

## **CHAPTER 02-03 ADMINISTRATION AND PROCEDURES**

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### **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.).

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.