

## **CHAPTER 02-21 AGRICULTURAL ZONE A-1**

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### **02-21-001 OBJECTIVES AND CHARACTERISTICS OF ZONE**

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

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

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

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

### **02-21-002 PERMITTED USES**

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

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

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

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

One and two-family dwellings and buildings accessory thereto:

Public utilities, buildings and facilities.

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

Home occupation in accordance with this ordinance.

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

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

“Casitas” a separate dwelling structure located on a lot with one main residential dwelling structure and used for housing of family and shall not be sold separately from the main residential structure and are subject to the: area square feet, width and location requirements for two-family dwellings in the applicable zone. The casitas is for the use of family members of the owners of the main dwelling that are 3 degrees of consanguinity. Mobile homes, trailers, RVs, 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 building a single-family dwelling. Only one casitas shall be permitted per lot of record. The minimum width at the narrowest point of a casitas shall be no less than twenty (20) feet. The construction, design and appearance of the casitas shall match or exceed the existing home, as well as, the neighborhood or adjoining homes. The casitas shall be located outside of all setback areas of the main residential dwelling; side yards, back yard etc. of the main dwelling and shall be located so that the casitas has at least the same minimum setbacks, side yards, etc. as is required for any other dwelling in the zone. The casitas shall meet the setback requirements required for the main dwelling. The property where a casitas is located shall not exceed forty (40) percent of the total lot area. Additionally, a covenant running with the land, recorded in the County Recorder’s Office that the casitas shall be used only for the housing of family, and not, sold, or taxed separately from the main residential structure, until such time the lot is legally subdivided in accordance with city ordinances.

See Family in definitions chapter 02-02

Conditional Uses:

1. Commercial land uses may be allowed within an agricultural zone on a conditional basis provided that they are agricultural based and determined compatible with the adjacent agricultural land uses. Nonagricultural development will be encouraged to locate in more appropriate zones.
2. Cluster and perimeter type residential development are encouraged on a

case-by-case basis within the agricultural zones. These types of development will be allowed as a conditional use on marginal agricultural grounds and not on prime agricultural grounds, to be determined on a case-by-case basis.

3. Oil and gas wells
4. Kennel
5. Gravel and sand pit
6. Private airport

A lot or parcel resulting from a division of agricultural land is exempt from plat requirements if the lot or parcel is not used and will not be used for any nonagricultural purpose, in accordance with State Code 10-9a-605.<sup>1</sup>

### **02-21-003 AREA REQUIREMENTS**

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

### **02-21-004 WIDTH REQUIREMENTS**

The minimum width of any building site for a dwelling shall be eighty (80) feet measured at a distance of thirty (30) feet back from the front <sup>2</sup>road right-of-way line.

### **02-21-005 LOCATION REQUIREMENTS**

#### MINIMUM SETBACKS FROM <sup>3</sup>ROAD RIGHT-OF-WAY LINES:

1. Main buildings on INTERIOR LOTS (NON-CORNER LOTS):
  - Front: 30 feet
  - Side: 12 feet for one side and 8 feet for the other (20 feet minimum for both sides combined)
  - Rear: 30 feet
2. Main buildings on CORNER LOTS:
  - Front: 30 feet
  - Side: 20 feet from the street

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<sup>1</sup> Amended Sept 23, 2021

<sup>2</sup> Amended Feb 25, 2021

<sup>3</sup> Amended Feb 25, 2021

Rear: 30 feet except that for dwellings having an attached garage or carport, the setback shall not be less than 20 feet.

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

Front: 30 feet measuring perpendicular, from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than 5 feet from the requirements of the zone in which the lot is located.

Side: 12 feet for one side and 8 feet for the other (20 feet minimum for both sides combined)<sup>4</sup>

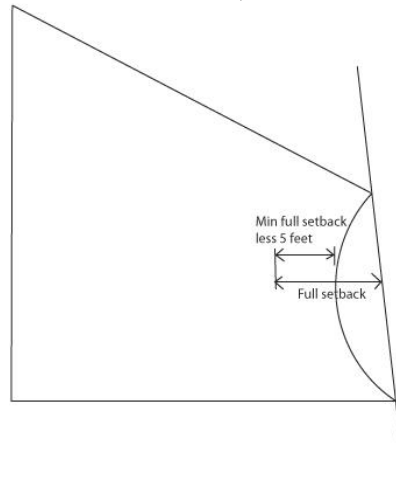
Rear: 30 feet measured perpendicular from the rear wall of the home to the lot line. In no case shall any part of the home be closer than 8 feet to any lot line, and in no case shall any two homes on adjacent lots be closer than 20 feet.

4. Accessory buildings:

Front: 30 feet

Side: 5 feet unless <sup>5</sup>the accessory building is located within 5 feet of the main building, then the side setback is the same as the main building.

Rear: 5 feet unless on a corner lot, then the setback shall be setback 8 feet.



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

**02-21-006<sup>6</sup> FLAG LOTS SUBDIVISION AS A CONDITIONAL USE**

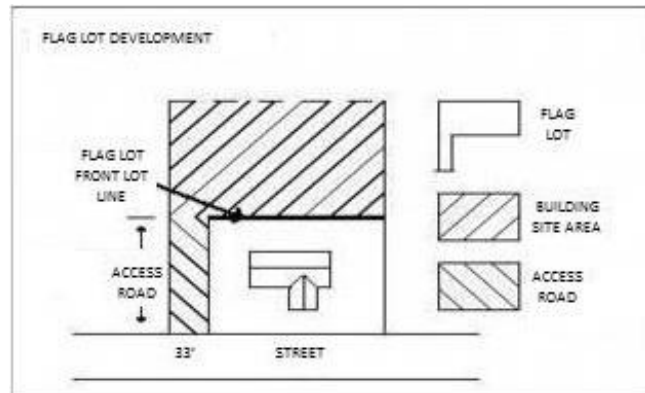
Purpose: Flag lots are intended to allow subdivision and possible development of substantial, buildable properties where the extension of public streets cannot or should not be extended, due to sensitive land, topographic or other natural

<sup>4</sup> Amended April 27, 2017

<sup>5</sup> Amended Jan 9, 2020

<sup>6</sup> Section added May 25, 2017

features. It must be demonstrated to the Land Use Administrator, the Planning & Zoning Commission and City Council that because of topographical features or unique situations associated with the parcel proposed to be subdivided, that substantial use of the subject parcel cannot occur unless a flag lot is allowed to be created. Lot size for such uses is necessarily large to help insure privacy of adjacent properties which are most impacted by the development of the flag lot.



- A. Flag Lot subdivision requirements. A flag lot may be legally subdivided from an existing lot subject to the following requirements as a conditional use. A detailed site plan shall be submitted for review by the Land Use Administrator. Approval shall be subject to the following determination:
1. The site is not developable under conventional development standards and procedures. If a conventional subdivision is possible it must be done conventionally. If a lot contains a maximum 250 ft. of frontage, then a flag lot may be created, if more frontage exists then 100 ft. a conventional lot is the only option for a subdivision;
  2. No variance is required to allow the proposal;
  3. The development shall meet the requirements of the existing zone, in terms of height, building materials, animal keeping, fencing, and lot size;
  4. The minimum square footage for the lot shall not include the square footage of the pole;
  5. The home address sign shall be clearly visible along the public road, and comply with any standards adopted by the City;
  6. The entire access road must be paved with asphalt, concrete, gravel or road base, twenty (20) feet in width if the access road is between 1-500 feet in length. If the access road length is between 501-750 feet in length, then the access road must be a minimum of twenty-six (26) feet in width. If the access road exceeds 750 feet in length, then special approval shall be required by the Fire Marshal. Any mud tracked onto the street is in violation of the Naples City Nuisance Ordinance.
  7. Access to the building site must be a minimum of 33 feet in width, which must be permanently part of the lot;
  8. The access road to the flag lot must extend to a dedicated public street. The access road must permit the use of the right-of-ways for utilities;

9. The setbacks from property line to the proposed structure, shall meet the requirements of the underlying zone;
  10. The front setback from existing occupied structures on neighboring properties to any structure on the proposed flag lot shall be at least seventy (70) feet;
  11. An access road to the site plan must be permanently attached to the lot parcel as part of the legal description;
  12. The site plan must meet the standards of the International Fire Code and International Residential Code currently adopted by Naples City;
  13. The site plan shall show that the access from the dedicated public street to the property is not a Naples City roadway and will not be maintained by Naples City and the owner of such property shall sign and record an affidavit stating the same;
  14. A fire hydrant shall be located within one-thousand (1,000) feet of where any dwelling is located, or is proposed to be located on the property, unless it is demonstrated to the Uintah County Fire Marshal that a fire hydrant cannot be installed;
  15. Prior to any Certificate of Occupancy, all access must be inspected by the Fire Marshal to make sure emergency vehicles can have proper access;
  16. Prior to any Certificate of Occupancy, the access road must be inspected to meet the requirements of this ordinance by Naples City Building Official;
  17. Minimum setbacks and frontage for the zone must be retained. The application of side and front setbacks to an adjoining parcel cannot have the effect of creating an unbuildable lot;
  18. The pole must be at least 20 feet away from an existing residential structure; and
  19. Additional conditions may be required to mitigate any natural hazards, assure public safety, and/or address environmental impacts.
- B. For the purposes of this chapter agricultural use is defined as a use that relates to the tilling of soil and raising of crops, care of livestock, or raising of domestic animals.
1. Except as provided in number 2, a structure used solely in conjunction with agriculture use, and not for human occupancy, or a structure that is no more than 1,500 square feet and used solely for the following types of sales is exempt from the permit requirements of the State Construction Code:
    - a. exclusive sale during the harvest season of seasonal crops, seedling plants, or garden, farm, or other agricultural produce if the seasonal crops are, seedling plants are, or garden, farm, or other agricultural produce is sold by:
      - i. the producer of the seasonal crops, seedling plants, or garden, farm, or other agricultural produce;
      - ii. an employee of the producer; or
      - iii. a member of the immediate family of the producer;
  2. Unless exempted by a provision other than listed in number 1, a plumbing, electrical, and mechanical permit may be required when that work is included in a structure described in number 1

3. A structure described in number 1 is not exempt from a permit requirement if the structure is located on land that is within the boundaries of a city or town, and less than five contiguous acres;

C. All subdivision approvals shall be recorded with the Uintah County Recorder's Office within one (1) year or 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.

D. DEFINITIONS:

Access Road: for the purpose of this chapter access road is defined as the drivable space that must be paved with asphalt, concrete, gravel or road base.