

CHAPTER 02-02 DEFINITIONS

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.

ACCESSORY DWELLING UNITS (ADU)ⁱ

Is a self-contained apartment in an owner occupied single-family home/lot that is either attached to the principal dwelling or in a separate structure on the same property.

ACCESSORY RESIDENTIAL

A separate residential unit that is incidental, subordinate, and secondary to the principal residential or nonresidential use of the property.

AFFECTED ENTITY

As defined in accordance with Section 10-9a-103 of Utah Code Annotated.

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.

AGRICULTURAL ZONE

Provides areas in which agricultural pursuits can be continued within the City of Naples.

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.

AIRPORT ZONE (A)

Intended to keep open and open up collector streets for emergency vehicle travel and maintain the integrity of the Naples Transportation System.

ALLEY

A public thoroughfare more than 20 feet but less than 26 feet wide. A walk cutting through massed trees or a formal procession of trees, originally in French seventeenth century gardens.

ANIMAL CONTROL

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

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.

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.

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.

AREA

The measure of a region, as of land.

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.

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.

BARN

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

BASE FLOOD

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

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

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.

BOSQUE

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

BUFFERS

A strip or area that consists of walks and plants which include pre-cast masonry walls and burms. With trees, shrubs, stone, rocks and other landscaping materials at least ten feet in width to form a hardy screen dese enough and high enough both to interrupt vision and to diffuse the transmission of sound.

BUILDING

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

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.

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.

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.

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.

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.

BUILDING, MAIN

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

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.

BUSINESS PARKS

Self-contained commercial areas used for office space separated from other commercial zones by intervening zones of other types.

CASITAS

A separate dwelling structure located on a lot with one or more main dwelling and used for housing of family and shall not be sold separately from the main residential structure until such time as all access roads meet all Naples City road standards and specifications, and all subdividing is done strictly in accordance with Naples Zoning and Subdivision Ordinances. Lots with casitas are subject to the area, width and location requirements for two-family dwellings in the applicable zone. Mobile homes, trailers, RV's, campers, and any other temporary buildings and/or vehicles, may not be used as a casitas. A casitas shall only be permitted on lots with an existing owner occupied single-family dwelling or where a permit has been issued and construction is in progress for a single-family dwelling. Only one casitas shall be permitted per lot of record.

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.

CITY

Naples City

CLEAR VIEW TRIANGLEⁱⁱ

A triangular space at the corner of a lot so that it does not obstruct the view of travelers upon the streets.

CLERESTORY

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

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.

COMMERCIAL VILLAGE CORES

Those areas designated as C-1 in the Naples City Land Use Ordinance.

COMMERCIAL ZONE (C)

Permits the establishment of a well-designed complex of retail commercial facilities and associated services, which will provide goods and services for the public.

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.

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.

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.

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.

CONSIDER

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

CONSTRUCTION STANDARDS

The Standards and Specification adopted by this Ordinance.

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.

COOP

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

CORRAL

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

COUNCIL

The legislative body that proposes bills, holds votes, and passes laws to help govern the City of Naples.

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.

COVERAGE, LOT

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

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.

CUL-DE-SAC

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

DAIRY

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

DAY CARE CENTER

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

DECKⁱⁱⁱ

An outdoor platform built a minimum of twelve (12) inches above grade.

DEVELOPMENT

Any manmade 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.

DOMESTIC ANIMAL

An animal that is not wild and is kept as a pet or to produce food.

DOWNTOWN FORM BASED ZONING ORDINANCE (FBZ)

Refers to the Naples City Form Based Code document. Contains definitions, introductions, procedures, and standards and guidelines for the intent of regulating all development activities within the C-1 Zone.

DOWNTOWN COMMERCIAL ZONE (C-1)

Provides locations for a full range of convenience shopping facilities and services which are oriented to serve the city as a whole. Esures 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 appearances from the highway frontage does not present a poor image of the city.

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.

DWELLING

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

DWELLING, GROUP

Two or more dwellings placed upon a single lot.

DWELLING, MULTIPLE-FAMILY

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

DWELLING, SINGLE FAMILY

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

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.

DWELLING, TWO-FAMILY

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

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 three-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 three or if they use or are furnished separate cooking facilities, whether temporary or permanent such additional persons shall be considered a separate dwelling unit.

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.

EDUCATIONAL INSTITUTION

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

ENCOURAGED

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

ENGINEER

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

ESTRAY

Stray livestock and/or stray domestic animals.

FAÇADE

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

FAMILY

One or more persons related by blood, marriage, or law, plus domestic worker employed for service on the premises.

CONSANGUINITY RELATIONSHIP CHART

First Degree	Second Degree	Third Degree
Parents	Grand Parents	Great Grand Parents
Children	Brothers/Sisters	Uncles/Aunts
	Grand Children	Nephews/Nieces
		Great-Grand Children

Under the Degrees of Consanguinity, where Spouse is indicated, the relationship of the spouse is in the same degree as that of the person related by consanguinity, but the spouse is related only by affinity.

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.

FENCE, SIGHT-OBSCURING

A fence intended to conceal or hide the view of neighboring properties; which can include chain-link with slats.

FENESTRATION

The design and placement of windows in a building.

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. The last plat submitted in the approval process.

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.

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.

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.

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.

FOOD TRUCK

A full encased food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption. Food truck does not include a food car or an ice cream truck.

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.

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.

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.

GARAGE, PUBLIC

Garage for temporary parking or storage of small to medium size motor vehicles, usually for a fee.

GARAGE, MECHANIC

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

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.

GENERAL PLAN

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

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.

HEAVY INDUSTRIAL ZONE (I-2)

The area of the city better suited for heavy industrial use which are more intense by nature than those uses permitted in the I-1 zone and often accompanied by noise, odors, and other factors which make the uses objectionable near residential and commercial zones.

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.

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.

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 without meals.

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.

IMPROVED LOT

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

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.

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.

INDUSTRIAL ZONE (I-1)

Covers a portion of the city which is suited for light and medium intensity industrial development.

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.

INTERVENING PROPERTY

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

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.

KENNEL

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

LANDSCAPING

Landscaping shall mean some combination of planted trees, shrubs, vines, ground cover, flowers, or lawns. In addition the combination of 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.

LAND USE APPLICATION

An application required by the Naples City Land Use Ordinance.

LAND USE ADMINISTRATOR

The Land Use Administrator shall be designated to hear and act on Land Use applications and may decide certain matters as designated by the City Council, and consistent with guidelines established by this Chapter and State law and the rules adopted by the Planning Commission.

LAND USE AUTHORITY

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

LAND USE ORDINANCE

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

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.

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.

LATECOMERS

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

LEGISLATIVE BODY

The Municipal Council.

LIVESTOCK

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

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.

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.

LIVESTOCK, URBAN

Rabbits, ducks, hen chickens, goats and bees.

LODGING HOUSE

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

LOT

A parcel or tract of land 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.

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.

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.

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.

LOT, INTERIOR

Any lot other than a corner lot

MANUFACTURED HOME

A transportable factory build housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections that:

- a. In the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet; and
- b. Is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

MAP, OFFICIAL

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

MASTER PLAN

A comprehensive plan that provides a long-range vision for the City of Naples.

MATERIALS, ACCENT

Approved materials that are allowed to cover 10-20% of the façade of a building used for trim elements.

MATERIALS, PRIMARY

Approved materials that are allowed to cover 50% or more of the façade of a building.

MATERIALS, SECONDARY

Approved materials that are allowed to cover 25-50% of the façade of a building.

METES AND BOUNDS

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

MINOR SUBDIVISION

A subdivision containing less than eight (8) lots with all lots having the required frontage on a dedicated public street and not traversed by a proposed street.

MIXED USE VILLAGE CORES

Commercial areas which have also incorporated residential uses. Mixed use village cores can be found only in the C zone in Naples City.

MOBILE HOME

A transportable factory built housing unit built before June 15, 1976, in accordance with a state mobile home code which existed prior to the HUD Code.

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.

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.

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.

MODERN VERNACULAR

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

MODULAR UNIT

A structure for the purpose of human habitation, occupancy, or use that is built from sections that are manufactured in accordance with the State Construction Code and transported to a building site.

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.

NATURAL WATERWAYS

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

NETTED PEN

Cage or structure, used for housing game birds.

NIGHTCLUB

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

NOMINAL FEE

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

NONCOMPLYING STRUCTURE

A structure that legally existed before its current land use designation and 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.

NONCOMFORMING USE

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

NOXIOUS WEED

A weed which is considered to be harmful to the environment or animals.

NUISANCE

Any item, thing, manner, condition whatsoever that is dangerous to human life or health or renders soil, air, water or food impure or unwholesome.

NURSERY FOR CHILDREN

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

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.

ONSITE FACILITIES

Facilities installed within or on the perimeter of the subdivision.

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.

ORDINANCE OR LAND USE ORDINANCE

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

OVERSIZED FACILITIES

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

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.

PARK TREES

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.

PARK ZONE (P-1)

City parks and recreation facilities throughout the City of Naples.

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.

PARKING SPACE

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

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.

PATIO^{iv}

Hard surfaced, outdoor floor area at ground level, may not be more than twelve (12) inches above grade.

PAYING GUEST

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

PEN

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

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

PERMIT, DESIGN

A permit issued by the Planning Commission when the applicant has submitted all information required that demonstrates the applicant’s intended design for buildings, surrounding grounds, roads, and circulation, lighting, landscaping, and any other component affecting the specific and overall character of the City, and such information has been determined by the Planning Commission to be in compliance with the Naples City Land Use Ordinance.

PERMIT, CONDITIONAL USE

A permit issued by the Land Use Authority upon an applicant submitting a request for a different particular use, development or structure other than those specifically permitted in the Naples City Land Use Ordinance.

PERMIT, OCCUPANCY

A permit issued by the City Building Official before occupancy or use of any structure.

PERMIT, VARIANCE

A permit issued by the Appeal Authority upon an application submitting a request for a variance from the standards and guidelines in the Naples City Land Use Ordinance and the Naples City Code where the standards and guidelines present a real, substantial particular, and unnecessary hardship to the Applicant and not a mere inconvenience.

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.

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 of Utah Code Annotated.

PORCH

A covered area projecting from the entrance of a building.

PUBLIC HEARING

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

PUBLIC MEETING

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

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.

PLANNING COMMISSION

Consists of five regular members who are residents of Naples City and shall be appointed by the Mayor and approved by the City Council. The Planning Commission makes recommendations to the legislative body on the general plan and land use regulations.

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. The second plat to be submitted in the approval process.

PRIMARY RESIDENCE

The main dwelling a person uses a majority of the time during a calendar year.

PRIVATE DRIVE

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

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.

PROVIDE

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

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.

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.

RECORD OF SURVEY MAP

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

RESIDENTIAL/AGRICULTURAL 1 ZONE (RA-1)

The primary purpose is to provide a location where residential development associated with limited numbers of livestock can be maintained. Characterized by large lots or tracts of land interspersed by dwellings, barns, corrals, and agricultural service buildings used in connection with farming operations.

RESIDENTIAL/AGRICULTURAL 2 ZONE (RA-2)

The primary purpose is to provide a location where residential development associated with limited numbers of livestock can be maintained. Established to encourage good neighborhoods, housing, or area design thus ensuring substantial compliance with the intent of those regulations and other provisions.

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 of Utah Code Annotated.

RESIDENTIAL ZONE (R-1)

Covers the portion of Naples which is primary 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.

RESIDENTIAL ZONE (R-2)

A zone for family residential purposes, somewhat more dense than the R-1 Residential Zone. Includes attractive lawns, trees, shrubs, both on the street and around the buildings.

RESIDENTIAL ZONE (R-3)

A zone for family residential purposes with a higher density than both the R-1 and R-2 zones. Designed to include neighborhoods that incorporate open space with convenient pedestrian and bicycle access which maintains connectivity between adjoining property.

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.

SATELLITE COMMERCIAL

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

SHALL

Compliance with a guideline using this term is MANDATED.

SHED

Roofed area used to protect feed and or equipment.

SHOPPING CENTER

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

SHOULD

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

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.

¹SIGN, ABANDONED

A sign that remains after the termination of a business or use, or a sign that exhibits fading or peeling paint, missing letters, chips or cracks or damage, and other evidence of neglect for a period in excess of 90 (ninety) days or a neglected sign in excess of 180 days. Termination of a business shall include ceasing operations, failure to obtain or renew a business license with the City, declaring bankruptcy, or failing to renew, update, or reinstate the business with the State of Utah. Signs meeting this definition shall be removed.

SIGN, ADVERTISING

Any sign that identifies the occupant of real property or building and the nature of the business or that advertises a business or its products.

²SIGN, AWNING

An awning attached to a building for advertisement, identification or promotional purposes.

³SIGN, BLADE

A projecting sign that is mounted on a building façade or storefront pole or attached to a surface perpendicular to the normal flow of traffic.

⁴SIGN, BANNER

A sign made of any non-rigid material, with or without a rigid frame on which a sign is painted or printed.

⁵SIGN, BILLBOARD

A freestanding ground sign, larger than 288 square feet, 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.

¹ Added 9-24-2020

² Added 9-24-2020

³ Added 9-24-2020

⁴ Added 9-24-2020

⁵ Amended 9-24-2020

SIGN, BUSINESS

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

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.

SIGN, DIRECTIONAL

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

⁶SIGN, EXISTING BILLBOARD

One of the existing off-premise signs legally located within Naples City as the effective date of (January 1, 2020) which are each identified by a valid Utah Department of Transportation Outdoor Advertising Permit.

⁷SIGN, ELECTRONIC MESSAGE CENTER

An off-premise sign face capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

⁸SIGN, EVENT

An on-premise sign which is intended to advertise community or civic projects, 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 seven (7) days after event is concluded.

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.

SIGN, FLOODLIGHTED

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

SIGN, FREE-STANDING

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

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.

⁶ Added 9-24-2020

⁷ Added 9-24-2020

⁸ Amended 9-24-2020

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.

SIGN, MONUMENT

A freestanding sign that is low to the ground.

SIGN, NAME PLATE

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

⁹SIGN, NEGLECTED

A sign that exhibits fading, or peeling paint, missing letters, chips or cracks or damage, or other evidence of lack of proper care in excess of 90 (ninety) days. Signs meeting this definition shall be repaired. Signs not repaired within 180 days of notice shall be considered abandoned and shall be removed.

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.

¹⁰SIGN, ON-PREMISE

A sign which directs attention to a use, conduct, a commodity sold, or a service performed to the premise on which it is located.

SIGN, PROJECTING

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

SIGN, ROOF

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

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.

¹¹SIGN, TEMPORARY

Small informational signs such as lost pet signs, neighborhood or religious activities signs, political signs, advertising signs for daily specials, etc. These signs must be located within the sign owner’s

⁹ Added 9-24-2020

¹⁰ Amended 9-24-2020

¹¹ Amended 9-24-2020

property and may not be affixed to utility poles, fences, sign poles, or trees and may not be in the right-of-way.

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.

¹²**SIGN, WINDOW**

A sign affixed to the inside of a window and intended to be viewed from the exterior of the structure.

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.

SMALL WIRELESS FACILITY^{vi}

A type of wireless facility on which each wireless provider’s antenna could fit within an enclosure of no more than six cubic feet in volume; and for which all wireless equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet in volume.

SPECIAL RESIDENTIAL ZONE (R-S)

Typically higher density than other residential areas in the city, and should be built in a way that is friendly to neighboring residences by being architecturally consistent.

SPECIFIED PUBLIC UTILITY

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

STABLE

Roofed area used to protect feed and or equipment.

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.

STABLE, PUBLIC

A stable other than a private stable.

STACK YARD

An area to pile hay or grain for feed storage.

¹² Added 9-24-2020

STREETSCAPE

The visual elements of street design.

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.

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.

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.

STREET, COLLECTOR

A street, existing or proposed, which is the main means of access to the major street system and are at least 53 feet wide of asphalt.

STREET, COLLECTOR MINOR

A street, existing or proposed, which is the main means of access to the major street system and are at least 40 feet wide of asphalt.

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 of asphalt.

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.

STREET PLAN, MAJOR

The major street plan of this municipality.

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.

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.

STREET TREES

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.

STRUCTURE

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

STRUCTURAL ALTERATIONS

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

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.

SUBDIVISION

Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. As defined in 10-9a-103 (57) of Utah Code Annotated.

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.

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.

TAVERN

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

THEATER, INDOOR PICTURE

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

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.

TREE TOPPING

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.

UNINCORPORATED

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

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

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.

USE, PERMITTED

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

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.

VARIANCE

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

VICINITY PLAN

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

WIRELESS FACILITY^{vii}

Equipment at a fixed location that enables wireless communication between user equipment and a communications network.

ⁱ Added 4-26-2018

ⁱⁱ Added 1-25-2018

ⁱⁱⁱ Added 1-25-2018

^{iv} Added 1-25-2018

^v Added 1-25-2018

^{vi} Added 8-9-2018

^{vii} Added 8-9-2018