and accesses

All private lanes, driveways, accesses, etc. that connect to a public street shall be paved starting from the public street to a line not less than 25 feet away from the public street. The entire width of the private lane, driveway, access, etc. must be paved.

P. Street Lighting

1. Street lights shall be installed at each intersection within or abutting the subdivision.
2. Street lights shall have a minimum and maximum distance apart as follows:

Zoning	Minimum distance	Maximum Distance
Residential	150 feet	350 feet
Commercial	100 feet	250 feet
Industrial	150 feet	400 feet

3. Street light poles shall have a minimum and maximum height as follows:

Zoning	Minimum Height	Maximum Height
Residential	20 feet	25 feet
Commercial	20 feet	35 feet
Industrial	30 feet	40 feet

4. Street light poles shall be steel or other material as approved by Naples City.
5. All street lighting shall be provided with underground circuitry as detailed by Naples City and the local electric utility company's specifications.
6. All street lighting installation must be completed before occupancy in the subdivision phase is allowed by Naples City.
7. All residential street lighting shall be type 2 distribution and full cut-off dark sky compliant.
8. Street lights located along public right-of-ways shall be dedicated to Naples City and metered under the ownership of Naples City.
9. Street lamps shall have maximum lumens as follows:

Zoning	Maximum Lumens
Residential	5,000
Commercial or Industrial	8,000

10. Street lamps shall only be LED or induction lighting.

02-31-016 INSPECTION

All construction work involving the installation of improvements in subdivisions and developments shall be subject to inspection by the City of Naples. Certain types of construction shall have continuous inspection while others may have only periodic inspections.

- A. Continuous inspection shall be required on the following types of work:
1. Laying of street surfacing.
 2. Pouring of concrete for curb and gutter, sidewalks and other structures.
 3. Laying of sewer pipe, drainage pipe, water pipe, valves, hydrants and testing.

B. Periodic inspections shall be required on the following:

1. Street grading and gravel base
2. Excavations for curb and gutter and sidewalks
3. Excavations for structures
4. Trenches for laying pipe
5. Forms for curb and gutter, sidewalks and structures

C. On construction requiring continuous inspection, no work shall be done except in the presence of the inspector.

D. Requests for inspection

Requests for inspections shall be made to the municipality by the person responsible for the construction. Requests for inspection on work requiring continuous inspection shall be made three days prior to the commencing of the work. Notice shall also be given one day in advance of the starting of work requiring periodic inspection.

E. Construction completion inspection

An inspection shall be made by the engineer representing Naples City after all construction work is completed. Any faulty or defective work shall be corrected by the persons responsible for the work within a period of 30 days of the date of the inspection report of the engineer representing Naples City defining the faulty or defective work.

F. Inspection of Water and Sewer Improvements

The Applicant shall arrange for the inspection of water and sewer improvements through Ashley Valley Water and Sewer Improvement District.

02-31-017 DEVELOPMENT COSTS

The cost of all improvements, which are required under the provisions of this ordinance, as well as the cost of improvements to existing city infrastructure necessitated by the development, shall be paid by the Applicant.

02-31-018 SIGNATURE BLOCKS

The following are the officially recognized signature blocks required on each plat (where applicable):

A. Owner's Dedication:

"The undersigned owner(s) do hereby certify that they are all of the owners of the foregoing described tracts of land, and do hereby set apart and subdivide the same into lots, blocks, and utility easements as shown on this plat, which is hereby made a part hereof, and assign to the lands included in said plat the name of _____ subdivision.

"The undersigned owner(s) further hereby dedicate, grant and convey to Naples City all those parts or portions of said tracts of land designated on this plats as right-of-ways and/or streets, the same to be used as public thoroughfares, forever and grant and dedicate a perpetual right and easement over and under the land designated on the plat as public utility easements, the same to be used for the installation, maintenance and operation of public utility service lines as may be authorized by Naples City."

DATED this _____ day of _____, 20 ____.

Signature: _____
Property Owner(s)

B. All owners of interests in the land must sign and the signatures must be acknowledged. Use one of the following signature blocks for the Notary Public, based on the type of owner:

1=Property Owner(s) 2=Corporation 3=Partnership 4=LLC 5=Family Trust

Notary Public's "Acknowledgment" (This should immediately follow the "Owner's Dedication")

1. (Complete only if APPLICANT is the Property Owner):

"State of _____
County of _____, ss:

On this _____ day of _____, 20 ____, personally appeared before me _____ and _____, Signer(s) of the above instrument, who duly acknowledged to me that they executed the same.

Notary Public
My Commission expires: _____
Residing at: _____"

2. (Complete only if APPLICANT is a Corporation):

“State of _____
County of _____, ss:
On this _____ day of _____, 20 ____, personally appeared
before me, _____, who being by me duly sworn did say that
he/she is the _____ of _____ Corporation,
and that the foregoing instrument was signed in behalf of said corporation by
authority of its Board of Directors/Bylaws, and he/she acknowledged to me that
said corporation executed the same.

Notary Public
My Commission expires: _____
Residing at: _____”

3. (Complete only if APPLICANT is a Partnership):

“State of _____
County of _____, ss:

On this _____ day of _____, 20 ____, personally appeared
before me, _____, the signer(s) of the foregoing instrument,
on behalf of _____ partnership, and declared that the
foregoing instrument was duly authorized by the partnership at a lawful meeting
held or by authority of its partnership agreement and signed in behalf of said
partnership.

Notary Public
My Commission expires: _____
Residing at: _____”

4. (Complete only if APPLICANT is a LLC):

“State of _____
County of _____, ss:

On this _____ day of _____, 20 ____, personally appeared
before me, _____, who being by me duly sworn did say
that he/she is/are the managing member of _____
LLC and that the foregoing instrument was duly authorized by the LLC at a
lawful meeting held or by authority of its operating agreement and signed in
behalf of said LLC.

Notary Public
My Commission expires: _____
Residing at: _____”

5. (Complete only if APPLICANT is a Family Trust):

“State of _____
County of _____, ss:

On this _____ day of _____, 20 ____, personally appeared before me, _____, who being by me duly sworn did say that he/she is the Trustee of _____ Trust, And that the foregoing instrument was signed in behalf of said Trust by authority of its Trust Agreement and executed the same.

Notary Public
My Commission expires: _____
Residing at: _____”

C. “Certificate of Survey” of the Registered Professional Land Surveyor that creates the final plat as follows:

“I, _____, a registered professional land surveyor in the State of Utah, do hereby certify that the above described plat has been correctly drawn to the designated scale and is a true and correct representation of the foregoing description of lands included in said subdivision, based on data compiled from the records of the Uintah County Recorder’s Office and of a survey made on the ground. I have read the current zone requirements. The lots described hereon comply with the current zone, and all information required by ordinance or State law to be included on the plat is duly and accurately shown thereon and that all measurements have been verified and monuments placed as shown thereon.

DATED this _____ day of _____, 20 ____.

Surveyor
State License Number: _____”

D. In case a Lien Holders Dedication pertains to the plat, the following shall be added (if applicable):

“The undersigned holders of a lien, easement or other non-possessory interest in the above and foregoing described tracts of land, hereby consent to and join in the foregoing plat and dedication thereof by the legal owners thereof and hereby release and quit claim to Naples City all of the right, title and interest of the under signed in the rights in said lands dedicated, granted and conveyed to said City by the owner’s dedication aforesaid.

DATED the _____ day of _____, 20 ____.

Signature: _____”

E. Naples City Mayor’s “Certificate of Approval” as follows:

“This is to certify that this plan and dedication of the _____
Subdivision in Naples City were duly approved and accepted by the Mayor and
City Council of Naples City on this _____ day of _____, 20 ____.”

Mayor

Attest: _____
City Recorder”

F. Naples City Attorney’s “Certificate of Approval” as follows:

“I have examined the proposed plat and in my opinion it conforms with the
Naples City Ordinances applicable thereto and now in force and effect.
DATED this _____ day of _____, 20 ____.

City Attorney”

G. Ashley Valley Water & Sewer “Certificate of Approval” as follows:

“I have examined the proposed plat and in my opinion they conform with Ashley
Valley Water & Sewer standards applicable thereto and now in force and effect.
Sewer & Water will be made available once conditions are met.

DATED this _____ day of _____, 20 ____.

Ashley Valley Water & Sewer:
_____”

H. Naples City Land Use Administrator’s “Certificate of Approval” as follows:

“I have examined the proposed plat and in my opinion it conforms with the
Naples City Ordinances applicable thereto and now in force and effect.
DATED this _____ day of _____, 20 ____.

Naples City Land Use Administrator”

CHAPTER 02-32 BUFFERS

Section: 02-32 Buffers

Definitions: A strip or area that consist of walks and plants, which include pre-cast walls, masonry walls and burms. With trees, shrubs, stone, rocks and other landscaping materials at least ten feet in width to form a hardy screen dense enough and high enough both to interrupt vision and to diffuse the transmission of sound.

Purpose: To interrupt vision and diffuse the transmission of sound between non-residential and residential agricultural uses and the “greening” of the City.

Buffering and Landscaping: Requirements are at locations where the side and/or rear property lines of a lot used for non-residential purposes abuts a residential and/or agricultural residential zone or at locations other wise required.

The following plants shall be approved for such purpose of buffering, but shall not be exclusive of other plants which may be suitable; provided that they can form a hardy screen, dense enough and high enough both to interrupt vision and to diffuse the transmission of sound:

Street Trees / Name Species

Acerinnala / Amur Maple
Acer Spicatum
Eastern Mountain Maple
Glossy Privet
Newport flowering plum
Kwanzan Japanese
Flowering Cherry
Crataegus Laeuigata
English Hawthorn
Autumn Glory
Paulii – Coccinea Flore Plena
Flowering Cranapple
Dolgo Crabapple
Common Haptice
Hedge Maple
Ginko

Street Trees / Name Species

Japanese Flowering Crabapple
Roseybloom Crab
Bechtel Crab (Klem’s Improved)
Snowdrift Crab
Redbud Crab
New Mexico Locust
Mugo Pine
Purple-leaf Sand Cherry
Japanese Tree Lilac
Nannyberry Uiburnum
Dwarf Norway Spruce
Eastern Redbud
Black Hawthorn
Goldenrain Tree
Bradford Callery Pear

Said strip shall be planted and maintained in a healthy, growing condition by the property owner. No Such buffer strip shall, however, extend nearer to a street right-of-way line than the established building setback line of the adjoining lot. The owner of said buffer area is also required to erect a permanent wall or fence of not less than six feet in height.

Except as provided above, the natural topography of the land shall be preserved. The natural growth shall not be disturbed beyond that which is necessary to prevent a nuisance, or to thin such natural growth where too dense for normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers. However, a slope easement may be cleared and graded where required to prevent soil erosion; provided such easement shall be immediately replanted upon completion of easement improvements.

Such buffer strip shall not be used for parking or a structure other than a fence, wall or drainage improvements required by the City. However, a buffer area may be used for vehicular access and utility easements (only if such uses are provided approximately perpendicular to the greater distance to the buffer area) and for drainage improvements required by the city based upon competent engineering studies which show such improvements to be necessary.

CHAPTER 02-33 NAPLES CITY TREE ORDINANCE

Section 02-33-001	Purpose
Section 02-33-002	Definitions
Section 02-33-003	City Tree Plan
Section 02-33-004	Tree Species
Section 02-33-005	Spacing
Section 02-33-006	Distance from Curb and Sidewalk
Section 02-33-007	Distance from Street Corners and Fire Plugs
Section 02-33-008	Utilities, Easements, and Right-of-Ways
Section 02-33-009	Public Tree Care
Section 02-33-010	Tree Topping
Section 02-33-011	Pruning and Corner Clearance
Section 02-33-012	Removal of Stumps
Section 02-33-013	Interference with Planning Commission
Section 02-33-014	Review by City Officials
Section 02-33-015	Penalty
Section 02-33-016	Effective Date
Section 02-33-017	Enforcement

02-33-001 PURPOSE

The potential for trees to modify and improve our living environment is in our own hands. A City tree program will help our community be a better place. Trees create a recreational area, raise property values, enhance the visual landscape, abate noise, and provide habitat for wildlife, etc.

A tree program improves our living environment, but also increases service costs to the public. To reduce tree care cost it will be necessary to educate ourselves and the community to select the best tree for the right place and planting time for our area. Trees carefully selected to meet the need at hand, whether it is for beauty, shade, or screening, will contribute to the quality of life in our community.

02-33-002 DEFINITIONS

Street Trees: “Street Trees” are herein defined as trees, shrubs, bushes, 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.

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.

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.

02-33-003 CITY TREE PLAN

It shall be the responsibility of the Planning Commission to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in the parks, along the street and other public areas. Such plan will be presented annually to the City Council and Mayor and upon their acceptance and approval shall constitute the official “COMPREHENSIVE CITY TREE PLAN” for the City of Naples.

02-33-004 TREE SPECIES

The following attached list constitutes the official street trees species for the City of Naples, Utah. No species other than these included in this list may be planted or replanted as street trees, without written permission of the Planning Commission.

Name	Scientific Name	Size
Amur Maple	<i>Acer ginnala</i>	Small
Autumn Blaze Maple	<i>Acer fremanii</i>	Medium
Autumn Glory	<i>Acer rubrum</i>	Large
Bechtel Crab (Klehm’s Improved)	<i>Malus ioensis</i>	Small
Black Hawthorn	<i>Crataegus douglasii</i>	Small
Bradford Callery Pear	<i>Pyrus calleryana</i>	Medium
Dolgo Crabapple	<i>Malus domestica</i>	Small
Dwarf Norway Spruce	<i>Picea abies 'pumila'</i>	Small
Eastern Redbud	<i>Cercis canadensis</i>	Small
English Hawthorn	<i>Crataegus laevigata</i>	Small
Ginkgo	<i>Ginkgo biloba</i>	Large
Glossy Privet	<i>Ligustrum lucidum</i>	Large
Goldenrain Tree	<i>Koelreuteria paniculata</i>	Medium
Hedge Maple	<i>Acer campestre</i>	Medium
Japanese Flowering Crabapple	<i>Malus floribunda</i>	Small
Japanese Tree Lilac	<i>Syringa reticulata</i>	Small
Mountain Maple	<i>Acer spicatum</i>	Small
Mugo Pine, Large	<i>Pinus mugo subsp. uncinata</i>	Large
Mugo Pine, Small	<i>Pinus mugo subsp. mugo</i>	Small
Nannyberry Viburnum	<i>Viburnum lentago</i>	Small
New Mexico Locust	<i>Robinia neomexicana</i>	Small
Newport flowering plum	<i>Prunus cerasifera 'Newport'</i>	Small
Paulii – Coccinea Flore Plena	<i>Crataegus coccinea</i>	Small
Purple-leaf Sand Cherry	<i>Prunus cistena</i>	Small
Redbud Crab	<i>Malus x zumi var. calocarpa</i>	Small
Roseybloom Crab	<i>Malus 'Pink Spires'</i>	Small
Snowdrift Crab	<i>Malus 'Snowdrift'</i>	Small

(This list changes as new species are added to the approved street tree list)

02-33-005 SPACING

The spacing of the street trees will be in accordance with the three (3) species size classes listed in Section 7 of this Ordinance. No trees may be planted closer together than is healthy for them and the community. The following guidelines will help the Planning Commission determine the minimum distance a given size of tree should have from any other tree:

- Small trees: Ten (10) feet
- Medium trees: Twenty (20) feet
- Large trees: Thirty (30) feet

Examples:
Large-



Medium-



Small-



02-33-006 DISTANCE FROM CURB AND SIDEWALK

The minimum distance a tree may be planted from a curb, sidewalk, right-of-way easement, or street is determined by the size of the tree as follows:

- Small Trees: 2 feet (small trees may be planted in the planter strip between the street and sidewalk, even if that is within the right-of-way easement.)
- Medium Trees: 10 feet
- Large Trees: 20 feet

Depending on the root system of a given tree, the Planning Commission may require more or less distance from the tree to the closest curb or sidewalk.

02-33-007 DISTANCE FROM STREET CORNERS AND FIRE PLUGS

No street tree shall be planted closer than ten (10) feet of any street corner, measured from the point of nearest intersecting curbs or curb-lines, sidewalks, or

sidewalk line. No street tree shall be planted closer than fifteen (15) feet of any fire plug or fire hydrant.

02-33-008 UTILITIES, EASEMENTS, AND RIGHT-OF-WAYS

No trees other than those species listed as small trees in Section 02-33-008 of this Ordinance may be planted under or within twenty (20) feet of any overhead utility wire, or over or within ten (10) lateral feet of any underground water line, sewer line, transmission line or other utility. No tree may be planted in an easement or right-of-way without written permission from the Planning Commission. The Planning Commission should encourage the planting of trees on privately owned land.

02-33-009 PUBLIC TREE CARE

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the easement of all streets, alleys, avenues, lanes, squares, and public grounds as may be necessary to insure public safety and to preserve or enhance the symmetry and beauty of such public grounds.

The City Code Enforcer shall have the right to cause the removal of any existing tree or part thereof, which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, gas lines, water lines, or other public improvements or is affected with any injurious fungus, insect or other pests. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with section 02-01 and 02-33 of this Ordinance. All maintenance of said trees, pruning, removal or disposal of, irrigation, etc. shall be the responsibility of the property owner, or Home Owner’s Association, if applicable.

02-33-010 TREE TOPPING

It shall be unlawful as normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property without written permission from the Planning Commission. Trees severely damaged by storms or other cause, or certain trees under utility wires or other obstructions where other pruning practices are impractical shall be exempted from this requirement.

02-33-011 PRUNING AND CORNER CLEARANCE

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches, so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space ten (10) feet above the surface of the sidewalk, and at least eighteen (18) feet above dedicated city streets. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a

menace to the safety of the public. Trees shall not be planted in a location that would create a safety hazard to drivers by blocking their view.

02-33-012 REMOVAL OF STUMPS

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

02-33-013 INTERFERENCE WITH PLANNING COMMISSION

It shall be unlawful for any person to prevent, delay or interfere with the Planning Commission, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street tree, park tree, or trees on private grounds, as authorized in this ordinance.

02-33-014 REVIEW BY CITY OFFICIALS

The City Council and Mayor shall have the right to review the conduct, acts and decisions of the Planning Commission. Any person may appeal from any ruling or order of the Planning Commission to the Naples City Council and Mayor, who may hear the matter and make final decision.

02-33-015 PENALTY

Any person violating any provision of this chapter (02-33 Street Trees) shall be guilty of a class C misdemeanor.

02-33-016 EFFECTIVE DATE

This chapter shall become effective immediately upon publication or posting as set forth by State law.

02-33-017 ENFORCEMENT

The City Code Enforcer of Naples City shall serve as the enforcement officer for the enforcement of the provisions of this chapter.

CHAPTER 02-34 STREET MAP

02-34 MASTER STREET OFFICIAL MAP

Section 02-34-001	Objectives and Purpose
Section 02-34-002	Adoption of Official Map
Section 02-34-003	Duties of Land Use Administrator
Section 02-34-004	The Effect of Official Map
Section 02-34-005	Funding for purchase of Street Easements

02-34-001 OBJECTIVES AND PURPOSE

It is necessary to plan and develop regulations and restrictions to promote transportation safety and the alternative transportation ways for the orderly growth and development of Naples City; To provide adequate easement and easement widths at property locations to prevent and lesson congestion on the streets; to secure economy in Naples City expenditures, to facilitate provision for transportation, water, sewage and other necessary utilities and services; to increase the security of home life and preserve and create a more favorable environment for our Citizens and Visitors of the City; to provide access for emergency equipment to secure safety from fire and other dangers and to promote the development of a more wholesome, serviceable and attractive City resulting from an orderly planned transportation system.

02-34-002 ADOPTION OF OFFICIAL STREET MAP

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 should contain the proposed location and widths of all arterial and collection 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.

02-34-002 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 the Master Street Map review.

The review will ensure that;

1. The Planning Commission receives the Master Street Map review.
2. The Building Official receives the Master Street Map review report on Land Use matters at permit review.
3. Work with developer's engineers and planners to provide well planned subdivision roads, alleys, and access to collectors and arterial street.

4. Work with developers and their engineer planners to provide alternative transportation ways connecting to the cities alternative transportation plan.

5. Work with City Engineers to maintain the City's Road Development Standards. For the purpose of this ordinance, the City adopts UDOT Road and Bridge Standards with the following exceptions;

1. Compaction is 97%
2. Asphalt types for Naples Streets;
 - a. Cold native w/chip seal and flush coat
 - b. Hot native w/chip seal and flush coat
 - c. Hot mix asphalt (HMA) Section 02147M
3. Minimum of 3 inches of asphalt, 8 inches untreated road base, 12 inches granular barrow for street development cross section
6. Work with City Engineers to maintain the Typical Cross Section giving location and depth for sewer, water, and utilities.

CHAPTER 02-35 SPECIAL RESIDENTIAL ZONE

Section 02-35-001	Objectives and Characteristics
Section 02-35-002	Permitted Uses
Section 02-35-003	Other Requirements

02-35-001 OBJECTIVES AND CHARACTERISTICS

The Special Residential Zone (R-S) is intended to create a specific location in the city for assisted living elderly housing. Development in the R-S zone will typically be higher density than other residential areas in the city, and therefore should be built in a way that is friendly to neighboring residences by being architecturally consistent. Assisted living elderly housing, should be a healthy part of the steady growth of Naples City.

02-35-002 PERMITTED USES

The following use is allowed in the R-S zone:

1. Assisted living elderly housing consisting of no more than 16 dwelling units.

02-35-003 OTHER REQUIREMENTS

Minimum frontage: 100 feet
Minimum lot area: 20,000 square feet.
Minimum front setback for any structure: 30 feet
Minimum side setback for any structure: 10 feet
Minimum rear setback for any structure: 20 feet
Maximum height for any structure: 25 feet

The lot area around the buildings and structures shall be kept free from refuse and debris.

All dwellings shall be supplied with potable water, and plumbed in accordance with the current edition of International Building Codes, the National Electric Code, and the Americans with Disabilities Act.

The design for curb and gutter shall be either high back or modified high back according to UDOT standards.

Sidewalk along the frontage is required.

Architectural renderings and the site plan are required for review by the Planning Commission to recommend to the City Council for required approval.

A minimum of 1 off-street parking space is required for every 2 dwelling units (round up if necessary), plus 2 additional parking spaces. For example, a structure containing 16 dwelling units would require a total of 10 off-street parking spaces.

Trash containers shall be located within a trash container enclosure and must be screened 100% from public roads, parks, and adjacent residential uses.

Lighting shall be directed away from adjacent residential uses.

A plat design including meaningful landscaping and its maintenance is required. Meaningful landscaping is grass, trees, shrubs, xeriscape, etc., in an appealing layout and size arrangement approved by the Planning Commission. Landscaping shall be maintained by the property owner. At least eighty percent of the lot area not covered by buildings or parking shall be maintained as open space and landscaped. A minimum of 1 tree per 3,000 square feet of the landscape area is required.

A guarantee bond or other financial guarantee shall be required, guaranteeing landscaping and other improvements within a year of occupancy, at the Building Official's option. See 02-31 Subdivisions for the procedures of bonds.

CHAPTER 02-36 RESERVED