

CHAPTER 02-14 SUPPLEMENTARY REGULATIONS

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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

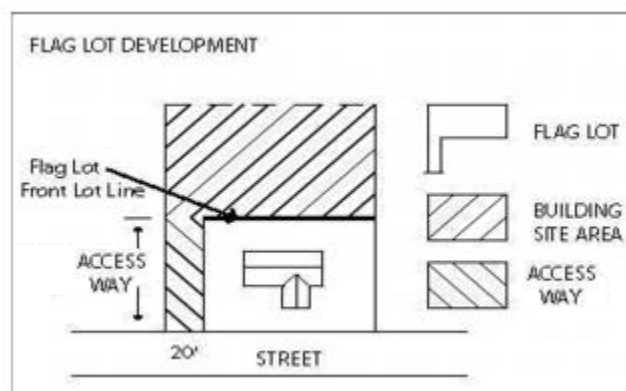
Purpose: Flag lots are intended to allow development of substantial, buildable properties where the extension of public streets cannot or should not be extended, due to sensitive land, topographic or other natural features. Additionally, constraints created by the existing built environment may be a 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, RA-1 or RA-2 zone. See 02-21-006 for flag lot requirements in the A-1 zone¹;
 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.



¹ Amended July 27, 2017

- 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, and every lot shall have the required frontage on a street. See chapter 02-02 for definitions.²

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 Appeals and Variances Hearing Officer³. 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

² Amended 08/24/2017

³ Amended from Board of Adjustment July 27, 2017

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)

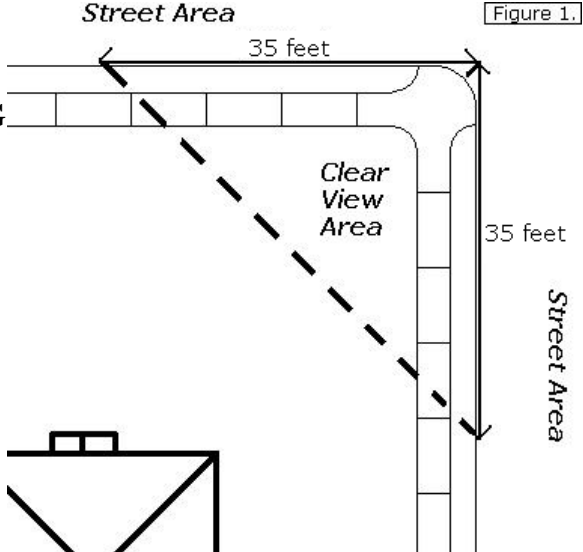
02-14-018 STORAGE OF JUNK AND DEBRIS IN RESIDENTIAL ZONES PROHIBITED

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 livestock⁴ 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).

⁴ Amended 08/24/2017

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” on naplescityut.gov.⁵

02-14-028 LOT LINE ADJUSTMENTS⁶

If a lot line adjustment creates a lot that violates the setbacks, frontage, and/or square footage requirements it will be considered an illegal lot.

Illegal lots are not developable and will not receive any permits.

⁵ Removed hyperlink 08/24/2017

⁶ Added 3/8/2018

When starting the lot line adjustment process you must:

1. Notify the City by filling out the Lot Line Adjustment form along with the surveyed plat and;
2. Record the lot line adjustment with the Uintah County Recorder's office in a timely manner.
3. If the lot is in a subdivision, a subdivision amendment must be completed.