

**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,

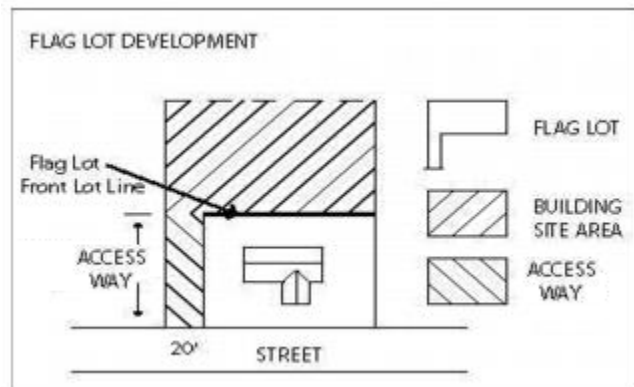
constraints created by the existing built environment may be a consideration. Lot size for such uses is necessarily large to help insure privacy of adjacent properties who are most impacted by the development of the flag lot.

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 zone<sup>1</sup>;
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.



<sup>1</sup> Amended July 27, 2017

6. The site plan must meet the standards of the International Fire Code and International Building Code currently adopted by Naples City.
- C. All construction shall be in accordance with the site plan as approved by the Land Use Administrator. An approval by the Land Use Administrator shall run with the owner and shall be valid only for a period of one (1) year from the date of approval. If the ownership of the parcel changes before the issuance of a building permit, or if said permit is not obtained and construction commenced within one (1) year from date of approval, said approval shall be null and void. While approval is still active, the owner may request a one year extension, subject to approval by the Land Use Administrator in accordance with this ordinance. The new one year period begins on the date of approval of the extension.

**02-14-003      ADDITIONAL MAIN BUILDING REGULATIONS**

Every main building shall be located and maintained on a lot, and every lot shall have the required frontage on a street. See chapter 02-02 for definitions.<sup>2</sup>

**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 Officer<sup>3</sup>. Any attempted conveyance or lease in violation hereof shall be void.

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<sup>2</sup> Amended 08/24/2017

<sup>3</sup> Amended from Board of Adjustment July 27, 2017

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

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

**02-14-005      ADDITIONAL HEIGHT REGULATIONS**

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

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

**02-14-006      EXEMPT FROM PERMIT AND LOCATION REQUIREMENTS<sup>4</sup>**

One story detached accessory structures located 5 or more feet behind the main building are exempt from permit and location requirements in the following, A-1, RA-1, RA-2, R-1, R-2, R-3 zones provided that the floor area does not exceed 200 square feet

**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,

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<sup>4</sup> Amended 2-24-2022

height of the fence shall be <sup>5</sup>no more than 4' on at least one side including the height of the retaining wall.

**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

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<sup>5</sup> Amended 2-25-2021

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 RECREATIONAL VEHICLE AND MOBILE HOMES**

**Definitions See Chapter 02-02**

**Mobile Homes Prohibited**

It shall be unlawful to place a mobile home on any parcel of land in Naples City, as of the time of this amendment.

**Recreational Vehicle Exceptions**

1. It shall be unlawful to place any Recreational Vehicle on any lot or parcel of land in Naples City and use the same for human sheltering exceeding 30 days -days total in any one year, with the exception as granted below or issuance of a Recreational Vehicle Residence Permit
2. Upon obtaining a building permit for the construction of a new single-family dwelling in Naples City, one (1) recreational vehicle may be temporarily located on the lot where the dwelling is being constructed, for use as a temporary shelter for the family.
3. The Recreational Vehicle shall be listed upon the building permit, as temporary sheltering for up to one (1) year dated from the issuance of the building permit.
4. The Recreational Vehicle shall meet the setbacks required for an accessory building and shall be connected to the utilities serving the dwelling including but not limited to water, sewer, power, and shall maintain a current license plate and ready for highway use.
5. At the end of one year, or the completion and occupancy of the dwelling, whichever is first, the Recreational Vehicle shall be disconnected from utilities and may be stored on the property for future camping use.
6. If at the end of one year the dwelling is not completed, and construction has not been abandoned, the owner may apply to the Building Official for a one-time 180-day extension of the Recreational Vehicle Residence Permit for the recreational vehicle to be used for temporary sheltering.
7. Recreational Vehicles are allowed as temporary dwellings when placed in a licensed travel trailer court.



### **Recreational Vehicle Residence Permit**

Recreational Vehicles used for human sheltering require a Recreational Vehicle Residence Permit. The owner of the single-family dwelling shall apply to the City to purchase a Recreational Vehicle Residence Permit for up to 180-days.

To qualify for a Recreational Vehicle Residence Permit, the owner shall abide by the following:

1. The Recreational Vehicle shall be connected to the utilities serving the existing single-family dwelling including but not limited to water, power, and sewer.
2. Trash, refuse, or waste generated from use, storage, or occupancy of a recreational vehicle must be contained and disposed of properly at all times.
3. Setbacks shall be the same as or greater than a 200 square foot or more accessory building.
4. Only one (1) Recreational Vehicle used for temporary sheltering allowed per lot or parcel.
5. Provide one (1) additional off-street parking space.
6. Recreational Vehicle shall be used as temporary shelter for family.
7. The Recreational Vehicle shall not be rented or leased.
- 8.
9. Maintain current state licensing and maintain the Recreational Vehicle ready for Highway use. A 180-day Recreational Vehicle Residence Permit fee or 180-day Recreational Vehicle Residence Permit Extension fee charged by the City shall be as set by the consolidated fee schedule.
10. Any Recreational Vehicles to be used as temporary sheltering for 180-days may be allowed only in the following land use zones: A-1, RA-1, RA-2, R-1, R-2.
11. A 180-day extension request may be granted by City Council upon appeal from owner of single-family dwelling to the City Council.

### **Non-Compliance**

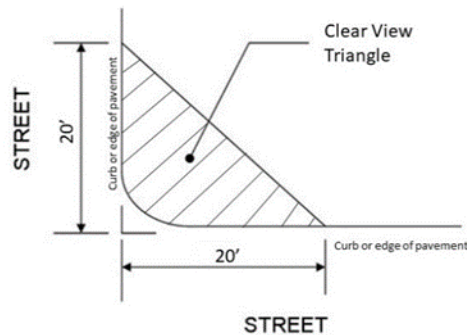
1. Any recreational vehicle, located in a residential zone, that has fallen in to disrepair, collapsed, or is otherwise uninhabitable shall constitute a nuisance and shall be removed from the property within 60 days of notice by the Land Use Administrator. Failure to remove recreational vehicles deemed a nuisance after notice shall be a violation.
2. Any failure to comply with this section is grounds for immediate revocation of the Recreational Vehicle Residence Permit and immediate removal of the recreational vehicle.
3. Any reported violation requires 2 directly affected property owners within five hundred feet of the property reportedly in violation. A formal complaint must be filed with the City.
4. Note: individual lots may belong to a homeowner's association or have restrictive covenants which have greater restrictions regarding recreational vehicles. Nothing in this article shall be construed as to prevent private enforcement of any restrictive covenants or HOA rules.

**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, 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 twenty (20)<sup>6</sup> 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

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<sup>6</sup> Amended 5-9-2019

permitted. Before a permit for such a use may be granted, however, the Planning Commission must find that the General Plan Land Use Map will be maintained and that a harmonious mixing of uses will be achieved thereby.

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

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

**02-14-025      URBAN LIVESTOCK**

Urban livestock shall be a permitted use in the following Residential Zones: R-1 and R-2. Urban livestock <sup>7</sup>are regulated as follows:

- A. A minimum parcel size of eight thousand (8000) square feet shall be required in order to keep urban livestock.
- B. The maximum number of animals that may be kept per parcel shall be as follows:
  - 1. Rabbits: three (3).
  - 2. Ducks: six (6).
  - 3. Hen chickens: six (6).
  - 4. Goats: three (3).
  - 5. Bees: three (3) hives with not more than one swarm per hive.
- C. Additional standards.
  - 1. Goats must be miniature, dwarf or pigmy. Goats must also be dehorned and male goats must be neutered.
  - 2. All bee hives must be set back a minimum of twenty-five (25) feet from any property line.
  - 3. Rooster chickens shall not be allowed.
  - 4. Should a bee hive become populated with Africanized honeybees, it must be destroyed.
  - 5. Except for bees, all urban livestock shall be kept in a fashion so as to prevent them from exiting the back yard of the property at any time.
  - 6. Except for bees, no more than six (6) total of any type of urban livestock may be kept.
- D. Conflict with nuisance ordinance.

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<sup>7</sup> Amended 08/24/2017

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](http://naplescityut.gov).<sup>8</sup>

**02-14-028 LOT LINE ADJUSTMENTS<sup>9</sup>**

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.

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.

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<sup>8</sup> Removed hyperlink 08/24/2017

<sup>9</sup> Added 3/8/2018