

Agenda

Naples City Planning and Zoning Commission

September 19, 2024 at 7:30 p.m.

Naples City Council Room

1420 East 2850 South

Naples, Utah 84078

THIS IS A REGULARLY SCHEDULED PLANNING AND LAND USE MEETING

OPENING CEREMONIES

STANDING BUSINESS

- Verification of Full Quorum & Designation of Voting Members:

<u>Commissioner</u>	<u>Voting</u>	<u>Commissioner</u>	<u>Voting</u>
Chris Clark (Chairman)	Y N	Brock Arnold	Y N
Jessy McKee	Y N	Ryan Wolfinger (A)	Y N
Scott Major	Y N		
Kevin Hiatt	Y N		

- Approval of Agenda – September 19, 2024
- Disclosures
- Approval of Minutes – August 15, 2024

PUBLIC HEARING

1. Short Term Rentals
 - Public Hearing

PLANNING/DISCUSSION

2. Storage Unit Facility- Nolan Peek
 - Noncomplying Use Modifications
3. Downtown Commercial Ordinance
 - Proposed Ordinance Changes
4. Subdivision Ordinance
 - Legislative Ordinance Changes
5. Highway 40 Rezone
 - Discussion

ITEMS FOR FUTURE DISCUSSION

ADJOURN

The next Planning and Zoning meeting will tentatively be held on October 17, 2024

All persons residing within the area served by City of Naples are HEREBY NOTIFIED that the Naples Planning and Zoning Commission will meet on the 3rd Thursday of each month at 7:30pm. All persons concerned with any matter before the Naples Planning and Zoning Commission are invited to attend. If possible, call to get on the agenda, 435-789-9090 NOTE: In compliance with the Americans with Disabilities Act, Individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Land Use Administrator at 435-789-9090 at the Naples City Office, 1420 East 2850 South, Naples, Utah 84078 at least three days prior to the meeting.

Naples Planning and Land Use
Public Meeting
August 15, 2024

Commission Present: Chris Clark, Jessy McKee, Kevin Hiatt, Brock Arnold, Ryan Wolfinjier

Commission Absent: Scott Major

Others Present: Gwen Harrison, Mike Davis, Ken Reynolds, Cable Murray, Casey Crowther, Guy Collett

Opening Ceremonies

Verification of full Quorum Chris Clark verified a full quorum. All full Commissioners will be voting in the meeting.

Approval of Agenda Brock Arnold motions to approve the agenda. Kevin Hiatt seconds the motion.
All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Kevin Hiatt	Aye
Brock Arnold	Aye
Ryan Wolfinjier	Aye

Motion carried with all voting Aye. None opposed.

Disclosures **None**

Approval of Minutes Brock Arnold motions to approve the June 20, 2024 minutes. Jessy McKee seconds the motion.
All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Kevin Hiatt	Aye
Brock Arnold	Aye
Ryan Wolfinjier	Aye

Motion carried with all voting Aye. None opposed.

PLANNING/DISCUSSION

Election of Planning & Zoning Commission Vice-Chair Gwen Harrison presented to the Planning Commission that that with the resignation of Scott Adams, there would need to be a new Vice-Chairman elected to the Planning Commission to fill his seat for the rest of the year. The Planning Commission voted in Brock Arnold as the Vice-Chairman.

Introduction of new Planning & Zoning Commission Alternate Gwen Harrison presented to the Planning Commission Ryan Wolfinjier, who will now be the Planning Commission Alternate.

Walker Hollow Final Plan Approval Gwen Harrison presented to the Planning Commission the final plan for Walker Hollow, stating it has been reviewed and there are a couple items that will need to be addressed. Casey Crowther and Cable Murray addressed the Planning Commission with any concerns. Mr. Crowther asked for clarification on the 125-year storm retention. Chris Clark stated a note needs added to the plans indicating that is what is required. Cable Murray stated the creek crossing is a previous approval from Ashley Valley Water and Sewer. They have obtained compaction reports. Gwen Harrison stated the easement for the sewer line needs to be shown as existing on the plat. Chris Clark questioned if there was an issue with the subdivision plat showing the remainder as a parcel. Cable Murray stated there is no problem showing that. Gwen Harrison stated the plat showing the Silver Wings Subdivision Amendment will not be approved where there are four flag lots. Chris Clark questioned if the Silver Wings Subdivision was submitted to show the remaining parcel. Mr. Crowther stated yes. Chris Clark stated as far as we are concerned with the Walker Hollow Subdivision, we keep that separate. Chris Clark stated the

ordinance has a portion that has to be on the plat, exactly as it needs to be stated, which need to be added to the stormwater retention on the subdivision plat and the stormwater retention pond easement needs tied to a corner, as well. Chris Clark stated he believes we are at the point we could issue approval contingent on these final items and any administrative comments are addressed.

Brock Arnold motions to approve the Walker Hollow Subdivision Final Plat pending the comments addressed at the meeting and administrative approval and comments. Jessy McKee seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Kevin Hiatt	Aye
Brock Arnold	Aye
Ryan Wolfinger	Aye

Motion carried with all voting Aye. None opposed.

Project Dino Industrial Site Preliminary & Final Plan Approval

Gwen Harrison presented to the Planning Commission the preliminary and final plan for the Project Dino Industrial Site. They have been reviewed with no comments, as far as administration is concerned. Ryan Wolfinger stated the tap across the road should be C-900 and the meter should be switched to a commercial meter. Chris Clark stated the sewer line easement was previously a prescriptive easement, that said it couldn't be found. He recommends that an easement agreement be put in place and indicate the easement on the plat of where the line will be.

Brock Arnold motions to approve the Preliminary and Final Plans Project Dino Industrial Site pending clarification on easements from Ashley Valley Water and Sewer. Jessy McKee seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Kevin Hiatt	Aye
Brock Arnold	Aye
Ryan Wolfinger	Aye

Motion carried with all voting Aye. None opposed.

Downtown Commercial Proposed Ordinance Changes

Gwen Harrison presented to the Planning Commission the proposed changes to the Downtown Commercial. Miss Harrison stated she made changes to the amount of required materials, in order to allow metal siding types, indicating that front façade should have no more than 50% of one type of material. She suggested the removal of Masard as an approved type of siding. The Planning Commission agreed. Miss Harrison posed the question of if the Planning Commission wanted to include RV Parks or Travel Trailer Courts in the Downtown Commercial zone or not, it is allowed in the Commercial zone. No decision has been made in previous meetings. Brock Arnold stated he believes that this does not seem to fit within the Downtown Commercial. Jessy McKee stated he does not feel it would be ideal. Guy Collett stated he would like to clarify that it would be an RV Resort, not an RV Park. Mr. Collett stated the buyer will not buy the property if it is not a permitted use. Chris Clark stated at the previous meeting, it was understood that the owners of the property want to develop the property. Mr. Collett stated the owners of the land are not willing to get the property rezoned. Kevin Hiatt stated his concern is that people will stay at the campground longer than 30 days. Jessy McKee stated he doesn't believe he could get on board with it in the Downtown Commercial personally, because it does about his property. Guy Collett stated it has been zoned Downtown for sometime and downtown would be busier than this. Jessy McKee questioned how people attending an RV resort would react to cows in the fall making noise. Brock Arnold stated he does not believe and RV resort is not a downtown venue, it is not a bad concept, but not within the Downtown Commercial. Kevin

Hiatt stated he is open to the tourism and growth, but if it was rezoned that would be one thing, but it is not a fit within Downtown Commercial. Kevin Hiatt, Jessy McKee, Brock Arnold, Ryan Wolfinger and Chris Clark all stated they are fine with it being allowed in Commercial but not the Downtown Commercial. Guy Collett questioned if it would be possible to rezone. Brock Arnold stated application can be made for a potential rezone.

**Subdivision Ordinance
Legislative Ordinance Changes**

Gwen Harrison presented to the Planning Commission with the proposed legislative changes as completed by The Hansen Group. Gwen Harrison questioned the Planning Commission about defining a Design Review Committee, it is suggested that there be the Land Use Ordinance Administrator, Land Use Clerk, Building Official, a member of the Planning Commission, and any contractors hired by The City to review plans. Chris Clark questioned who is giving approval for the subdivision. Gwen Harrison stated the Land Use Administrator.

**Short Term Rentals Ordinance
Proposed Ordinance**

Gwen Harrison presented to the Planning Commission the proposed ordinance for Short Term Rentals in Naples. Miss Harrison stated there is currently no ordinance regarding short term rentals, which makes enforcement difficult. The ordinance does address that a manager or contact person be within the city, that can be contacted if there is an issue. Trash and excessive noise are addressed with the ordinance. Jessy McKee questioned if a business license is required if a room is rented. Miss Harrison stated yes, if the intent is to be a short term rental. Brock Arnold questioned if parking is addressed. Chris Clark suggested parking be based off the size of the home or number of bedrooms available to be rented. Kevin Hiatt questioned if maximum occupancy should be addressed by the Building Official or if the owner should be able to decide. The Planning Commission recommends that this be brought back for a public hearing next month.

ITEMS FOR FUTURE DISCUSSION

-Highway 40 Rezone

ADJOURN

Kevin Hiatt motions to adjourn, Brock Arnold seconds the motion.

All in favor:

Chris Clark	Aye
Jessy McKee	Aye
Kevin Hiatt	Aye
Brock Arnold	Aye
Ryan Wolfinger	Aye

Motion carried with all voting Aye. None opposed.

The next Planning and Zoning meeting will tentatively be held September 19, 2024 in the Naples City Council Chambers @ 7:30 P.M.



Item No: 1

MEMO TO: Planning Commission FROM: Staff Date: September 19, 2024	Subject: Short Term Rentals
Staff Recommendation: Approve proposed ordinance and recommend to City Council.	
Background: Naples City currently has no ordinance for the management Short Term Rentals. After discussion at previous Planning Commission meetings, the parking requirements have been updated to require parking based off the number of rentable bedrooms.	
Options: ☐ Approve proposed ordinance and recommend to City Council ☐ Reject proposed ordinance ☐ Bring back for further discussion	

Note: All proposed ordinance changes included in this document are NOT considered legal until legislative action has occurred and are accepted by Naples City Council in a public meeting by ordinance.

xx.xx Short Term Rentals

xx.xx.xxx Purpose

The purpose of this section is to establish regulations for privately-owned dwelling units as short-term rentals in residential zones within Naples City. These regulations aim to protect the quality of life for local residents', preserve the characteristics of residential neighborhoods, ensure proper collection and remittance of transient room taxes and appropriate sales and use taxes and to address negative impacts relating to noise, parking, traffic, garbage and other common occurrences resulting from short-term rentals.

xx.xx.xxx Definitions

"Owner" The person(s) or entity that holds legal and/or equitable title to a dwelling unit being operated, legally or not, as a short-term rental.

"Manager" The owner of the short-term rental unit or the owner's authorized agent or representative.

"Contact Person" The person designated by the owner or the manager, for the purpose of:

- (A) Responding to complaints regarding the condition, operation, or conduct of occupants of the short-term rental; and
- (B) Taking remedial action to resolve any such complaints.

"Short-Term Rental"

- (A) A dwelling unit, or any portion thereof, being used for transient accommodation purposes, including but not limited to, RV parks, single-family dwellings, multiple-family dwellings, accessory dwelling units (ADUs), internal accessory dwelling units (IDUs), campgrounds, glamping units or any other dwelling unit for a period for 30 or less consecutive days; or
- (B) A dwelling unit that:

- (i) Is listed on any accommodation website including but not limited to Airbnb, Vrbo, HomeAway, Trip Advisor, etc.;
- (ii) Has (or should have) an approved Naples City business license and conditional use permit, if applicable, for a short-term rental; or
- (iii) Pays (or should pay) applicable sales and use and transient room taxes for the short-term rental, is hereby considered a short-term rental and shall be subject to the regulations set forth in this subchapter, even if the short-term rental is rented out for a period longer than 30 days. (See Appendices ii and iii).

Transient Occupancy of a dwelling unit for not more than 30 days.

"RV Park" A designated area where individuals or families can park their recreational vehicles for a short-term stay.

"Single Family Dwelling" A residential structure designed and intended for occupancy by one family or household. It typically consists of one dwelling unit that is not attached to any other residential structures.

“Multi Family Dwelling” A residential building or structure designed to accommodate more than one family or household. It consists of multiple dwelling units within the same building or complex, with each unit typically having its own entrance and living space.

“Accessory Dwelling Unit (ADU)” A self-contained residential unit located on the same lot as a single-family dwelling. ADUs are secondary to the primary residence and may be attached to, detached from, or located within the primary structure.

“Internal Accessory Dwelling (IDU)” An internal accessory dwelling (IDU) refers to a secondary residential unit located within the primary structure of a single-family dwelling. It may include a basement apartment, attic conversion, or separate living space within the main house.

“Campground” A campground is an outdoor recreational facility or area designed and equipped to accommodate temporary or short-term stays by individuals or groups in tents, RVs, or other types of temporary shelter. Campgrounds may offer amenities such as restroom facilities, fire pits, picnic tables, and recreational activities.

“Glamping” Glamping, short for "glamorous camping," refers to a form of outdoor accommodation that combines elements of camping with luxury amenities and accommodations. It typically involves staying in upscale tents, yurts, cabins, or other stylish and comfortable structures equipped with modern conveniences such as electricity, plumbing, and furnishings.

xx.xx.xxx Operational Requirements

- A. It is unlawful for any person to keep, conduct, operate, or maintain a short-term rental within the City without obtaining a business license. A business license is required when an owner or manager is operating a short-term rental as defined in the definitions section of this chapter and will follow Title 5, Business Licenses and Regulations, of the Naples City Code. Short-term rentals shall be a permitted use in any zone where the dwelling unit operated as a typical dwelling unit has previously been approved.
- B. No dwelling in any zoning district shall be occupied or used as a short-term rental until the owner has obtained an approved:
 - 1. Short-term rental inspections from the Building Official
 - 2. Business license from Naples City.
- C. Short-term rentals must have management which shall be available at all times to respond to complaints or issues related to the stay. A phone number for management must be posted within each rental unit and given to the City with the business license application. Management shall inform the City if the contact phone number is updated.
- D. The owner or manager of any short-term rental shall ensure occupants of the short-term rental do not:
 - 1. Create noises that by reason of time, nature, intensity, or duration are out of character with noises customarily heard in the surrounding areas;
 - 2. Disturb the peace of surrounding properties by shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets or engaging in outside recreational or other activities after 10:00 p.m and before 8:00 a.m.;
 - 3. Interfere with the privacy of, or trespass onto surrounding properties; and

4. Allow pets or animals to create incessant noise, roam the streets without an owner present, trespass on neighboring properties or create any type of mess that is not cleaned up by the owner of the pet or animal.

E. The transient room tax shall be levied at the same time and collected in the same manner as provided in U.C.A., Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act. As such, the Utah State Tax Commission shall collect and administer the tax imposed hereby. Violation or avoidance of payment of the tax imposed hereby shall subject the violator to penalties as provided in Title 5, Business Licenses and Regulations, of the Naples City Code, as well as to any penalties fixed and administered by the Utah State Tax Commission pursuant to its statutory powers.

xx.xx.xxx Property Requirements

- A. Each short-term rental shall comply and cooperate with any fire, land use, code enforcement, building, health, or other inspection conducted by municipal officials, with or without notice. Each short-term rental unit shall be inspected by the Fire Marshal or their representative each year prior to the renewal of the business license for the short-term rental.

- B. Each Short-Term Rental unit shall have at least one operable fire extinguisher.
 1. Compliance to applicable IRC construction codes, zoning requirements, local and state health department requirements, any applicable fire code requirements and the requirements of any other applicable codes and/or ordinances adopted by the City.

C. Trash shall not be left stored within public view, except in proper containers for the purpose of collection by an authorized waste hauler on scheduled trash collection days.

D. In accordance with Chapter 15 of Naples City Code the owner or manager of any short-term rental shall ensure appropriate off-street parking is provided for its occupants of the short-term rental in accordance with the following:

1. Each short-term rental unit must provide off-street parking stalls for the use of patrons. Parking for the short-term rental shall include a minimum of two (2) off street parking spaces per rental unit and one (1) additional off-street parking space per available rented bedroom.
2. Off-street parking shall be provided on the same lot as the dwelling which is licensed as a short-term rental.
3. Parking for short-term rentals shall be contained on the site, and shall not be allowed on the public rights-of-way.

E. Each short-term rental shall have the following information posted on durable, weather-proof material, in a conspicuous location outside and visible from the public right-of-way accessing any dwelling unit licensed as a short-term rental:

1. The full street address of the property.
2. A clear statement identifying the property as a short-term rental to be posted at all times the unit is being used as a short-term rental.

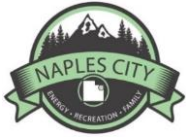
F. The following information shall be posted in a conspicuous location inside any dwelling unit licensed as a short-term rental:

1. A copy of the short-term rental business license;
2. The name and phone number of the owner, Contact Person or manager and local emergency contact information;
3. The location of all fire extinguishers and emergency exits;
4. A map showing property boundaries and parking spaces;

5. The maximum occupancy of the dwelling unit (as determined by the owner or manager based on the design and furnishings of the home) and number of vehicles allowed and IBC/ IRC;
6. Trash pick-up day, if applicable, and rules and regulations pertaining to leaving or storing trash on the exterior of the property; and
7. A list of all conditions and regulations for the specific short-term rental or property, if applicable.

xx.xx.xxx Penalty and Appeal

- A. Any person who occupies a short-term rental as a guest and who violates any local ordinance or state law shall be subject to arrest, issuance of a citation, or other civil or criminal process in accordance with all state, federal or local statutes, rules, or ordinances.
- B. It shall be a violation for any owner to operate a short-term rental:
 1. Without first obtaining a valid business license for the short-term rental; or
 2. That does not comply with the requirements of this Section.
- C. For any violation of this Section, the Code Enforcement Officer, or Business License Clerk, may issue a written citation or notice of violation to the owner, specifying the violation and the penalty to be imposed.
 1. For the first violation within any twelve (12) month period, the host shall be given a written warning.
 2. For a second violation within any twelve (12) month period, the penalty shall be a \$500.00 fine.
 3. For a third violation within any twelve (12) month period, the penalty shall be a \$750.00 fine.
 4. For a fourth violation within any twelve (12) month period, the penalty shall be a \$750.00 fine and the owner's short-term rental permit and business license shall be revoked for a period of one (1) year.
- D. Any person who deems themselves aggrieved by a decision of the city staff under this Section may appeal from such decision by making written application for an appeal hearing before the Naples City Appeals Officer. The notice of appeal shall be made within ten (10) days after notice of the decision appealed from. The Appeals Officer shall grant a hearing, and after consideration of the matter may uphold, modify, or reverse such decision.



Item No: 2

MEMO TO: Planning Commission FROM: Staff Date: September 19, 2024	Subject: Storage Unit Facility Noncomplying Use
Staff Recommendation: Approve enlargement of storage facility upon review of site plan.	
Background: Mr. Peek is looking to upgrade the site of the currently existing A-OK Self Storage facility. It is currently zoned Commercial, which storage units are not a permitted use within the zone. But it is a current nonconforming use of land/noncomplying structure, that was lawfully in existence at the time it was built. According to land use 02-07-002 All matters regarding the nonconforming use and noncomplying structures shall be determined by the Planning Commission. 02-07-003 Additions, enlargements or structural alterations may be made to the extent that they comply with all requirements of the current Naples City Code. In addition, the commission may allow an enlargement or structural alteration provided the change is in harmony with the surrounding neighborhood and in keeping with the intent of the General Plan and this ordinance.	
Options: ☐ Approve modifications to site ☐ Reject modifications to site ☐ Bring back for further discussion	

Note: All proposed ordinance changes included in this document are NOT considered legal until legislative action has occurred and are accepted by Naples City Council in a public meeting by ordinance.

Naples City

Energy * Recreation * Family

Application to Appear Before the Planning and Zoning Commission

Note: All information requested on this application must be completed in full before any action will be taken.

Name: Nolan Peek	Parcel #: 051320080
Address: 1155 E 2100 S, Salt Lake City 84106 #841	Date: 9/12/24
Fax Number:	Email: Nolan@mytrustorage.com
Property Address: 1534 East 1900 South, Naples	Phone Number: 248-672-8086

I do hereby apply to the Planning and Zoning Commission for: Fees:

- | | |
|---|---|
| ☐ Minor Subdivision | \$30 per lot |
| ☐ Subdivision Development | |
| ☐ Conceptual Plan Review | \$100 |
| ☐ Preliminary Plat Review | \$50 + \$50 per lot |
| ☐ Final plat review | \$200 |
| ☐ Commercial or Industrial land development | |
| ☐ Conceptual Plan Review | \$100 |
| ☐ Preliminary Plat Review | \$50 + \$50 per lot |
| ☐ Final plat review | \$200 |
| ☐ Single Lot Split | \$60 |
| ☐ Conditional Use | \$65 |
| ☒ Non-conforming building and use | |
| ☐ Mobile home park | \$50 + \$50 per pad |
| ☐ Travel-trailer park | \$60 per trailer |
| ☐ Annexation * | \$300 + all advertising and mailings |
| ☐ Public Hearing | \$75 + \$5 per 10 notice letters |
| ☐ Amend the Land Use Ordinance* | |
| ☐ Rezone* | \$250 base fee (does not include public hearing) if rezone request is supported by the general plan |
| ☐ Other (Please describe) | |

*Public Hearing needed

State reason for request:

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I, as an applicant to the Planning and Zoning Commission of Naples City, Utah, do hereby certify that all information listed on this application is true and do hereby acknowledge that any misrepresentation will result in the revocation of and approval granted.

Nolan Peek

Signature of applicant

9/12/24

Date

The property is roughly 280 ft X 160 ft Total sqft 44,800

Key

5x5

5x10

10x5

10x10

10x15

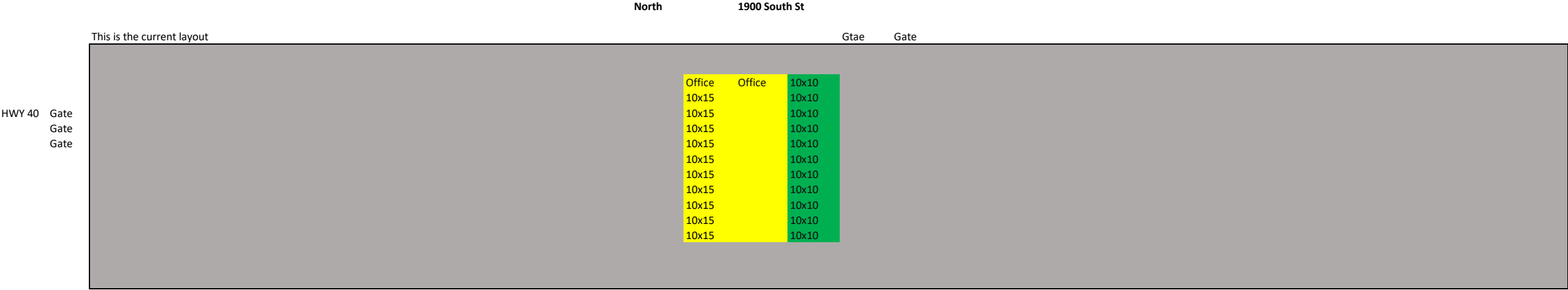
10x20

10x25

10x30

Road

*Any unit that starts with a 5 is to be multiplied by 2 before putting it into the unit mix

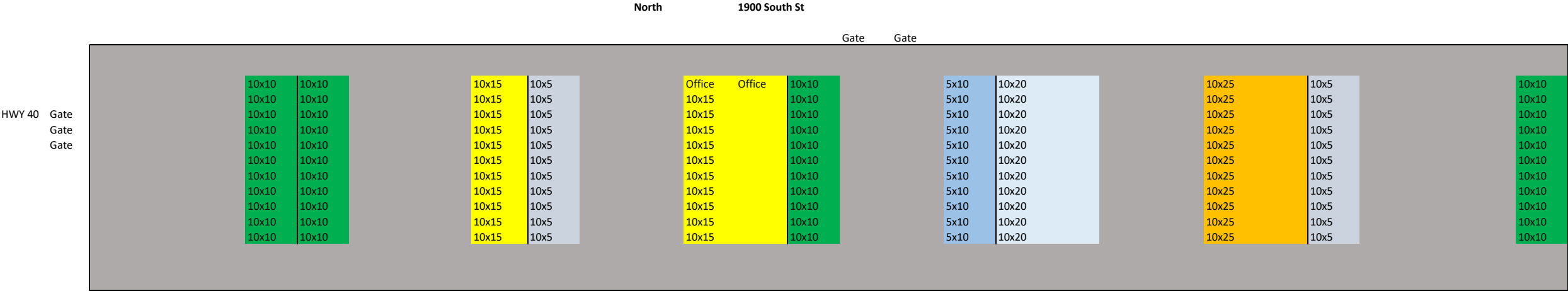


Total Unit Mix			
Size	Sqft	# of Units	Total Sqft
10x15	150	10	1500
10x10	100	11	1100
Office	150		
Total		21	2600

Option 1

Key	5x5	5x10	10x5	10x10	10x15	10x20	10x25	10x30	Road
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*Any unit that starts with a 5 is to be multiplied by 2 before putting it into the unit mix



Building 1			
Size	Sqft	# of Units	Total Sqft
10x10	100	22	2200
Total		22	2200

Building 2			
Size	Sqft	# of Units	Total Sqft
10x15	150	11	1650
10x5	50	11	550
Total		22	2200

Building 3			
Size	Sqft	# of Units	Total Sqft
10x15	150	10	1500
10x10	100	11	1100
Total		21	2600

Building 4			
Size	Sqft	# of Units	Total Sqft
5x10	50	22	1100
10x20	200	11	2200
Total		33	3300

Building 5			
Size	Sqft	# of Units	Total Sqft
10x25	250	11	2750
10x5	50	11	550
Total		22	3300

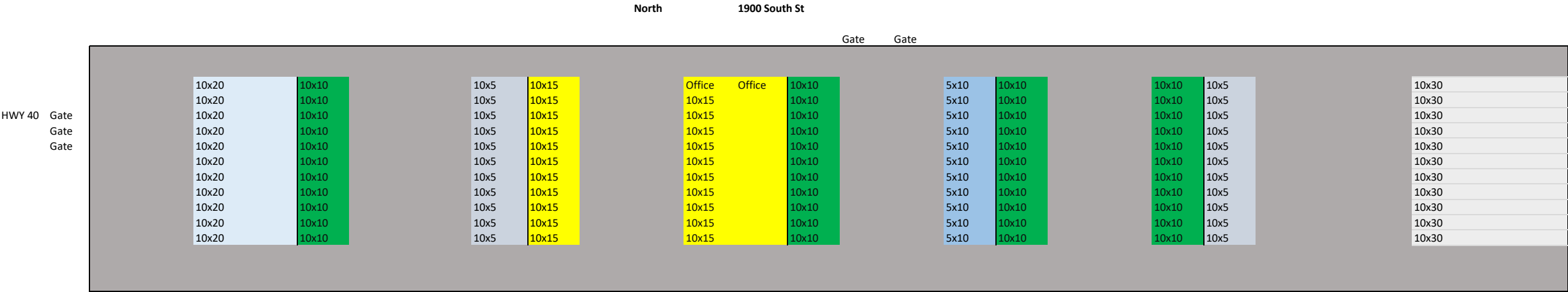
Building 6			
Size	Sqft	# of Units	Total Sqft
10x10	100	11	1100
Total		11	1100

Total Unit Mix			
Size	Sqft	# of Units	Total Sqft
5x5	25	0	0
5x10	50	22	1100
10x5	50	22	1100
10x10	100	44	4400
10x15	150	21	3150
10x20	200	11	2200
10x25	250	11	2750
10x30	300	0	0
Total		131	14700

Option 2

Key	5x5	5x10	10x5	10x10	10x15	10x20	10x25	10x30	Road
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*Any unit that starts with a 5 is to be multiplied by 2 before putting it into the unit mix



Building 1			
Size	Sqft	# of Units	Total Sqft
10x20	200	11	2200
10x10	100	11	1100
Total		22	3300

Building 2			
Size	Sqft	# of Units	Total Sqft
10x5	50	11	550
10x15	150	11	1650
Total		22	2200

Building 3			
Size	Sqft	# of Units	Total Sqft
10x15	150	10	1500
10x10	100	11	1100
Total		21	2600

Building 4			
Size	Sqft	# of Units	Total Sqft
5x10	50	22	1100
10x10	100	11	1100
Total		33	2200

Building 5			
Size	Sqft	# of Units	Total Sqft
10x10	100	11	1100
10x5	50	11	550
Total		22	1650

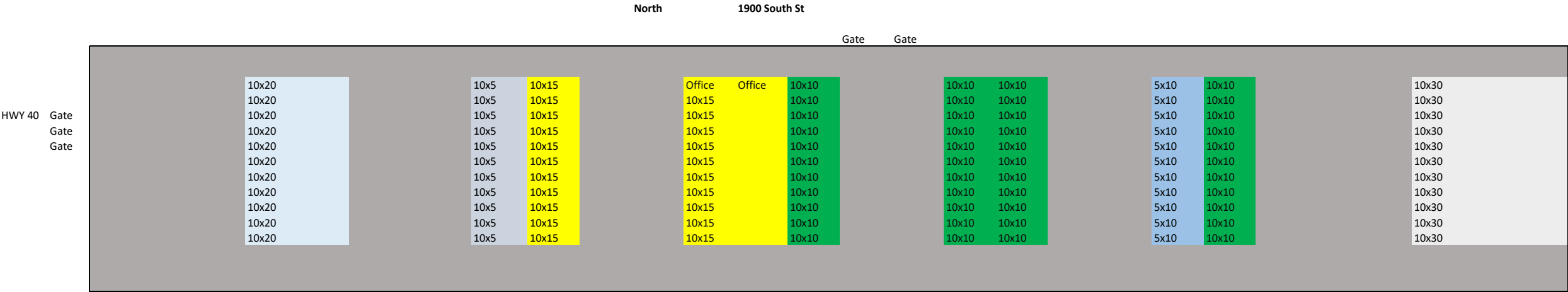
Building 6			
Size	Sqft	# of Units	Total Sqft
10x30	300	11	3300
Total		11	3300

Total Unit Mix			
Size	Sqft	# of Units	Total Sqft
5x5	25	0	0
5x10	50	22	1100
10x5	50	22	1100
10x10	100	44	4400
10x15	150	21	3150
10x20	200	11	2200
10x25	250	0	0
10x30	300	11	3300
Total		131	15250

Option 3

Key	5x5	5x10	10x5	10x10	10x15	10x20	10x25	10x30	Road
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*Any unit that starts with a 5 is to be multiplied by 2 before putting it into the unit mix



Building 1			
Size	Sqft	# of Units	Total Sqft
10x20	200	11	2200
Total		11	2200

Building 2			
Size	Sqft	# of Units	Total Sqft
10x5	50	11	550
10x15	150	11	1650
Total		22	2200

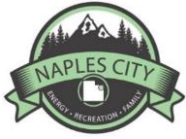
Building 3			
Size	Sqft	# of Units	Total Sqft
10x15	150	10	1500
10x10	100	11	1100
Total		21	2600

Building 4			
Size	Sqft	# of Units	Total Sqft
10x10	100	22	2200
Total		22	2200

Building 5			
Size	Sqft	# of Units	Total Sqft
5x10	50	22	1100
10x10	100	11	1100
Total		33	2200

Building 6			
Size	Sqft	# of Units	Total Sqft
10x30	300	11	3300
Total		11	3300

Total Unit Mix			
Size	Sqft	# of Units	Total Sqft
5x5	25	0	0
5x10	50	22	1100
10x5	50	11	550
10x10	100	44	4400
10x15	150	21	3150
10x20	200	11	2200
10x25	250	0	0
10x30	300	11	3300
Total		120	14700



Item No: 3

MEMO TO: Planning Commission FROM: Staff Date: September 19, 2024	Subject: Downtown Commercial
Staff Recommendation: 	
Background: At the last meeting, RV Park was removed as a conditional use, masard was also removed as a façade treatment.	
Options: ☐ Approve proposed ordinance changes ☐ Reject proposed ordinance changes ☐ Bring Back for Public Hearing	

Note: All proposed ordinance changes included in this document are NOT considered legal until legislative action has occurred and are accepted by Naples City Council in a public meeting by ordinance.

CHAPTER 02-27 DOWNTOWN COMMERCIAL ZONE C-1

Section 02-27-001	Purpose and Intent
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02-27-001 PURPOSE AND INTENT

The commercial zones have been divided into two classifications, designed to reflect the degree to which commercial development impacts other adjacent uses. The two zones are as follows:

Downtown Commercial C-1

The Downtown Commercial Zone C1 is established to provide locations for a full range of convenience shopping facilities and services which are oriented to serve the city as a whole. A variety of activities are encouraged, especially those which promote both daytime and night time consumer activity.

In order to stabilize, improve and protect the cities' commercial areas, standards are established to ensure 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 appearance from the highway frontage does not present a poor image of the city.¹

¹ Amended April 19, 2017

Commercial Zone C

The intent of the Commercial Zone is to permit the establishment of a well-designed complex of retail commercial facilities and associated services, which will provide goods and services for the people to be served, minimize traffic congestion of public streets in the vicinity, and which shall best fit the general environment and land use pattern of the area. The protective standards contained in ~~this chapter~~ the Commercial Zone C are intended to minimize any adverse effect of the planned commercial zone on nearby property values, by achieving maximum compatible integration of land uses, by preserving the aesthetic qualities of the area, and to provide for safe and efficient use of the commercial zone itself.

02-27-002 SIGN REGULATIONS

The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in Chapter 16 of this ordinance.

A Preface

All signage within Naples City is regulated for aesthetic consistency and appropriateness. All signage must follow the Naples City Sign Regulation. See 02-16 Sign Regulations.

B General Requirements and Prohibitions

1. ~~1.~~ All signs and graphics require approval of the City. Signs and graphics not having this approval shall not be installed. A specific signage plan and design must be submitted to the Planning Commission ~~City~~ for approval.
2. All signs must meet community standard guidelines. No sign shall contain statements, words, or pictures of obscene, indecent, or immoral character such as will offend public morals or decency.
- ~~23.~~ Signs on the interior of buildings that are not visible from the building exterior are not subject to City approval.
43. No unfinished, exposed, illuminated sign cans, electrical raceways, or wiring crossovers will be permitted unless in the construction or installation phase.
54. Flashing, blinking or moving signs, exposed light, iridescent colors, fluorescent materials, steamers, or searchlights are prohibited.
- ~~56.~~ Signs using special effects, such as exposed neon or fluorescent tubing, must be approved in advance by the Planning Commission. A color layout to scale of the proposed sign must be submitted for approval.

76. Temporary signs, posters, or banners of a specific advertising or promotional nature may be displayed for short time periods if the signage, size, color, placement and their mounting devices are first submitted, in layout form to scale, for approval to the Planning Commission. If so approved, a removal date of the sign will be established at the time the temporary permit is granted.

87. Off premises billboard signs are prohibited. Excepting billboards legally existing at the adoption of this ordinance. In the event construction activities require the relocation of a legally existing billboard, approval of the relocation shall be granted by the Land Use Administrator.

98. Bench signs are prohibited.

109. Tenants and owners are responsible for the installation and maintenance of all signs. Tenants and owners must obtain all necessary permits and approvals.

110. All materials used in signage, except temporary signage, shall be durable, or permanent in nature, require minimum maintenance, and be resistant to weathering and staining.

121. No signs shall be posted, or attached to trees, public utility improvements, lighting poles or fixtures, traffic signs, or traffic control devices.

132. No sign shall be posted, placed or erected within public rights-of- way and thoroughfares.

143. The display of banners (signs made of fabric, plastic, or other similar material) is prohibited unless approved for special uses by the Land Use Administrator ~~City~~.

154. No sign or any portion thereof may project or extend above the parapet wall or top of the exterior wall or building facade upon which the sign is mounted.

156. Rooftop signs are prohibited.

176. Except for directional and traffic control signs, offsite signs are prohibited unless approved by the Planning Commission.

187. All unapproved signs or banners are subject to removal.

C ~~Commercial Village Core~~ Downtown Commercial Signage

1. Signs may be mounted flush to building front. However, they may not exceed 20% of that surface.

2. Externally lighted signs may overhang the building line no more than four (4) feet.
3. Neon signs may not exceed four (4) square feet. These signs are allowed only inside business windows.
4. Neon lettering is allowed on building fronts but shall be placed no higher than the floor line of the second story or a maximum of 12 feet above the ground plane. Neon lettering may not exceed 18 vertical inches.

D Business Park Signage

1. Signs erected within the Business Park are required to be for identification not advertising.
2. Landscaped monuments are to be used adjacent to streets. They should be made of materials and colors relating to the buildings.
3. Monument signs, not including support structure, cannot exceed 20 square feet per sign face for a single business. In complexes containing several businesses, up to 30 square feet will be allowed per sign face.

E Signage Plan Submittal

1. A signage plan must be submitted to the Planning Commission for review and approval prior to installation
2. The signage plan submittal should include the following:
 - a. A scale site plan showing the location and type of proposed signage.
 - b. Scaled drawings of proposed signs including lettering and logos, materials, dimensions and colors.

02-27-003 SPECIAL REGULATIONS

~~The Naples City Downtown Form Based Codes supersede any regulations in this Chapter where differences may occur.~~

~~Since~~ It is intended that the establishments within this zone will serve the entire city and surrounding area, this zone is located in the city in a location that will best serve the population of the area.

In an effort to give some protection to the surrounding residential zones and to promote a progressive, well-kept business area, no storage of merchandise, material

or junk, except vehicles in running order, is permitted in this zone outside of enclosed buildings ~~nor shall any dust, noise, odor, smoke, fumes, vibration, or intermittent glare be emitted from the premises.~~

~~All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or~~ unless it is located within an enclosure surrounded by a solid sight obscuring fence or wall of not less than six (6) feet in height, of a neutral color and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall. ~~Chain link fencing does not qualify.~~ No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, abandoned or dismantled automobile or automobile parts or similar material shall be stored or allowed to remain on any lot in any commercial zone. ~~nor shall any dust, noise, odor, smoke, fumes, vibration, or intermittent glare be emitted from the premises~~

In addition to the five percent (5%) landscaping required on the private lot area, all road right-of-way not utilized for pavement, curb or sidewalk shall be planted and maintained as landscaped area.

All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.

~~Hereinafter, specified permitted and conditional uses shall be permitted only when the following conditions are complied with:~~

x

All manufacturing shall be done within a completely enclosed building!

The design for curb and gutter in Commercial subdivisions shall be high back.

02-27-004 PERMITTED USES²

~~In the following list of possible uses, those designated in any zone as “P” will be a permitted use. Uses designated as “C” will be allowed only when authorized by a conditional use permit obtained, as provided in Chapter 8 of this title. An “X” means that the use is not allowed. — It is the intent that businesses within the Downtown Commercial zone operate exclusively within the building of the business with no sales or service being conducted in the front or side of the building.~~

² Permitted Uses amended Oct 13, 2016

USE

Accessory Residential	€
Air conditioning, sales and service	X
Altering, pressing, and repairing of wearing apparel	P
Animal hospital, small animals only, and provided conducted within completely enclosed building	P
Antique, import or souvenir shop	P
Archery shop or sporting goods store and range, provided conducted within completely enclosed building	P
Arcade	P
Art and artists supply store	P
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	P
Athletic club	P
Automobile parts sales within completely enclosed building	P
Automobile, new sales and service	
Automobile, used sales and service	X
Awning sales and service	P
Bakery manufacture limited to goods retailed on premises	P
Bakery goods manufacturing	X
Bank or financial institution	P
Barber shop	P
Bath and massage establishment	€
Beauty culture school	P
Beauty parlor for cats and dogs, enclosed	P
Beauty shop	P
Bicycle sales and service, enclosed	P
Billiard parlor	€

Boat & motorboat, new sales and service	€
Boat & motorboat, used sales and service	×
Bookbinding	P
Book store, retail	P
Bowling alley	P
Boxing arena	×
Building materials sales or yard	€
Candy manufacture retail	P
Candy store, confectionery	P
Carpenter and cabinet shop	×
Carpet and rug cleaner	×
Carpet, rug, and linoleum service and retail sales	€
Car wash, automatic type	P
Car wash, manual spray	€
Catering establishment	P
China, crystal and silver shop	P
Christmas tree sales	€
Church	P
Cleaning and dyeing establishment	×
Clinics, medical or dental	P
Clothing and accessory store	P
Communication equipment building	P
Contractor shop	×
Convenience Store	P
Costume rental	P
Dairy products store	×
Dance hall —	€
Data processing service and supplies	P
Delicatessen	P

Department store	P
Detective agency	P
Drapery and curtain store	P
Drugstore	P
Educational institution	P
Egg and poultry store	X
Electrical and heating appliances and fixtures sales and service	P
Electronic equipment sales and service	P
Employment agency	P
Express and transfer service	X
Fabric and textile sales	P
Farm implement sales	C
Florist shop	P
Frozen food lockers, incidental to a grocery store or food business	X
Food Trucks, with the following conditions: ³	C
a. 1. Must obtain a Naples City Business License, or provide a valid copy of a current Utah Business License, a current health department food truck permit <u>that has been issued by Naples City or another local health department within the state</u>; a current approval from a fire and safety inspection and any other licenses or permits required by state or local authorities	
b. a. <u>Must obtain a valid health department food truck permit issued by Tri County Health Department or another local health department within the state. Shall obey all parking and traffic regulations in Naples City.</u>	
c. b. <u>Must obtain evidence of passing a fire and safety inspection, as issued during the same calendar year. The outdoor dining area shall not impede pedestrian or emergency access circulation.</u>	
d. c. <u>and any other licenses or permits required by state or local authorities. Shall not interfere with or limit pedestrian users' free and unobstructed passage.</u>	

³ Added August 9, 2018

- ~~e.d. Shall obey all parking and traffic regulations in Naples City.
Shall not operate on public streets where the speed limit exceeds
thirty five (35) miles per hour.~~
- ~~f.e. May not locate their vehicle or trailer on the roadway, or in such
a manner as to encourage the congregation of customers in the
roadway. Customers may congregate on public sidewalk, unless
they are impeding the regular pedestrian traffic in the area. Shall
not sell to any person standing in the roadway.~~
- ~~g.f. Shall not sell to any person standing in the roadway. Trash
containers shall be provided for the use of the business patrons.~~
- ~~h.g. Trash containers shall be provided for the use of the business
patrons. All signs must be physically attached to the vehicle.~~

Fruit store or stand	X
Furniture sales and repair	P
Fur apparel sales, storage or repair	P
Garden supplies and plant material sales	X
Gift store	P
Glass sales and service	X
Government buildings or uses, non-industrial	P
Greenhouse and nursery; soil and lawn service	X
Grocery store	P
Gun smith	P
Hardware stores	P
Health club	P
Hobby and crafts store	P
Hospital supplies	P
Hotel	P
House cleaning and repair	X
Household appliance sales and incidental services	P
Ice cream parlor	P
Ice store or vending station	X
Insulation sales	X
Insurance agency	P

Interior decorating and designing establishment	P
Janitor service and supply	X
Jewelry store, sales and service	P
Laboratory, dental or medical	P
Laundry or dry cleaning, Laundromat type	P
Laundry or dry cleaning, collection station	P
Lawn mower sales and service	X
Leather goods, sales	P
Legal office	P
Linen store	P
Linen supply service	X
Locksmith	X
Lodge or social hall	E
Luggage store	P
Lumber yard	X
Manufacture of goods retailed on premises	X
Meat, fish, and seafood store	X
Medical office	P
Miniature golf	X
Monument works and sales	X
Mortuary	E
Motel	P
Motorcycle and motor scooter sales and service	E
Music store	P
Needlework, embroidery or knitting store, quilting	P
Notions store	P
Novelty store	P
Office supply	P
Office machines, sales and service	P

Office Space

Optometrist, optical or oculist	P
Paint or wallpaper store	P
Parks and playgrounds	P
Parking lot or garage for passenger automobiles	P
Pest control and extermination	X
Pet and pet supply store	P
Pharmacy	P
Photographic supplies	P
Photo studio	P
Physician or surgeon	P
Plumbing shop	P
Post office	P
Printing, lithographing, publishing or reproduction sales and service	P
Professional office	P
Radio and television sales and service	P
Radio, television or FM broadcasting Station	P
Real estate agency	P
Reception center or wedding chapel	C
Recreation center	P
Restaurant	P
Roofing sales or shop	X
Second-hand store	P
Seed and feed store, retail	C
Service station, automobile	C
Sewing machine sales and service	P
Shoe repair or shoe shine shop	P
Shoe store	P

Shooting gallery	C
Sign manufacture or sign painting	X
Supermarket	P
Tailor shop	P
Taxi cab stand	X
Taxidermist	X
Temporary building for uses incidental to construction work. Such shall be removed upon the construction work	P
Temporary permits for bazaars and carnivals	C
Theater, indoor	P
Toy store, retail	P
Trailer sales and service	X
Travel agency	P
Travel trailer courts	X
Variety store or stand	P
Ventilation equipment, sales and service	X
Weather stripping shop	X
Other uses not mentioned above, but ruled by the Planning Commission to be similar to uses permitted above	C

Conditional Uses

The following uses may be permitted, when a conditional use permit has been issued by the Land Use Administrator.

The Land Use Administrator may call upon the Design Review Committee to review a conditional use application and site plan, to assist in verification of requirements listed in the Land Use Ordinance.

The Land Use Administrator, at their discretion, may require a conditional use application to be reviewed by the Planning Commission.

Hereinafter, specified permitted and conditional uses shall be permitted only when the following conditions are complied with:

Accessory Residential

C

<u>Bath and massage establishment</u>	<u>C</u>
<u>Billiard parlor</u>	<u>C</u>
<u>Boat & motorboat, new sales and service</u>	<u>C</u>
<u>Building materials sales or yard</u>	<u>C</u>
<u>Carpet, rug, and linoleum service and retail sales</u>	<u>C</u>
<u>Car wash, manual spray</u>	<u>C</u>
<u>Christmas tree sales</u>	<u>C</u>
<u>Contractor Shop</u>	<u>C</u>
<u>Dance hall</u>	<u>C</u>
<u>Farm implement sales</u>	<u>C</u>
<u>Food Trucks, with the following conditions:⁴</u>	<u>C</u>
<u>1. Must obtain a Naples City Business License, or provide a valid copy of a current health department food truck permit that has been issued by Naples City or another local health department within the state.;</u>	
<u>Must obtain a valid health department food truck permit issued by Tri County Health Department or another local health department within the state.</u>	
<u>Must obtain evidence of passing a fire and safety inspection, as issued during the same calendar year.</u>	
<u>and any other licenses or permits required by state or local authorities.</u>	
<u>Shall obey all parking and traffic regulations in Naples City.</u>	
<u>May not locate their vehicle or trailer on the roadway, or in such a manner as to encourage the congregation of customers in the roadway. Customers may congregate on public sidewalk, unless they are impeding the regular pedestrian traffic in the area.</u>	
<u>Shall not sell to any person standing in the roadway.</u>	
<u>Trash containers shall be provided for the use of the business patrons.</u>	

⁴ Added August 9, 2018

Lodge or social hall	C
Mortuary	C
Motorcycle and motor scooter sales and service	C
Reception center or wedding chapel	C
Seed and feed store, retail	C
Service station, automobile	C
Shooting gallery	C
Temporary permits for bazaars and carnivals	C
Other uses not mentioned above, but ruled by the Planning Commission to be similar to uses permitted above	

02-27-005 SITE DEVELOPMENT STANDARDS

C-1 Zone

1. Minimum lot area - none
2. Minimum lot width - twenty (20) feet
3. Building setbacks:
 - a. Front – [Thirty \(30\) Feet](#)~~between a minimum of fifteen (15) and a maximum of twenty (20) feet (refer to 02-15 Off-street Parking Requirements for more information)~~
 - b. Side - none, except a minimum of ten (10) feet when adjoining a residential zone, or where required by the International Building Code
 - c. Side facing street on corner lot ~~between a minimum of fifteen (15) and a maximum of~~ twenty (20) feet
 - d. Rear – a minimum of ten (10) feet, except a minimum of thirty (30) feet [when](#) adjoining a residential zone
 - e. Building height
 - 1) Minimum – One Story
 - 2) Maximum – Fifty-five (55) Feet
4. Lot coverage - the aggregate of all buildings shall not exceed sixty percent (60%) of the entire lot area.

~~5. The Development Standards follow this chapter and the Naples City Downtown Form-Based Codes.⁵~~

5. Height Restrictions

Building Height Allowed:

Minimum Height: 10 feet

Maximum Height: 40 feet

Unless a different height is specifically recommended by the Planning Commission and approved by the City Council.

02-27-006 PROTECTION OF ADJOINING RESIDENTIAL PROPERTIES

1. Where a commercial development adjoins any lot or parcel of ground in any residential zone, there shall be provided and maintained, by the commercial development, along the adjoining property line a decorative, sight obscuring fence of not less than six feet in height aesthetically pleasing, vision obscuring, privacy fence or wall of neutral color. The fence shall provide, a minimum 90% fill to afford privacy for the residential dwelling.,

~~, a ten (10)-foot wide planting strip or any combination of fencing and landscaping~~ which adequately protects the adjoining residential property and is properly maintained. The fence shall not be installed so as not to create a safety hazard for vehicular or pedestrian traffic.

~~**02-27-007 RESERVED**~~

02-27-008 GENERAL REGULATIONS

A Commercial zone may be established only upon land held in single ownership, or under unified control, or where the Planning Commission determines that commercial development on separate adjoining properties should be coordinated for a physically unified commercial facility, which will be compatible with the surrounding land uses. The location of the Commercial zone shall have an acceptable relationship to and further the purposes of the General Plan for the city, as determined by the Planning Commission

See 02-31 Subdivisions for more information on the development process.

~~**02-27-009 PROJECT AREA DESCRIPTION AND DESIGN THEME**~~
~~**“SOUTH WESTERN EUROPEAN DESIGN”**~~

~~Located in the dramatic Uintah Basin, Naples City is a mix of residential, commercial, and industrial adapted to the native landscape of Ashley Valley. The aesthetic tenor for the development is rooted in the heritage of the Basin. Drawing from the area’s~~

⁵Amended April 19, 2017

historic agricultural land base, the design reveals the traditional uses of the region, reinterpreted for today. Elements such as orchards, horse pastures, drainage channels, and irrigation channels have become defining forms for the community. The mingling of the native context with modern vernacular construction allows for contemporary living in a city and country style. The intertwining of environmental needs with developer constraints results in compact development preserving agricultural lands, and open areas.

— The interpretation of the historic landscape surrounding Naples City blends the ideas of new urbanism with the natural western landscape. The linear and gridded forms of the landscape elements are recreated in each commercial area. Using a modified grid to structure the community allows for preservation of natural drainage channels while maintaining clear orientation and circulation. Short blocks, pedestrian ways, narrow streets with detached walks, regularly planted street trees, defined setbacks, and parks define the human scale for the community.

— The elements of development shall emphasize greening the City by increasing buffering and landscaping requirements. The developments shall be walk-able and transit-oriented. We should not allow a strip mall with a sea of asphalt out front. Instead provide small wooded areas as buffer zones and locate parking areas behind or to the side of retail establishments with sidewalks and attractive streetscapes in front.

— The street design reduces vehicle travel speeds and encourages pedestrian activity. The planning process involved city officials and community leaders in negotiating narrower street standards than those found in nearby communities. The design structure of each development promotes commercial, and retail to encourage a retail environment through variable commercial types and land uses.

02-27-010 DEFINITIONS⁶
See Chapter 02-02 Definitions

02-27-011 COMMERCIAL GUIDELINES

These commercial guidelines address those physical elements of urban development that contribute to overall character, including built form, architectural style, streetscape, landscape architecture, parkland and open space, parking, service areas, signs, lighting and grading. The guidelines provide prospective developers with a clear statement of the design goals and objectives and development requirements for the Commercial/Retail Development. This framework will be used to create cohesive commercial zones through high quality design and construction. The guidelines are a tool for the development of site and building plans that will be submitted to the Planning and Land Use Commission.

⁶ Amended 08/24/2017

~~The commercial areas are divided into four types: 1) mixed use village cores, 2) commercial village cores, 3) business park, and 4) satellite commercial. The design will maintain visual continuity and ease of movement between residential, village cores, commercial parcels, and business parks.~~

02-27-012 DESIGN GOALS

The goals for development in Naples City are to ensure that future urban form and development patterns are sustainable, that the architectural form of buildings relates to both pedestrians and automobiles, and that new development is in physical and visual harmony with the natural environment.

Develop corridors to connect people to commercial areas; these may be streets, pathways, or recreational corridors.

Develop mixed use, commercial and business zones that have distinct and identifiable characters.

Preserve and create open space that respects existing topography and minimizes the impact of development on the natural environment.

Design urban space and buildings that create or contribute to a sense of community.

Build lasting infrastructure, architecture and landscape architecture.

02-27-013 DESIGN FRAMEWORK

A Preface

This section defines design themes for Naples City that uphold the preservation of the natural environment and the heritage of rural and small city in Uintah County, and establishes design principles that support innovative architecture, landscape architecture, and site planning.

B ~~Design Vision: The Natural Environment Theme~~

~~The aesthetic tenor for Naples City is rooted in the heritage of rural Eastern Utah. Drawing from the area's historic agricultural Land base, the design reveals the traditional uses of the region reinterpreted for today. The site was long used for agricultural farming and still displays agrarian-oriented patterns on the land. Accordingly, drainage channels, horse and cattle pastures, orchards, and irrigation channels are defining forms for the new community.~~

~~The following forms are central to the vision for Naples City:~~

- ~~1. Regional historical planting patterns such as horse and cattle pastures, orchards, and alleys shall be promoted as landscape elements~~
- ~~2. Southwestern architecture shall be promoted within Naples City. The southwestern theme is comprised of a combination of earthen tones, exposed wood/lumber, columns, and stucco or rock finishes. Flatter roof lines copy the surrounding mountains and arched windows and doors are set apart with strong framing and supports.~~
- ~~3. The existing topography shall direct design; land use patterns shall respect and complement the land forms. The character of the natural site must be incorporated into the design such that the geometric forms of the built environment and the natural forms of the land form a complementary relationship.~~
- ~~4. Environmentally sensitive areas shall be protected from encroachment or inappropriate use.~~

C Commercial Development of Naples City

There are two types of commercial zones within Naples City: C, which is associated with downtown, and C-1 which is non-downtown commercial. ~~There is also an Industrial Zone (I-1).~~ Each will provide a set of uses and facilities to serve the residents of Naples and the larger region. The following tenets will guide commercial and industrial development:

1. Create commercial corridors (~~commercial village cores~~) that maximize regional marketing potential afforded by high visibility yet maintain cohesion with adjacent properties and village centers.
2. Create a business park that will attract heightened technology, research and development firms.
3. Create and support the industrial areas that allow storage, manufacturing, and business operations.

D Urban Design

Within ~~all three~~ commercial zones, buildings should relate to one another through scale, form and material, and should be appropriately scaled for pedestrian activity. Creating a relationship between the street, open space, and public amenities is critical to the overall character of Naples City. To this end, the following design precepts shall guide the development of the commercial zones:

1. Within the mixed use village cores, locate buildings adjacent to the street. The bulk or mass of buildings should establish a consistent streetscape that defines a recognizable street edge.

2. Building masses should be scaled to integrate with neighboring properties, particularly where dissimilar land uses abut.

3. Provide open space to accommodate active public life. These include city squares, village greens, pocket parks, and urban plazas.

4. Maintain a well-designed transition between open spaces and developed area.

5. Where appropriate, use formal street scape treatments such as ~~parkway strips between street and sidewalk~~, regularly spaced canopy trees, and special paving to denote pedestrian zones.

6. Establish gateway features at key intersections of the various commercial areas. These elements may include entrance plazas, fountains, tree bisques, special pavement treatments, monumentation, or public art.

7. Establish a series of vehicular and pedestrian nodes designed to enhance points of convergence and concentration of activities.

8. Provide direct vehicular access to specialty retail storefronts through on street diagonal and parallel parking.

9. Break up parking areas into smaller units in order to reduce the walking distance to storefronts and other commercial activities.

10. Require reciprocal cross access between parcels in order to minimize multiple entrances and curb cuts.

11. Promote a mixture of daytime and evening uses in order to concentrate shared parking arrangements and to increase opportunity for 24hour activity in the commercial zones.

12. Establish an off street open space/greenbelt link between commercial zones and adjacent neighborhoods and public facilities.

~~13. Use detached sidewalks whenever possible throughout the City.~~

14. All commercial development is encouraged to dedicate 1% of building cost for public artwork: fountains, bell tower, plaza ~~with~~ /colonnades and benches²² to be located at or near the building or within public areas.

E ~~Commercial Village~~Downtown Commercial Cores

Commercial village cores are designed to accommodate the immediate needs of both vehicles and pedestrians by providing easy access to goods and services. Commercial village cores are similar to mixed use village cores in permitted uses, differing primarily in the addition of big box retail. Appropriate uses for commercial village cores include offices, governmental functions, restaurants, retail shops, professional services and entertainment. Located at the intersections of parkways, these areas offer high visibility yet maintain a design character that is cohesive and unified with adjacent properties. The intent is to create an environment where larger buildings are stitched together by plazas, squares, courtyards, internal private streets, and pedestrian walks. The layout and size of parking lots, landscaping, signage, and entry monuments are integral in creating continuity within the commercial village cores.

F Business Park

Preface

Business parks demonstrate the high quality design inherent to the community. Developed as a commercial zone hosting a low density mix of professional offices, research, and light industrial uses, the business park zones will be a technological center for the region. While primarily a location for business, research and technology, the business center will allow supporting services such as restaurants, lodging, and other such uses.

Views into the surrounding mountain ranges, and valleys provide the business park with a dramatic natural backdrop that will support innovative architecture and landscape architecture. The campus like site plan allows businesses the flexibility to house a variety of services within a central location and provides opportunities to establish corporate identity through design. The business park will become a premier location for new and relocating companies with the growing community of Naples providing quality living for employees.

Permitted Uses:

- Office
- Research
- Light industrial
- Restaurants
- Lodging
- Day care
- Medical and dental facilities
- Veterinary services
- Computer and equipment sales and repair

Residential

G Special Permit Uses

The Planning Commission approve special uses. The prospective purchaser must submit plans and a detailed description of the proposed use. Approval or disapproval shall be based in part on the effect of the proposed use on adjacent properties. Special uses must be approved in writing by the Planning Commission.

02-27-014 GENERAL PROVISIONS

A Conflict with Other Regulations

All development within Naples City planning area shall comply with Laws of the State of Utah and the United States Federal Government and be compatible with the intent of the codes and regulations of the City of Naples to the extent that in Naples City Commercial and Industrial Design Guidelines conflict with Design Guidelines that may be required by Naples City then the Commercial and Industrial Design Guidelines shall prevail.

B ~~Waivers~~

~~The Developer shall have the right to waive, at its sole discretion, any provisions of Naples City Design Guidelines as may be applied to any specific development plan, except for any provision that is mandated. The City and the Developer will need to mutually agree to waive a mandated guideline/provision. No such waiver shall be construed or held to be a waiver of any other provisions of Naples City Design Guidelines, or of the same provisions as to any other party.~~

~~**C Amendments and Supplements**~~

~~Naples City, may from time to time with written notice to all owners of real property of Naples City, amend or supplement the Design Guidelines, at its sole discretion. Any such amendments shall be applicable to all development plans which are subsequently mutually approved by The Developer and the City.~~

D Approvals

Unless otherwise explicitly provided herein to the contrary, all approvals required under Naples City Design Guidelines shall be in writing and may be granted or withheld at the sole discretion of the ~~Land Use Administrator~~ [City](#). Any approval pursuant to these design guidelines does not constitute a warranty, assurance or representation by the Planning Commission and the approving party should have no responsibility by virtue of such approval.

E Design Review Committee Requirements

Design Review Committee

The Design Review Committee is established to assure current and future owners that the adopted covenants, codes and restrictions are being enforced and that the overall design theme will be adhered to by future development and the Planning Commission which has been established. The Design Review Committee shall consist of the Land Use Administrator, Planning Assistant, Building Official, and a member of the Planning Commission, and other as invited by the Land Use Administrator.

The Planning Commission is responsible for reviewing plans for all development, including construction of any type, landscaping, lighting, signage, deed restrictions, reviewed by the Planning Commission to determine their compliance with the covenants and this document.

Design Review Procedure

All plans for construction must be submitted to the Planning Commission for approval. ~~Staff review will take approximately 30 days per submittal. Action will take place no more than 60 days from the submittal of final working drawings.~~ For a typical building project, 3 copies ~~(one copy for owner, one copy for PC, one copy for Building Official)~~ and one electronic copy of the required information must be submitted to the Land Use Administration Office. ~~One copy shall remain on file with one copy to be returned to the applicant with Planning Commission comments.~~

Prior to the submittal, the applicant should arrange to obtain a copy of any available engineering, grading, utility, street and drainage plans.

Submittal Process

There is a ~~three~~^{four}-step submittal and ~~/~~approval process. These are:

1. Concept Plan Approval ~~Pre-application Conference (Pre-Design review)~~
2. Preliminary Plan Approval Review ~~(Schematic Design review)~~
3. Final Plan Approval Review ~~(90% Construction Documents)~~
4. ~~Final Approval Prior to Certificate of Occupancy~~

The following sections describe the process for each step and the information required.

Application Fee

The applicant shall pay non-refundable fees, as required by and list in the Naples City General Provision Fee Resolution for each step of the development process. ~~An application fee must accompany the submittal; it shall be based on the following criteria:~~

<u>Project Type</u>	<u>Fee Amount</u>
Retail/Commercial/Office	\$250.00

1. Concept Plan Approval & Conference ~~Pre-application Conference~~

Prior to submitting a preliminary plat, and Applicant shall submit an initial concept plan to the Land Use Administrator, including a sketch plan of the proposed development in which the proposed development is sufficiently described to enable the Land Use Administrator to determine whether the proposed commercial site complies with the municipality's Land Use Ordinances, capital growth and General Plans, street plans and services. ~~the formal submittal of a request for approval,~~ ~~an~~ Prior to the request for approval, an informal conference is held ~~recommended~~ between the ~~developer~~ ~~applicant~~ and the ~~Planning Commission~~ Land Use Administrator, the Land Use Administrator may invite the Design Review Committee to assist in the conference. ~~–~~ This conference will serve to acquaint the ~~applicant~~ developer with the overall context of developing in Naples City as well as ~~covenants and~~ design guidelines. The Land Use Administrator shall advise the Applicant of possible problems with the proposed development within 30 days after it has received the initial application, including sketch plans. Approval of the concept plan shall not constitute approval of the "Preliminary Plan". This section is mandatory, and an applicant may not submit a preliminary plat in lieu of the concept plan. If disapproved, the Land Use Administrator shall express its reasons in writing to the Applicant. ~~At the same time, the Planning Commission will become familiar with the applicant's development intent. Conceptual site plans and conceptual building drawings will aid in discussion at this conference, however; applicants are strongly encouraged NOT to prepare detailed schematic designs until after this conference.~~

Suggested material for discussion at the ~~Pre-application~~ concept plan conference includes;

1. General project concept
2. Specific uses proposed and intensity of use proposed (floor area/parking demand)
3. Proposed construction timing
4. Conceptual building size, massing, and site plan ideas.

2. F Preliminary Plan Approval Submittal

This review covers conceptual site planning, architecture, and landscape architecture for the project. Review by the Planning Commission will not commence until all specified information has been submitted. The material must be submitted to the Land Use Administration. The site plan must be submitted a minimum of 21 days prior to a regularly or specially scheduled Planning Commission meeting. The material submitted should constitute schematic level design documents for architecture and landscape architecture. The required drawings are to be prepared by licensed design professionals. Based on the results

of the pre-application conference, the following information shall be submitted by the applicant:

Preliminary Site Plan (to include)

1. Site and context plan (immediately adjacent properties)
2. Site coverage data total property area
3. Required setbacks for buildings and parking areas
4. Building height
5. Pedestrian circulation
6. Vehicular access and circulation
7. Buildings, storage, loading and trash location areas
8. Parking areas with total spaces provided
9. Driveways, sidewalks, trash enclosures, and utility screening
10. Site lighting including fixture selection
11. Landscape plan, including hardscape elements
12. Grading and drainage plan
13. Development phasing concept, if applicable
14. Geotechnical report- if required by the Building Official

Note: the site plan(s) must show development of the entire property, including proposed future phases.

Preliminary Architectural Plans (to include)

1. Building elevations (all sides)
2. Typical floor plans noting exterior dimension and total gross floor area
3. Notations explaining building materials, colors, and finishes
4. Special attention to screening of storage areas, mechanical equipment, loading docks and trash receptacles.

Preliminary Landscape Architecture Plan

1. Location of trees, shrubs, ground covers, berms, walls, fencing, etc .
2. Plants under consideration
3. Conceptual design of courts, plazas, terraces and other special features.
4. ~~Delineate landscape theme areas: native, formal, naturalized, agrarian.~~

Project Information ~~Date~~ (to be included on the site plan)

1. Name of Owner, Developer and/or Builder (as applicable)
2. Name of project
3. Name of Architect/Landscape Architect/Engineer
4. Proposed use

5. Development schedule
6. Total site area
7. Total building area (gross and net rentable as applicable)
8. Total landscape area
9. Identification of project phasing and phasing schedule
10. Required parking by code
11. Location and block number
12. Name, address and telephone number of person who will maintain communication with the Planning Commission. This should be a person who will have long term responsibility for the projects.
- [13. The zone in which the development is proposed](#)
- [14. Setbacks, as required by this code](#)
- [15. Landscaping design](#)
136. A proposed building construction schedule to describe:

- Start of site preparation and building construction
- Building completion
- Landscape and site work completion
- Phasing and expansion plans
- Occupancy

Soil Controls

[The Applicant shall provide complete information about any potential geologic problems within the development area including but not limited to expandable soils, potential slide of slough areas, high ground water, etc.](#)

[The Planning shall determine from the concept plan review or the preliminary plat application the possible need for environmental impact analysis, which would take into account the soil, slope, vegetation, drainage and other geological characteristics of the site. If the site requires substantial cutting, clearing, grading or other earthmoving operations in construction of structures or roads in the proposed developer or if geologic conditions warrant, the Planning Commission and/or City Council shall require the applicant to provide soil erosion and sedimentation control plans or stabilization plans and specifications prepared by a registered civil engineer.](#)

3. Final Plan Approval ~~Application (Construction Drawings)~~

After preliminary approval, a final application must be submitted prior to [the Land Use Administration](#) prior to

final Planning Commission approval and/or issuance of a building permit. The material submitted should constitute 90% complete construction drawings for architecture and landscape architecture. The following information shall be submitted for the final application.

G Site Development Construction drawings (to show in addition to the Preliminary Application requirements):

- and details
- lot to building
- identify any ~~drainage storage~~ storm water retention areas and overflow areas
9. Storm water drainage calculations
- 10.9. Building pad elevations and building areas
- ~~1. Location and size of building/easements/utility locations~~
 2. Setback lines and dimensions to property lines
 2. Curb cuts and access points for autos and service vehicles with elevations
 3. Parking areas, islands, and drive aisles with number of spaces noted
 4. Pedestrian circulation system, including accessible entrances from parking
 5. Loading area (location and design)
 6. Trash enclosures (location and design)
 7. Open space area
 8. Finished contour grading/drainage plan with drainage structures and

Site plan shall be prepared on a topographic base map of 1foot contour interval and 1" = 20' unless otherwise approved by the Land Use Administrator ~~Planning Commission.~~

H Landscape Construction Documents to show:

1. Grading, water retention, retaining walls, rock work, and slope stabilization
2. Walkways, plazas, decks, walls, and fences (type, details, materials, and location)
3. Trees, shrubs, ground covers, grasses and mulches; indicate type, size and location.
4. Location and dimensions of berms and other grading elements
5. Location and type of hardscape materials
6. Site furniture: benches, fountains, kiosks, trash receptacles, flag poles, etc.
7. Irrigation plan including line size, locations, valves and controllers
8. Materials list, including type, size, quantity, and specification of all materials.

Landscape plan shall be prepared on a topographic base map of 1foot contour interval; Scale: 1"=20' unless otherwise approved by the Land Use Administrator ~~Planning Commission.~~

I Building Construction Documents to show:

1. Architectural site plan
2. Building floor plans
3. Exterior elevations, colored to accurately indicate the colors and materials to be used.
4. Building and wall sections specific to exterior elevations.
5. Sample board displaying actual samples of all exterior building materials and actual colors, as requested by the Planning Commission.

J Signage and Lighting documents to show:

1. Location of all information and directional signs
2. Location of all lighting fixtures by type, e.g., (area, building accent, security signage)
3. Signage system design: plan and elevation drawings to show the size, graphic layout, type face, construction details, materials, color and lighting method of all signs.
4. Exterior Lighting system design: plan and elevation drawings to show the size, construction details, material, and colors of all light fixtures.
5. Photometric analysis of lighting coverage

Plan shall be 1" = 20' unless otherwise approved by the [Land Use Administrator](#)
~~Planning Commission.~~

K Construction Schedule

L Pertinent Details and Specifications

M Written material to include tabulation, expressed in square feet and in percent of site coverage describing (minimum, required, proposed):

1. Building coverage (footprint)
2. Landscaped open space
3. Driveways, parking, and loading areas.

This tabulation should total 100% of the site.

N Final Approval/Building Permit

The final submittal will be reviewed by the City Council and approved, conditionally approved, or disapproved. Detailed reasons for its conditional

approval or disapproval will be given in writing. Final approval and infrastructure acceptance is required prior to building permit issuance [and certificate of occupancy issuance](#).

O Construction Compliance Verification

The ~~(City Council)~~ shall have the right to review construction work in progress to evaluate compliance with the construction documents as approved. All design changes, which affect the exterior conditions of the project shall be approved by the Planning Commission and [will can](#) be sent to City Council for final acceptance.

Construction Precautions:

In order to minimize soil erosion by water and wind, practical combinations of the following shall be used:

1. Expose smallest practical area of cleared land during construction
2. Temporary ditches, dikes, vegetation and/or mulching shall be used to protect critical areas exposed during development or construction.
3. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters during development.
4. Permanent landscaping shall be installed as soon as practical after construction activities.
5. Temporary mulching shall be used for imported fill and other distributed areas subject to erosion, on construction projects over 6 months in duration.

All construction storage, equipment yards and on site trailer and San-o-lets shall be fenced or segregated in a manner approved by the [Building Official Planning Commission](#) and shall be located on the site in a way to minimize their impact on adjacent properties and public streets. Construction sites shall be maintained in a neat and orderly manner. All trash shall be kept in enclosed containers and emptied frequently.

Construction access shall be coordinated with and approved by the ~~City~~ Building Official. Special care shall be taken to protect existing curbs and pavements from damage and removal of site soil tracked onto streets.

At the end of the construction period, by phase, the applicant shall submit to the City Building Official reproducible copies of record drawings (as built) showing the actual locations of all underground utilities and irrigation systems.

P Modifications

If it becomes impossible or impractical to complete construction of a structure or a multiple structure project substantially in accordance (with design consistency determinations obtained pursuant to the Design Review Process), the owner of such structure or project shall notify the Land Use Administrator of such impossibility or impracticality and shall submit to the Land Use Administrator an alternative design that is as close as reasonably possible to the consistent or approved design. The Planning Commission shall refer such proposed alternative design to the ~~City~~ City within 30 days. The Land Use Administration ~~City~~ shall treat such referral as a new application.

02-27-015 CIRCULATION GUIDELINES

~~A~~ Preface

~~The circulation concept for Naples City is based on a hierarchy of roadways and pedestrian paths that connects village cores, commercial cores, and business parks, to neighborhoods and surrounding development. The primary system consists of Highway 40 and other local collection roads. This circulation network is organized to allow for the greatest number of possible routes from one location to another. The street design and pattern is geared toward reducing vehicle travel speeds and encouraging pedestrian activity. Streets, alleys, walks, and trails are interconnected to facilitate access and minimize congestion.~~

~~B~~ General Parameters

- ~~1. The circulation system shall respond to topography and environmental constraints. On relatively flat terrain, grid, or modified grid street patterns should be used to reinforce traditional neighborhood design (TND).~~
- ~~2. There shall be a clear separation between pedestrian and vehicular traffic.~~
- ~~3. Pedestrian circulation layout on any development site should take into account all offsite generators of pedestrian movement, such as open spaces, schools, retail centers, bus stops, etc.~~
- ~~4. Surface accent strips of brick or textured paving should be used to define pedestrian walkways.~~
- ~~5. Long straight streets shall be avoided. Human scale, narrower and shorter run streets shall be encouraged.~~

-
- ~~6. Streets and pathways should lead directly to visual anchors and/or focal points.~~
-
- ~~7. Direct connections shall be provided to public features (e.g., village cores, golf course), thereby reducing public traffic on residential streets.~~

C Roadway Hierarchy

The variously sized roads within Naples City are intended to accommodate traditional and alternative forms of movement within the community. [See the Naples City Road Classification 2016 for requirements.](#)

~~Vehicular Circulation System:~~

~~The road system is divided into a seven part hierarchy: 1) four to six lane arterials; 2) two lane with turn lane community collectors; 3) two lane local streets; 4) two lane private byways in commercial areas. All roads will be built to minimum paved travel width, except for special provisions for commercial streets in the village cores.~~

~~**Note:** all roadway dimensions are to back of curb.~~

~~1. Four lane Arterials Parkways~~

~~Parkways are designed as four lane roads expandable to six lanes (total) and maintain 45 mph speeds.~~

~~2. Two lane Community Collector Class I~~

~~Designed to collect traffic from individual neighborhoods and carry it to the arterials, the two lane collectors have two, 12 foot drive lanes turn lane 14' and two, 8' parallel parking lanes within a 60 foot easement. Right-of-Way, (ROW). Additional features include 6 foot park strips, 5 feet minimum (6 ft. sidewalks would require 12 ft minimum fence setback) detached sidewalks within the ROW and a 10 foot minimum fence setback outside the ROW to allow for landscaping between the sidewalk and (optional) fence. Community Collectors Class I are designed for 25 mph.~~

~~3. Two lane Community Collector Class II~~

~~Similar to the Class I except with only one, 10 foot parallel parking lane. Drive land widths are increased to 16 feet and designed to accommodate speeds of 35 mph.~~

~~4. Two lane Private Internal Commercial Street with Diagonal Parking~~

~~The two lane private internal commercial street consists of two 12 foot drive lanes with associated 20 foot diagonal parking bays on each side of the street. Internal commercial streets will be characterized by traditional 10 to 12 foot adjacent sidewalks located within a 64 to 68 foot ROW.~~

~~5. Two lane Private Internal Commercial Street with Parallel Parking~~

~~Two lane private internal commercial street consists of two, 12 foot drive lanes with parallel parking bays on each side of the street and 10 to 12 foot adjacent sidewalks all located within a 60 to 64 foot ROW.~~

~~6. Alleys~~

~~Alleys are characterized by a minimum 15 feet wide paved section in a 24 feet right-of-way and provide access to service entrances in mixed use village cores. An additional two and a half feet setback shall be provided from the edge of pavement to the service door.~~

D Commercial Village Core Circulation

Located only at the intersections of parkways, [Downtown e](#)Commercial ~~village~~ cores offer high visibility and easy access for automobiles and pedestrians. The following circulation parameters have been established to aid the success of these commercial zones.

Pedestrian Circulation

Pedestrian accessibility opens auto-oriented developments to adjacent neighborhoods resulting in reduced traffic and creating a more inviting pedestrian environment. The following design standards should be followed.

1. Provide continuous sidewalk circulation contiguous to vehicular circulation elements (e.g., arterial, collectors, and local internal streets).
2. Provide connections to individual sites and buildings that are adjacent.
3. Link open spaces.
4. Provide direct and easy pedestrian access to storefronts.
5. Provide convenient pedestrian connections from the parkways regardless of differing grade conditions through the use of sidewalk ramps and staircases.

6. Sidewalks adjacent to retail storefronts should be 6 to 10 feet wide and located between storefront and planted or paved parkway strip.
7. Buildings should incorporate pedestrian pass through to allow for pedestrian circulation from rear parking lots to street frontage and sidewalks.
8. Sidewalks at least 5 feet in width shall be provided along all sides of the lot that abut a public street.
9. Continuous internal pedestrian walkways, no less than 5 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, perennial beds, ground covers, or other such materials for no less than 50 percent of its length.
10. Sidewalks, no less than 6 feet in width, shall be provided along the full length of any building facade that features a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least 5 feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
11. Internal pedestrian walkways provided in conformance with the above guidelines shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
12. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete.

Automobile Circulation

Vehicular access to the commercial village cores occurs along parkways and major intersections. Subsidiary connections are made along internal private streets and circled aisles. The internal circled system moves through smaller parking areas and open space elements.

1. Development shall minimize curb cuts. Wherever possible, curb cuts and driveways should be shared between multiple projects.

2. The area of paved surface between the street and any structures on the property should be minimized.

E Business Park and Satellite Commercial Circulation

Within the business park, site access and internal circulation should be designed to emphasize safety and efficiency by reducing conflicts between vehicular and pedestrian traffic. Circulation and access areas should be combined where possible and adequate maneuvering and stacking areas should be provided.

Pedestrian Circulation

1. As throughout Naples City, pedestrian access is key to the design of the business park and satellite commercial. Site layout should encourage walking through the business center in order to reduce the number of vehicular trips within the site.
2. Areas of pedestrian activity such as plazas, courtyards, and seating areas, should be delineated with accent paving and pedestrian scale lighting. Where pedestrian and vehicular traffic interface, paving and signage should be used to alert drivers.
3. Clear pedestrian routes to building entrances should be provided.
4. Textured or integral-colored paving that is distinguishable from the road surface should be used to define main pedestrian routes within parking lots.
5. Each owner is responsible for public sidewalk portions that extend on and through his/her property. These responsibilities are and not limited to snow removal, repair, and cleaning.
6. Building entries should incorporate pedestrian amenities such as seating, appropriate lighting, and hardscape.

Automobile Circulation

Vehicular circulation within the business park should follow a hierarchy and organization that minimizes the visual presence of automobile circulation and service functions while maximizing uninterrupted sidewalks and pedestrian access.

1. Development shall minimize curb cuts. Wherever possible, curb cuts and driveways should be shared between projects.

2. Where multiple access points are provided, entrances and exits to and from parking and loading facilities should be clearly marked with appropriate directional signage.
3. Vehicles should not be required to enter a public street in order to move from one area to another on the same site.

02-27-016 SITE PLANNING GUIDELINES

~~— A —~~ **Preface** ~~—~~

~~— Site planning for Naples City's commercial areas is intended to maintain visual consistency, ensure strong connections between neighborhoods and commercial area, and to create inviting and dynamic shopping zones. To this end, the site planning guidelines seek to: 1) control building placement; 2) establish building setbacks that promote dynamic streetscape; 3) site buildings to frame formal open spaces; 4) promote pedestrian connections that link commercial activity centers; 5) provide conveniently located access points and driveways; and 6) lessen the impact of visually disruptive elements such as service areas.~~

~~— Requirements for parking, service, loading, special equipment, utilities, communication devices, and fencing and screening are similar for each commercial area. Specifications are at the end of this section.~~

B Downtown **Commercial Village Core**

Downtown Commercial ~~village~~ cores will be located at the intersections of the major parkways. These commercial areas feature a variety of goods and services ranging from small retail establishments to big box retail. To avoid the strip mall structure, the Downtown ~~e~~Commercial ~~village~~ Cores will be organized around public open space amenities and will maintain lesser setbacks and smaller parking lot configurations.

This section provides general design guidelines for the commercial village cores should be personal and pedestrian friendly.

Spatial Structure

Buildings should offer pedestrian scale features, spaces, and amenities. Entrances and parking lots should be functional and inviting with walkways conveniently tied to logical destinations. Furthermore, bus stops and drop off/pickup points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, public art, pedestrian light fixtures, bollards, planter walls, and other architectural elements.

Each retail establishment shall contribute to community and public spaces by providing at least two of the following; patio/seating area, pedestrian plaza with benches, courtyard, transportation center, window shopping walkway, kiosk area, water feature, clock tower, fountains or other such focal feature or amenity. Such areas shall have direct access to the public sidewalk and shall not be constructed of materials that are inferior to the principal materials of the building and landscape. Large retail buildings should feature multiple entrances to reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks and open spaces, and provide convenient movement between buildings. All sides of a building that directly face a public street shall have at least one customer entrance. The rear or sides of buildings should feature architectural details and landscaping to alleviate expanses of blank walls.

Setback Requirements

Setbacks from streets shall conform to setback requirements established in the corresponding zone guidelines (See Land Use Ordinance chapters 02-21 through 02-26 and 02-28).

C Business Park and Satellite Commercial

This section addresses broad site planning issues for buildings, parking and utilities. Roadways and sidewalks should be organized in an axial fashion, with visual terminus in a building element, landscape element or view corridor. Buildings should be organized to relate to adjacent buildings rather than as separate pieces of the plan and should work together to create pedestrian areas. To structure site planning in the Business Park the following precepts have been established:

1. Controlled site access. A minimum of two accesses are required.
2. Structures should be surrounded by landscape/hardscape features so that the office portion of the building does not directly abut paved areas. A landscape strip, minimum 20 feet long and 5 feet wide, should be provided between parking areas and the office portion of a structure.
3. Where business park uses are adjacent to non business park uses, appropriate buffering techniques such as setbacks, screening, berming, and landscaping shall be provided to mitigate any negative effects of business park operations.

4. Development in the Business Park is encouraged to dedicate 1% of building cost for public artwork to be located at or near the building or within public areas.

Setback Requirements

~~A variety of building and parking setbacks should be provided in order to avoid long monotonous building facades and to create diversity. In addition, building setbacks should be proportionate to the scale of the structure and in consideration of existing development adjacent to it. Larger structures require more setback area for the balance of scale and so as not to impose on neighboring uses.~~

~~Setback requirements shall be measured from the front, side and rear parcel boundary lines to the front, side and rear setback lines.~~

~~Minimum setbacks for buildings and parking lots from adjacent street rights-of-way are:~~

~~Front setback 30'~~

~~Side setback 20'~~

~~Rear setback 30'~~

~~(At corner lots, the “front” side is the direction the major entry faces, or the direction the majority of the building mass faces.)~~

~~1. No storage or outside work areas shall be allowed within the setback areas.~~

~~2. No building or architectural feature shall penetrate the setback area without special approval of the Planning Commission.~~

~~3. All setbacks shall be measured from the foundation wall or outermost architectural feature, e.g. overhand, etc.~~

~~4. Setback requirements may be varied, with approval from the Planning Commission, due to special site and building conditions.~~

D Site Planning Requirements

This section delineates requirements for parking, service, loading, special equipment, utilities, communication devices, and fencing and screening for mixed use village cores, commercial village cores, and the business park.

Parking Requirements

Parking areas should provide safe, convenient, and efficient access. They should be distributed to reduce overall scale of paved surface and to shorten walking distances between cars and buildings. No more than 50 percent of the off street parking area for the lot, tract, or area of land devoted to the large retail establishment shall be located between the front facade of the building and the abutting streets.

1. The parking lot and cars should not be dominant visual elements of the site. Large expansive paved areas located between the street and the building shall be avoided in favor of smaller multiple lots separated by landscaping and buildings.

2. Divide lots with planted buffers to create a series of smaller lots (maximum 200 cars).

3. Parking areas, drive aisles and lots adjacent to and visible from public streets shall be adequately screened from view by the using rolling earth berms and landscaping. Water conserving profiles are encouraged in the design of landscape berms. Low decorative screen walls, changes in elevation, landscaping, or combinations thereof should be used wherever possible.

4. The business park site should be a self-contained development capable of accommodating its own parking needs. The use of public streets for parking and staging of trucks shall not be allowed.

5. For security purposes, all parking spaces should be visible from the interior of the structures, especially entrances.

6. The layout of parking lots should work with the existing site grading. The use of terraced or stepped parking platforms is encouraged to break down apparent size of parking areas.

7. Minimize walking distance from furthest parking space to a building.

8. Locate vanpool and carpool spaces close to buildings to encourage their use.

9. Standard minimum parking space dimensions shall be 10'0" by 20'0" for full size cars and 8'0" by 16'0" for compact cars.

10. Minimum drive aisle width shall be 23'0".

11. Handicap parking required per- [ADA Requirements](#) ~~Naples City Development Code~~.

12. Parking is not permitted in landscape areas.

13. Parking lots shall have landscaped islands provided at maximum intervals of 23 spaces at retail uses and 15 spaces at office uses and at the end of all parking rows. These islands shall be a minimum width of six feet (6'0"). A continuous poured in place concrete curb shall be provided around landscape islands.

14. The use of parking bumpers in surface lots is prohibited.

15. A continuous poured in place concrete curb and gutter shall be provided around all parking and access areas. Curb may be used as a wheel stop with a maximum 5' overhang.

16. Roadways and primary drive lanes within parking lots shall be oriented so as to create an axis which terminates in either a building element, landscape element, or view corridor whenever possible.

17. Human services facilities (day care centers, schools, libraries, etc.) that regularly have more than 20 clients onsite and are located on an arterial, major collector, or parkway shall be served by a minimum of one passenger loading area.

~~18. Minimum parking requirements by land use are defined in the Naples Development Code, Appendix A (See parking requirements)~~

C. Service, Loading, and Special Equipment Areas

To minimize visual and noise impacts on adjacent uses, loading areas, storage areas, HVAC units, garbage receptacles, etc., shall be screened, recessed, or enclosed. Appropriate locations for loading and outdoor storage include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances.

1. Service and delivery activities shall be separated from primary public access and screened from public view either by being located underground or internal to structures, or by providing walls, fences, and/or landscaping of sufficient height and density. Roofs shall be required if the area is over viewed by residential uses.

2. Service, storage, and maintenance areas shall be constructed and maintained according to the following criteria:

- a. No materials, supplies, or equipment, including trucks or other motor vehicles, shall be stored onsite except inside a closed building or behind architectural screening, to prevent visibility from neighboring properties and streets.
 - b. All storage areas shall be located on the side or rear portions of buildings.
 - c. No service, storage, maintenance, or loading area shall extend into a setback area.
3. Loading areas shall be entirely onsite. Offsite vehicle loading shall not be permitted.
4. All service and loading areas shall be positioned so service vehicles will not disrupt traffic flow to or from the site.
5. Commercial and industrial buildings shall have one off street freight loading area for each 10,000 square feet of gross floor and/or outdoor storage area.
6. Loading areas should not be visible from street frontages. Loading docks shall be located on the interior side or rear yards (where the rear of a building does not face a public street) and concealed from public view.
7. Refuse collection areas shall be screened with solid perimeter walls using materials and colors compatible with those of the adjacent buildings.
8. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from abutting streets.
9. No area for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public street, public sidewalk, or internal pedestrian way.
10. Delivery and loading operations should not distribute adjoining neighborhoods or other uses. No delivery, loading trash removal or compaction, or other operations shall be permitted between the hours of **10 p.m. and 7 a.m.** within the mixed use village cores unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 db, as measured at the lot line of any adjoining property.
11. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions

shall be incorporated in to the overall design of the building and the landscape so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.

12. Non enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences.

13. Vehicles shall be stored in designated areas only. If vehicles are to be stored more than 48 hours, they shall be stored in an area screened from adjacent properties, parking areas, public roadways, and pedestrian areas.

E Utilities and Communication Devices

1. Utility equipment and communication devices located on the ground shall be screened so that the site will appear free of all such devices. Utility lines for water, gas, sewage, electrical, and communication shall be installed underground.

All permanent utilities shall be underground; above ground utility access points shall be screened from public view and permitted by conditional use permit.

2. Minimize visual and audio impact of utilities, transmission dishes and related services.

3. Transmission dishes and antennae are not permitted on roofs of buildings unless adequately screened. Where located on the ground, screen these devices with landscaping and screen walls constructed of the same materials as the building.

4. Overhead wiring and telephone lines are permitted during construction only.

5. Provide utility easements where required.

6. Transformers and utility meters shall be grouped where possible. Where street cuts are made for utilities, cutting, backfilling and paving shall be repaired in accordance with Naples standards and specifications.

7. Utilities shall be grouped and screened with materials consistent with the architecture of the building and at a height acceptable to the Design Review Committee.

F Fencing and Screening

2. ~~1.~~ No fence or screen of any kind shall be constructed unless specifically approved by the Planning Commission.

3. [Where any commercial use joins any lot in a residential zone, the owner of the commercial](#)

property shall provide and maintain along such property line a minimum six foot high aesthetically pleasing, vision obscuring, privacy fence or wall of neutral color. The fence shall provide, a minimum 90% fill to afford privacy for the residential dwelling.

2. Where screening is required, a combination of elements should be used including solid decorative masonry walls, berms, ~~and~~ landscaping, vinyl, wood, and/or chain link fencing with full fitted privacy slats. :

~~3. Chain link fencing of any type is prohibited.~~

4. Any mechanical equipment visible from the fronting road, whether on the roof, side of building, or ground, shall be screened. The method of screening shall be architecturally integrated in terms of materials, color, shape, and size.

5. Screen fences or walls shall be built at a height at least 12" higher than that of the materials or equipment being stored.

~~6. No fence shall be located within 25 feet of the front property line or of any street right of way unless specifically approved by the Planning Commission.~~

G Walls

1. Decorative walls shall be used to screen automobiles, loading areas, utility structures, and automobile headlights from neighboring residential areas. Decorative walls shall be kept as low as possible while performing their screening and security functions.

2. Where walls are used at property frontages, or screen walls are used to conceal storage and equipment areas, they should be designed to blend with the site's architecture. Landscaping should be used in combination with such walls wherever possible.

3. Long expanses of wall surfaces should be offset and architecturally designed to prevent monotony. Landscape pockets should be provided.

02-27-017 SITE GRADING AND DRAINAGE GUIDELINES

A Preface

Each site within Naples City represents a specific set of conditions that should influence the grading design applied. A grading concept that would be ideal for one site might be totally inappropriate for another. Most of the design concepts are based on the creation of more natural appearing landforms.

B Guidelines

Excessive grading should not be necessary in Naples City and is not desirable. Grading should produce graceful contours, not sharp angles, and should respect the natural land forms. Contoured swales and berms will soften the impact of structures on each lot. Varying the degree of long slopes will avoid the unnatural look of broad flat surfaces. The following are general grading guidelines:

1. Grading practices shall respect the natural features of the development by avoiding prominent ridgelines and contouring in harmony with existing landforms.
2. All manufactured slopes shall be rounded to conform with the existing topography.
3. Grading shall be minimized and buildings and roadways are to conform to and “blend” with landforms.
4. Variation and undulation of slopes to retain the natural character of Naples City shall be encouraged.
5. All graded slopes shall be planted with a combination of native grasses, ground covers, shrubs, and trees to insure slope stability, reduce erosion potential and improve visual quality. Plant materials of varying form and density should be used to soften slope banks.
6. Borrow ditches should not be paved with asphalt concrete or concrete. Borrow ditches should be seeded and accented with native rocks.
7. Finished floor heights in relation to any adjacent curb in commercial areas should be limited to a 5% differential to minimize excessive handicap ramps.
8. Building and site design is encouraged to work with the natural contours of the land.
9. The following standards shall apply to all site grading:

<u>Area</u>	<u>Min Slope</u>	<u>Max Slope</u>
Planted Areas	2%	33%
Parking Lot	1%	5%
Driveways, Access Drives	1%	5%
Pedestrian Plaza	1%	2%
Sidewalks (direction of travel)	1.5%	6%

Sidewalks (horizontal tilt)	0%	2%
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All slopes must also conform to ADA Standards.

10. No cut or fill slopes shall be steeper than 3:1 with smooth vertical transitions. Terracing with retaining walls of approved materials will be allowed in certain situations. Materials will be compatible with the building design and shall be approved by the Planning Commission.

11. Add site topographic features (such as landscape berms and swales)

12. Site drainage must be designed to eliminate water collection at building foundations and minimize water collection at entrances and service ramps.

13. Retention/detention areas should be designed as year round amenities with pedestrian access.

C. Storm Water Retention

The Applicant shall design, construct and install a storm water drainage system within the lot which shall be constructed of materials and according to the specifications of the master storm drain plan and according to generally accepted engineering standards, with an engineer's seal stamped on the plat. Naples City's onsite storage plan requires retention of 125% of a 2-hour, 100-year storm volume. The storm water retention system may consist of one or more storm water retention areas. The overflow area must be identified, and evidence shown that it will not drain onto neighboring properties or nearby structures.

If the storm water retention area and system is on the surface and not underground, the owner/developer shall set aside an area approved by the City Council within the development engineered to retain the water as required by this ordinance. The retention pond/area shall be established by a recorded plat with covenants that run with the land and that require the owner of the land to maintain the retention pond/area as designed and at its expense to make any repairs or improvements as needed over the years to effectuate the purpose of the water retention facility. The owner shall be required to hold the City harmless from any damage or expense related to repairs or maintenance or from damage caused by failure of the system, in perpetuity. The area shall also be identified on the plan and recorded documents shall be approved by the City Attorney as to form and effect. No modification of the retention area may be done without an amendment to the plat. If the water retention is shared between two properties, a recorded easement is required.

A Preface

~~These guidelines address the visual image of all buildings within the commercial development. The prominence and location of commercial and institutional buildings along major roads should encourage architectural design which is highly visible and innovative, while being sympathetic to surrounding built form. Building design should address the sidewalk through elements such as entrance structures, colonnades, canopies, and awnings. Building envelopes that are well proportioned and aesthetically interesting on all visible sides are encouraged. Where substantial building setbacks are required, greater articulation of the building is required.~~

A B Design Professionals

~~architect.~~ Design and documentation of all buildings shall be by licensed [design professional](#).

C Guidelines

General Tenets

- ~~1. Modern southwest design for architecture is strongly encouraged.~~
- ~~2. Building massing should include variations in the building envelope. Elements such as entrances, forecourts, terracing or other building features should provide interest and detail when viewed from public streets.~~
- ~~3. In all areas, a strong articulation of building facades is encouraged. However, details or elements that appear as “add-ons” are discouraged.~~
- ~~4. Front facades should be of a high standard of design and quality of materials. Flanking facades should be upgraded to a design and materials standard equal to the front facade treatment.~~
- ~~5. Where appropriate, building design should provide for future expansion, and should demonstrate how expansion can be accommodated while respecting design principles.~~

~~6. Mechanical and equipment facilities located on building roofs shall be screened.~~

Siting and Orientation

Placement of the building in relation to the surrounding elements is as important as the design of the building. ~~The proposed building orientation should respond to surrounding buildings, existing pedestrian paths and sidewalks, and adjacent streets. Rows of buildings which create a monotonous, “cookie cutter” design are discouraged.~~

~~1. The proposed building orientation should respect climatic conditions. Buildings should maximize public comfort by providing comfortable public outdoor areas. Building exposures subject to climatic intensities should utilize landscaping and architectural surface relief to offset weather impact.~~

~~2. Building siting should be sensitive to surrounding roads and public spaces in terms of height, scale, massing and blocked views.~~

~~3. Buildings should be sited to reinforce the character and quality of plazas, courtyards, greens and open spaces.~~

4. Buildings should be oriented so that entrances are clearly identifiable and directly accessible from a sidewalk. Buildings should be accessible for pedestrians and public transit users, not just for people driving private automobiles.

Scale

~~Scale relationships must be carefully considered and appropriate transitions provided where a change of scale is proposed or required. Stair stepping building height, breaking up the mass of the building and shifting building placement can mitigate the impact of differing building scales and intensities.~~

Building Elevations

~~Elevations should incorporate the use of strong vertical and/or horizontal reveals, offsets, and three dimensional detail between surface planes to create shadow lines and break up flat surface areas.~~

~~1. Rear building elevations, especially those facing adjoining residential areas, should be aesthetically enhanced with materials to match the front of the building. Side elevations along side streets should be treated with same quality of design and materials as the front elevations. There shall be no unimproved side to a structure.~~

- ~~—2. Building siting should be sensitive to surrounding roads and public spaces in terms of height, scale, massing and blocked views.~~
- ~~—3. Buildings should be sited to reinforce the character and quality of plazas, courtyards, greens, and open spaces.~~
- ~~—4. Buildings should be oriented so that entrances are clearly identifiable and directly accessible from a sidewalk. Buildings should be accessible for pedestrians and public transit users, not just for people driving private automobiles.~~
- ~~5. On commercial sites, especially large retail centers, a portion of the total building area should be located near the street perimeter to reinforce the streetscape.~~

Transparency

- ~~—A high degree of transparency should occur at lower levels of building facades to insure the visibility of pedestrian uses, and to provide an active, human scaled architectural pattern along the street. On front elevation or elevation facing public open space of golf course, between 60% and 90% of the ground floor facade should be transparent glazing. Areas of the building that are functionally restricted from providing vision glass may be exempted from minimum glazing percentages provided other architectural scaling techniques are employed. A pattern of individual windows at upper floors also should be established to increase variety of scale through fenestration patterns, material variation, detail and surface relief.~~

Roof Forms and Materials

~~Rooftops should contribute to the visual unity of the project and should be considered from both the ground level as well as from adjacent buildings. Roof forms should support and reinforce overall building massing. Roof form should complement the context in terms of height, proportions, form and materials, and whether the surrounding buildings are of a similar scale.~~

~~Roofing materials should be tile or other hard surface, durable materials. The use of asphalt shingles is discouraged.~~

Materials and Colors

Materials and colors of the development should be selected for earth tone compatibility with the site, as well as compatibility with the neighboring area. High quality, low maintenance materials are encouraged as well as building materials that age well.

1. The selected materials and color palette should be compatible with the valley's mountain and basin environment, [utilizing earthen tones.](#)

~~2. Building materials should convey durability and express regional character.~~

~~3. Facade materials that appear tacked on shall be avoided.~~

~~4. The use of reflective glass as a complete exterior surface is discouraged due to the great increase in reflected glare. Use of highly reflective glass should be avoided. Reflective glass should be limited to an outside reflective factor of 30% or less. Mirror glass is not allowed except in very limited applications.~~

~~5. All sides of a structure should exhibit design continuity.~~

6. All facades facing public streets or open space shall have the exterior wall or façade of such construction as to have a minimum of architectural treatment of brick, glass, wood, stucco, metal, stone, masonry, including stone, brick, terra cotta, architectural precast concrete, cast stone, or prefabricated brick panels, or any combination thereof. The exterior wall or façade of any building fronting upon a public street shall not have the appearance of a metal building. No single material is allowed to exceed fifty percent (50%) on all front street facing facades, excluding windows. Flanking facades facing streets should be upgraded with materials standard equal to the front façade treatment.
~~be constructed of high quality materials including the following:~~

- ~~•Masonry, including stone, brick, terra cotta, architectural precast concrete, cast stone and prefabricated brick panels, stucco~~
- ~~•Glass and glass block~~

The final approval of exterior materials is at the discretion of the ~~City~~
~~Council~~Design Review Committee.

Maintenance

Owners or occupants shall maintain all buildings, drives, parking lots, signs or other structures located upon the property in good and sufficient repair and shall keep such a neat, clean and orderly fashion. ~~premises painted, windows glazed, paving swept and otherwise maintain the property in a neat, clear and orderly manner.~~ Any alteration made to the building or building site equaling more than 50% of the original site plan require the Planning Commission approval. ~~Building, site, material and color modifications after initial construction require City approval.~~

1. Any structure, driveway or parking lot surface that is damaged by the elements, vehicles, fire or any other cause shall be repaired as promptly as possible.

2. Grounds, landscaping, and vegetation shall be maintained in accordance with the site plan approved by the City. ~~a healthy growing condition. Dead or dying plants shall be removed as soon as possible and replaced during the next growing season.~~

3. Lots, yards, parking areas and grounds around buildings shall be maintained in a weed free condition.

~~3. If the owner or occupant does not achieve and maintain high quality maintenance standards, the City shall issue a notice requesting action. If the problem is not remedied within 30 days, the City shall cause the maintenance work to be performed and shall charge the owner or occupant for all costs incurred.~~

Parking Garages

Parking garages may be used in the commercial zones and are subject to the same architectural standards as other structures.

1. Parking structures shall be designed to conceal the view of all parked cars and light sources from adjacent public right-of-way or public open space for the full height of the structure.

2. Facade openings that face any public right-of-way or open space shall be vertically and horizontally aligned and the floors fronting on such facades shall be level.

3. The sidewalk level of parking structures shall be designed to accommodate active uses, display windows, public art or other features that enhance the structure's relationship to pedestrians. Adequate ground floor dimensions are required and shall include floor to floor heights, structural, driving aisle and utility layouts within 30 feet of public right-of-way designed to accommodate occupancy by pedestrian uses.

4. Parking structures should not exceed 50% of any given block frontage.

5. Parking structures should utilize materials and architectural detailing found in the primary development being served.

6. Reduce impact on pedestrians from cars entering and exiting parking garages by locating garage access on alleys, wherever possible.

D Downtown Commercial ~~Village~~ Core

General

1. Where possible, large buildings (big box architecture) should be broken into smaller components through facade articulation, staggering, fenestration, etc., to maintain scalar continuity with adjacent commercial buildings.
2. The sidewalk level of parking structures should be designed to accommodate active uses, display windows, public art or other features that enhance the structure's relationship to pedestrians.
3. Locate and shape buildings to provide for future infill development on surface parking areas.
4. Coordinate commercial building placement and appearance in relation to the street.
5. Multiple use developments should be designed comprehensively to provide a cohesive appearance.
6. Integrate clearly defined pedestrian and vehicular access routes.
- ~~7. Rooftop mechanical equipment and vents should be incorporated as an integral part of the building wherever possible. Roof top units and vents should be screened using materials complementary to the building.~~
8. Variations in roof lines should be used to add interest to and reduce the scale of large buildings. Roof features should complement the character of adjoining neighborhoods. Parapets, overhanging eaves and sloping roofs are acceptable roof treatments.
9. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.

Elevations

1. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the façade and extending at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.
2. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60% of their horizontal length.

3. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors, [or murals](#) is permitted only with Planning Commission's approval.

4. Customer entrances should feature a combination of the following:

- Canopies or porticos
- Overhangs
- Recesses/projections
- Arcades
- Raised corniced parapets over the door
- Peaked roof forms
- Arches
- Outdoor patios
- Display windows
- Architectural details such as tile work and moldings which are integrated into the building structure and design.
- Integral planters of wing walls that incorporate landscaped areas and/or places for sitting.

~~5. Exterior building materials shall be high quality materials including:~~

- ~~brick~~
- ~~wood~~
- ~~sandstone~~
- ~~native stone~~
- ~~tinted, textured, concrete masonry units~~

Height Restrictions

~~Height restrictions shall be in accordance with guidelines established within the corresponding zones (see Land Use Ordinance chapters 02-21 through 02-26 and 02-28).~~

E Naples Retail Commercial Center

The Naples Retail Commercial Center will build out over several years so establishing continuity between structures is critical. Buildings should respond to one another through shared scale, massing, and plan organization. Buildings should work in harmony with adjacent structures to create and maintain pedestrian scaled outdoor space and view corridors to the golf course and mountains.

General

1. Use stepped down buildings to break up larger structures, particularly those over 2 stories in height.
2. Consider variations in facade elements, such as inset window areas, entries and/or projections of building volumes.
3. Building mass should be broken down where possible. Horizontal breaks and vertical projections will effectively reduce the perceived scale of buildings.
4. The creation of pedestrian scaled plazas between buildings is encouraged.
5. Use berming and other landscape treatments at building edges to reduce the building's visual mass and length.
6. Fenestration and detailing shall be scaled appropriately to the building to articulate the wall surface.
7. Building entries shall be architecturally related in mass and composition to the entire building.

~~8. Tall buildings adjacent to lower structures should establish scale relationships with the neighboring buildings through methods such as horizontal alignment of architectural features and fenestration, similar proportions, similar use of materials, and step backs that reflect the height of the lower structures. Other options include cornice alignment, belt courses, colors, and modules.~~

~~9.~~^{8.} Each building facade oriented to a public street or open space shall at minimum incorporate three or more of the following architectural scaling patterns:

- a. Expression of building structural elements such as floors (banding, belt coursing, etc. columns (pilasters, piers, quoins, etc.), foundation (water tables, rustication, etc.)
- b. Patterns of window and door openings that are emphasized through change of plane, and/or the use of sills, lintels, mullions, muntins, and other scale providing elements.
- c. Changes in material
- d. Changes in color
- e. Changes in texture
- f. Changes in material module or pattern

~~—Patterns of architectural ornament integral to the building materials~~

~~10. Architectural detail may relate to but not necessarily mimic traditional building details, such as pilasters, belt courses and cap or reveal in order to establish a recognizable human scale vocabulary. February 14, 2024 retail patterns may also relate to the inherent formal qualities of architectural structural systems.—~~

~~11.9.~~ Building footprints should be designed to minimize their shadow impacts on public rights-of-way and other public open space.

~~12.10.~~ Long expanses of high, unbroken street walls shall be avoided.

~~13.11.~~ Locate and shape buildings to provide for future infill development on surface parking areas.

14. Rooftop mechanical equipment and vents which are visible from ground level should be incorporated as an integral part of the building. Roof top units and vents should be screened using materials complementary to the building.

02-27-019 LANDSCAPE ARCHITECTURE GUIDELINES

The Developer shall provide a plat design of the meaningful landscape and its maintenance. The components, layout, arrangement, and size shall be approved by the Planning Commission.

Meaningful landscaping is grass, trees, shrubs, xeriscape, etc., in an appealing layout and size arrangement approved by the Planning Commission. Landscaping shall be maintained by the property owner.

A Purpose and Intent

The landscape guidelines are intended to establish criteria necessary for the development, preservation and enhancement of open space in Naples. A well designed and maintained landscape will enrich buildings and create a unified and visually pleasing character for the entire community.

B Concept

The landscape concept for Naples City derives its character from the rural Utah landscape. This landscape possesses a rustic quality that blends with the agricultural tradition. ~~Reflecting these two aspects, the cultivated landscape at Naples City is divided into two distinct categories: the native landscape and the agrarian landscape.~~

~~C The Native Landscape~~

~~The native landscape consists of native plant materials currently present in the area and those used for re-vegetation after development construction. The native landscape will occur in designated open space areas within Naples City. No water other than natural rainfall and snow runoff will be applied to these landscapes. Efforts shall be made to minimize disturbance of these areas from adjacent roadways and development parcels. Native plants shall be used in groupings similar to those seen in nature to facilitate visual integration of the community with the surrounding terrain.~~

~~———— D ————~~ **The Agrarian Landscape**

~~An orchard-like landscape will be created in areas that, because of their visual prominence or intense use, are important elements in the community. These areas include village cores, the business park, formal parks, squares, commons, recreation facilities, entry gateways, and edges of major public roads. Alleys will be used in conjunction with the orchard-style planting. Trees to be used in these areas include crab apple, pear, cherry, or other ornamentals orchard trees. Poplar varieties will be used to create windrows defining the orchard edges.~~

E Conserving Resources

In addition to utilizing agricultural elements, the landscape concept incorporates several ideas that are essential to its long term viability. First, landscape development will be efficient: resources will be concentrated to areas receiving the most intense human use such as parks and recreation facilities. Second, the landscape will be designed with the objective of reducing water requirements. Third, the landscape will be designed to minimize maintenance requirements. This will be achieved by limiting areas of irrigated turf and restricting use of high maintenance elements such as clipped hedges, etc.

F Design Professionals

Design and documentation of all site layout and landscape architecture shall be by a licensed landscape [design-professional](#) architect.

G General Requirements

1. Landscaping in accordance with the approved plan shall be installed prior to obtaining a certificate of occupancy for the building except where seasonal limitations exist, in which case, the landscaping must be installed within 60 days from the time planting operations can be undertaken. Erosion control must be undertaken when seasonal conditions do not permit immediate planting.

2. All planting shall be per the plant material list, [as listed on the approved site plan.](#)

3. The street concept has been designed to provide continuity throughout the development. Each developer is required to provide street trees and ground plane landscaping as per the ~~streetscape~~-approved landscape plan.

4. All areas not paved or built upon must be landscaped and, where necessary, irrigated. Large areas of gravel or mulch are prohibited. Use of water conserving trees, shrubs, and ground covers is required.

5. Areas to be developed in a further phase need not be landscaped or irrigated. They do, however, require a minimum application of a drought tolerant seed mix that must be established and properly maintained to prevent erosion. Weed control and periodic mowing of these areas is required.

6. All public rights-of-way must be landscaped and irrigated within one year of the ~~final plat approval~~~~purchase of property~~, whether or not development has begun.

7. The ~~landscape~~ irrigation system must be below ground and fully automatic. Use a drip irrigation for trees and shrubs is encouraged. All back flow devices must be either underground or screened from view. Over spray onto hard capped areas should be minimized.

8. Each owner shall regularly maintain all segments of their property, keeping them in a neat and orderly condition, including the replacements of dead and unhealthy plant materials.

9. All landscape design must be approved by the ~~Planning Commission~~City.

10. All landscaping will be bonded or cash hold in escrow until completed.

11. Trees may not be planted within the road right-of-way.

H Landscape Criteria for Development Edges

~~Three~~-eEdge zones have been identified at Naples City: buffers between land uses and at development edges; and Naples City and US 40. A graduated transition between non-irrigated and irrigated landscapes is necessary for these areas.

1. Landscape Buffers Between Land Uses and at Development Edges

Perimeter buffers consisting of berms and plant groupings shall be used to provide a soft edge between different uses. A minimum 25 feet landscape buffer shall be provided around the perimeter of development enclave. This transition should be smooth and continuous. Retaining walls shall only be used in buffer situations if the grade is too steep for any other solution.

2. US 40

The parkway plants should reflect the native hillsides. Gentle earth mounding and native plant materials should be incorporated for transitioning and screening. Approved trees shall be planted in loose groves to preserve views. ~~Native Junipers or Pine or listed trees shall be planted in loose groves to preserve views. (Clusters of formal orchard plants shall occur at all intersections.)~~

I Commercial Areas

The ~~four types of~~ commercial zones will have complementary landscape treatments, yet each design shall be modified to reflect the scale and use intensity particular to the different areas.

1. Downtown Commercial ~~Village~~ Cores

The landscape treatment of the commercial villages cores shall be similar to the industrial village cores. Elements generally will be larger in scale to reflect the more broad spatial quality of commercial areas. Generally, non-water intense plants will be used with courtyard plazas, and squares. Parking medians shall be slightly mounded and able to accommodate shade trees.

2. Business Park and Satellite Commercial

The business park and satellite commercial landscape shall be more detailed and formal, maintaining the level of finish typically associated with quality, corporate environments. A substantial transition zone will be created to blend the business park with adjacent landscapes.

J Landscape Elements

1. Courts and Plazas

Landscape development in the court and plaza areas shall include ornamental trees and shrubs, annuals and perennials, and public art. Special paving is recommended in pedestrian traffic areas.

2. Key Intersections

Treatment at key intersections and entry points shall include accent paving, bollards, signage, low walls, and ornamental/accent planting. Accent paving is also recommended to highlight pedestrian crossings across the road.

3. Landscape Transitions

Planting materials, grading, land forms, and landscape features shall be used to provide smooth transitions between landscape types. These transitions should be used to reinforce the soft edge of property lines. Site design of grading, land forms, walks, walls, fences, paths, roads and irrigation systems should establish and maintain these transitions.

~~4. Streetscape Landscaping~~

~~The planting of street trees is required for each property. A streetscape tree design has been provided to ensure continuity throughout the development.~~

5. Service and Utility Areas

The use of low walls, berms, and hedges is suggested to aid in screening loading docks and service areas. See Site Planning section for further details.

6. Plant Materials Standards

See 02-33 Naples City Tree Ordinance for approved list of plant species.
~~Planting materials used shall meet the minimum standards established by the American Association of Nurserymen, as published in the “American Standards for Nursery Stock”.~~

7. Site Furnishings

A wide variety of site furnishings may be utilized on any particular site. Selection of these furnishings shall require approval by the Planning Commission. The terms “site furnishings” is intended to cover at least the following items: shelters, fences, walls, water features, benches, trash receptacles, bicycle racks, telephones, flagpoles, lighting, and security fencing.

02-27-020 EXTERIOR LIGHTING DESIGN GUIDELINES

A Preface

The lighting standard shall provide visual continuity for the development and minimize the impact of exterior lighting on adjacent residential areas. The spacing, location, height, source, fixture, and illumination level of all lighting is subject to review by the Building Official ~~City~~.

1. Use accent lighting at specific building features. Lighting of architectural features is to provide accent, not to exhibit or advertise

buildings. All illumination sources must be located within the property boundaries and be shielded from public view. Lamp selection should be compatible with building color and texture.

2. Accent lighting of landscaping is permitted. Landscape illumination shall be low level and background in appearance.

3. Exterior paved areas and pedestrian walks shall be lighted using (low) intensity fixtures.

4. Lights shall be placed so as not to cause glare or excessive spillage onto adjacent lots.

5. Service area lighting should be contained within the service yard boundaries. No light spill-over shall occur outside the service or storage area.

~~6. All seasonal/temporary lighting must be reviewed by the City.~~

7. Poles and luminaries shall be as described in schedule of exterior fixtures.

8. Pole height shall not exceed 30 feet in height, measured from the ground to the top of the pole.

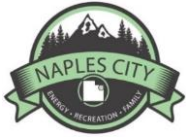
9. Internally illuminated awnings are prohibited.

~~02-27-021 TYPICAL LANDSCAPING, ROAD CLASSES AND BUFFERING
EXAMPLES~~

~~A Typical Landscaping examples~~

~~B Typical Road Class examples~~

~~C Typical Buffering example~~



MEMO TO: Planning Commission FROM: Staff Date: September 19, 2024	Subject: Subdivision Ordinance
Staff Recommendation: 	
Background: Utah Legislature passed SB 174 requiring cities to make changes to the Subdivision Ordinance. Naples City received a grant to have Hansen Planning Group help with updating the Subdivision Ordinance to meet these requirements. Most notably is there is a strict time frame these items must be addressed and turned around, and review cycles are limited. City Council can no longer be the subdivision land use authority. Planning Commission can no longer be the decision maker for final applications, but can be for preliminary. We can define a “Subdivision/Development Review Committee” A public hearing may ONLY be held at in the preliminary phase of plans.	
Options: ☐ Approve Preliminary & Final Plan ☐ Reject Preliminary & Final Plan ☐ Bring Back for Further Discussion	

CHAPTER 02-31 SUBDIVISIONS

Section	02-31-001	General Purpose
Section	02-31-002	Definitions
Section	02-31-003	Prohibited Acts
Section	02-31-004	Penalty
Section	02-31-005	Validity
Section	02-3-1006	Scope of Application
Section	02-31-007	Enforcement and Permits
		Subdivision Land Use Authority
		Subdivision Appeals
Section	02-31-010	Subdivision Application
Section	02-31-011	Acceptance of dedicated streets and public improvements
Section	02-31-012	General Improvement Requirements
Section	02-31-013	Improvement Completion Assurance
Section	02-31-014	Exceptions
		Lot Line Adjustments
		Amending a Subdivision
Section	02-31-017	Orderly Development Required
Section	02-31-018	Design Standards, Area and Access Requirements
Section	02-31-019	Subdivision Improvements
Section	02-31-020	Inspection
Section	02-31-021	Development Costs
Section	02-31-022	Signature Blocks

Commented [JH1]: This first draft has the material changes that are needed to bring the City into compliance with state law. We have left policy questions throughout for your review.

In our next draft, we will adjust based on your feedback and then polish up formatting and other minor issues.

Commented [MC2]: We will update the numbering/order of this table in the final draft

02-31-01 GENERAL PURPOSE

The purpose of this ordinance is:

- A. To promote health, safety and general welfare of the residents of Naples City.
- B. To promote the efficient and orderly growth of the City.
- C. To provide standards for the physical development of subdivisions of land, construction of buildings and improvements within this City including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, design standards for public facilities and utilities, accesses to public rights-of-way, dedication of land and streets, granting easements or rights-of-ways and to establish fees and other charges for the authorizing of a subdivision.

02-31-02 DEFINITIONS - (See Chapter 02-02 definitions)

The following words and phrases, as used throughout City ordinances, shall have the following meanings. Words and phrases not defined in City ordinances shall have the meaning defined in state law. Words and phrases not defined in City ordinances or state law shall have their plain meaning in common usage: As used herein, the following words when capitalized shall mean:

Affected Entities

A county; a municipality; a local district; a special service district under the Utah special service district act; a school district; an interlocal cooperation entity established under the interlocal cooperation act; an electrical, gas, or telephone utility as defined in §54-2-1 of Utah State Code (as amended); a property owner; a property owners' association; or the Utah Department of Transportation (UDOT), if:

- a. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- b. The entity has filed with the City a copy of the entity's general or long-range plan; or
- c. The entity has filed with the City a request for notice during the same calendar year and before the City provides required notice to an affected entity.

Commented [MC3]: The City code in 02-02 currently says the "affected entities" definition" follows the 10-9a-103 definition (or "in accordance with 10-9a-103") but 10-9a-103 does not currently have a definition for that term. Thus, an updated definition has been added here.

Alley

A public thoroughfare at least 26 feet wide.

Appeal Authority

The person or persons designated by ordinance enacted by the City to hear land use appeals under this Title.

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.

Association

The same as that term is defined in Utah Code Section §57-8a-102, as amended.

Block

A piece of land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the council.

City

Naples City

Common Area

Property that the Association owns, maintains, repairs, or administers.

Common Area and Facilities

- a. The land included within the condominium project, whether leasehold or in fee simple;
- b. The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances, and exits of the building;

- c. The basements, yards, gardens, parking areas, and storage spaces;
- d. The premises for lodging of janitors or persons in charge of the property;
- e. Installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, and incinerating;
- f. The elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use;
- g. Such community and commercial facilities as may be provided for in the declaration; and
- h. All other parts of the property necessary or convenient to its existence, maintenance, and safety, or normally in common use.

Condominium

A multi-unit development in which individual units are separately owned and each owner receives a recordable deed to the unit, together with an undivided interest in any common elements. A condominium development shall be regarded as a subdivision.

Council

The governing/legislative body of the Naples City.

Construction Standards

The standards and specifications adopted by this ordinance.

Cul-de-sac

Turnaround on a dead end street.

Developer

(See Applicant)

Development

On land, in or under land or water, the placement or erection of any solid material or structure; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility, trail, or road.

Easement

An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose (such as to cross it for access to a public road).

Engineer

The licensed engineer appointed by the City to be the municipal engineer, or the engineer appointed for a specific project.

Facility Owner

In the context of water conveyance, an individual, entity, mutual water company, or unincorporated organization:

- a. Operating a water conveyance facility;
- b. Owning any interest in a water conveyance facility; or
- c. Having a property interest in real property based on the presence of the water conveyance facility located and operating on the real property.

Fire Authority

The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

Commented [MC4]: Utah Code 10-9a-103(15)

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.

Improved Lot

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

Improvement

Work, objects, devices, facilities, or utilities required to be constructed or installed in a subdivision. Such improvements shall include, but are not limited to, street construction to required standards, grading, landscaping, water facilities, sewer facilities, streets, trees, sidewalks, curbs and gutters, drainage facilities, street signs, street lights, traffic control or other safety devices, fire hydrants, utilities 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.

Improvement Plan

A plan, complete with civil engineering plans, to complete permanent infrastructure on the subdivision that is essential for the public health and safety, that is required for human occupation, or that is required by applicable law in connection with a subdivision application, and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.

Improvement Warranty

Or “warranty” in the context of completed improvements means an applicant’s unconditional warranty that the applicant’s installed and accepted landscaping or infrastructure improvement complies with the City’s written standards for design, materials, and workmanship; and will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

Intervening Property

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

Land Use Application

An application required by the City and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.

Land Use Authority

An individual, board, or commission appointed or employed by the City to make land use decisions. "Land use authority" includes any appropriately authorized designees.

Lot

A parcel or tract of land which is or may be legally occupied by a building(s).

Lot Line Adjustment

The process of combining two or more lawful existing lots into a fewer number of total lots than existed prior to the boundary line adjustment; or the moving of a boundary line between two or more lots where the total number of lots after the change remains the same.

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.

Major Street

(See Street, Major)

Master Street Plan

The master street plan of this City.

Master Plan

The master plan of this City.

Metes and Bounds

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

Minor Street

(See Street, Minor)

Minor Subdivision

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

Period of Administrative Control

The period of control described in Utah Code § 57-8-16.5(1), as amended.

Public Landscaping Improvement

means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:

- a. Will be dedicated to and maintained by the City; or
- b. Are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.

Official Map

The official map or maps adopted by this City pursuant to the municipal Land Use and planning enabling legislation.

Off Site 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.

On Site Facilities

Facilities installed within or on the perimeter of the subdivision.

Oversized Facilities

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

Owner

(See Applicant)

Parcel of Land

A contiguous area of land with a separate or discrete legal description.

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, individuals, tenants in common, joint tenants, a corporation, partnership, firm, limited partnership or association of individuals however styled or designated.

Planning Commission

The Planning Commission of Naples City.

Plat

An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah Code, as amended.

Protection Strip

A strip of land, of less than the minimum depth required by the Land Use ordinance for a building lot, which prevents the access of property other owners to the street or utilities.

Review Cycle

As used and further defined in Section 2-31-10(C) of this Title, means the occurrence of:

- a. The applicant's submittal of a complete subdivision land use application;
- b. The City's review of that subdivision land use application;
- c. The City's response to that subdivision land use application, in accordance with this section; and
- d. The applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.

State engineer's inventory of canals

Means the state engineer's inventory of water conveyance systems established in Utah Code § 73-5-7.

Streets

A thoroughfare which has been dedicated and accepted by the council, which the City has acquired by prescriptive right or which the City owns, or offered for dedication on an approved plat, or a thoroughfare of at least 40 feet in width, which has been abandoned or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues, alleys and boulevards.

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 8720 feet wide.

Street, Collector

A street, existing or proposed, which is the main means of access to the major street system. Collector streets are at least 66 feet wide.

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. Minor streets

are at least 640 feet wide.

Street, Marginal Access

A minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

Street, Private

A thoroughfare within a subdivision which has been reserved by dedication of the Applicant 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 City and maintained by the Applicant or other private agency.

Subdivider

The person submitting a subdivision application under this Title.

Subdivision

Any land that is divided, subdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

- a. Subdivision includes:
 1. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
 2. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
- b. Subdivision does not include:
 1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
 2. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;
 3. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;
 4. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-608 of Utah State Code (as amended) if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;

5. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels does not confer any land use approvals, and has not been approved by the land use authority;
6. A parcel boundary adjustment;
7. A lot line adjustment;
8. A joining of one or more lots to a parcel;
9. A road, street, or highway dedication plat;
10. A deed of easement for a road, street, or highway purpose; or
11. Any other division of land authorized by law.

Subdivision Ordinance Review

Review by the City to verify that a subdivision application meets the criteria of the City's ordinances.

Subdivision Plan Review

a review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with municipal ordinances and applicable installation standards and inspection specifications for infrastructure improvements.

Underground Facility

Infrastructure or equipment that is buried or placed below ground level for use in the storage or conveyance of any of the following:

- a. Water;
- b. Sewage, including sewer laterals;
- c. Communications, including electronic photonic, telephonic, or telegraphic communications;
- d. Television, cable television, or other telecommunication signals, including transmission to subscribers of video or other programming;
- e. Electric power;
- f. Oil, gas, or other fluid and gaseous substances;
- g. Steam;
- h. Slurry; or
- i. Dangerous materials or products.

Utilities

Includes culinary water lines, pressure and gravity irrigation lines, ditches, sanitary and storm sewer lines, electric power, gas and telephone transmission lines, cable and data transmission lines, underground conduits and junction boxes.

Variance

An authorization by the Planning Commission, acting as the Land Use Authority pursuant to

state law, relative to specific parcel of land for a modification of a zone's standard height, bulk, area, width, setback, or separation requirement; as distinguished from a conditional use, the allowing of a use not listed as permitted in a zone, or any other change in zoning requirements.

Vicinity Plan

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

Water Conveyance Facility

A ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline or other watercourse.

- a. Water conveyance facility does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

Land Use Ordinance

The Land Use ordinance of Naples City.

02-31-03 PROHIBITED ACTS

Improved Lots Required: All buildings shall only be built on improved lots, except buildings which are bona fide agricultural buildings as to which there is no human occupancy.

Subdividing Land: It shall be unlawful for any person to subdivide for the purpose of transferring, selling, conveying or assigning any tract or parcel of land which is located wholly or in part in the City, except in compliance with this ordinance.

Subdivisions: It shall be unlawful for any person to sell or exchange or offer to sell or exchange any parcel of land which has been subdivided unless the subdivision has been approved by Naples City and meets the provisions of this ordinance and Utah state code. A subdivision is not valid unless its governing document is approved by the Land Use Authority and properly recorded in the County Recorder's Office.

02-31-04 PENALTY

Any persons, firm, or corporation, who shall subdivide land or who shall transfer or sell any lot or land in a subdivision, as defined in this code, which subdivision has not been approved by the Land Use Authority and recorded in the office of the County Recorder, shall be guilty of a Class B misdemeanor for each lot or parcel of land so subdivided, transferred or sold, and the description of such lot or parcel of land by metes and bounds in the instrument of transfer, or other document used in the process of selling or transferring, shall not exempt the transaction from such penalties, or from the remedies herein provided. The City may enjoin such transfer or sale or agreement by action for injunction brought in any court of competent jurisdiction, or may

recover a civil penalty by civil action in any court of competent jurisdiction, together with costs and attorney fees incurred in enforcing this chapter.

The civil penalty for an illegal subdivision shall be \$1000 per lot or parcel, plus any damages to future owners that arise from the enjoinder of a transfer based on an invalid subdivision.

02-31-05 VALIDITY

If any section, subsection, sentence, clause, or phrase of this chapter, for any reason, are held to be invalid, such holding shall not affect the validity of the remaining portion of this chapter.

02-31-06 SCOPE OF APPLICATION

All lots, plots or tracts of land located within Naples City shall be subject to this ordinance whether the tract is owned by an Applicant or a subsequent purchaser, transferor or holder of the land.

02-31-07 ENFORCEMENT AND PERMITS

Land Use and Building Official to enforce.

The Land Use Administrator and the Building Official are hereby designated and authorized as the officers charged with the enforcement of this ordinance.

Permits

The Building Official shall not grant a permit nor shall any officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any Utah state law, rule or regulation or ordinance of Naples City until a subdivision/development plat has been approved and recorded pursuant to this ordinance, and all other requirements are met. Any license or permit issued in conflict with such provisions shall be null and void. It shall be the responsibility of the Applicant to show that the lot has been lawfully created.

Inspections

The Building Official, or designee, shall inspect or cause to be inspected all roads, buildings, fire hydrants and water supply, and sewage disposal systems or other infrastructure in the course of construction, installation or repair. The Applicant shall notify the Building Department of any work to be done, and the Building Official, or designee, shall inspect the work within 2 business days of said notification. Excavations and installed systems for fire hydrants, water and sewer mains and laterals, shall have been approved by the engineer. If any such installation is covered before being inspected and approved, it shall be uncovered at the expense of the Applicant after notice to uncover has been issued to the responsible person by the inspector.

02-31-08 SUBDIVISION LAND USE AUTHORITY

The Land Use Authority under this Title, except where otherwise noted, is the Planning

Commission.

- A. The Planning Commission is responsible for the following:
1. Rendering a land use decision on all subdivision applications and petitions under this Title.
 2. Reviewing all applications under this Title in an impartial manner and according to the standards and deadlines described in this Title.
 3. Providing feedback to applicants in the manner required by this Title.
 4. Scheduling and holding a pre-application meeting with potential applications if they so choose as required in this Title.
 5. Holding a public hearing when required by this Title.
 6. Keeping subdivision application forms and related information material up to date and publicly accessible and distributing such forms and materials to potential applicants.
 7. Providing notice to entities and parties as required in this Title.
 8. Signing application and petition approvals as required in this Title.
 9. Ensuring that documents are properly recorded by the applicant with the County as required in this Title.
- B. As subdivision application decisions are administrative, not legislative, decisions, the Land Use Authority is authorized to make any land use decision described by this Title without City Council approval.
- C. Except when operating as the Appeal Authority, the City Council shall not require the Land Use Authority to approve or deny an application.

Commented [MC5]: This authority can be changed if the City wishes; though it cannot be the City Council. Another option to the Planning Commission is to create a "Subdivision/Development Review Committee" comprised of commission members, the City Attorney, City Engineer, Public Works director, and/or other City Staff.

Commented [JH6R5]: Delegate to land use administrator.

Commented [JH7R5]: Experiment with SRC = land use administrator, engineer, building inspector, staff, and a PC member.

Commented [JH8R5]: PC can provide comments / weigh in

02-31-09 SUBDIVISION APPEALS

- A. The Appeal Authority for City decisions related to this Title, except when otherwise noted, is the City Council.
- B. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authorities and shall hear complaints about the conduct of the Land Use Authorities in administering the provisions of this Title.
- C. A party appealing or complaining of a Land Use Authority's decision under this Title must exhaust its remedies under this section (by appealing or complaining to the Appeal Authority) before bringing an action against the City in a court of law.
- D. A party who has submitted a subdivision application or petition may appeal or complain to the Appeal Authority under this Title. In such an appeal or complaint, the party may appeal or complain only regarding the Land Use Authority's treatment of that party's own application; a third party may not appeal or complain of the Land Use Authority's decisions or conduct.
- E. A party desiring to appeal or complain of a Land Use Authority decision shall submit to the Appeal Authority the following in writing:
1. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the Land Use Authority's decision and treatment of the application or petition, and why the applicant believes the Land Use Authority

Commented [JH9]: The state requires the City to have an appeals process in place, but it doesn't have to look exactly like this. If you have a different appeals process and want us to reference that instead, that's totally fine.

Commented [JH10R9]: Leave for now

Commented [MC11]: This authority can be changed if the City wishes

- misapplied the provisions of this Title or abused the discretion given it by this Title
- 2. The most recent version of the application or petition the party submitted.
- 3. Any supplemental documentation or information that the Appeal Authority requests.
- F. All appeals and complaints must be emailed or mailed to the City Recorder using the Recorder's official City address and/or email account listed on the City website.
- G. After receiving a complete appeal or complaint in accordance with this Section, the Appeal Authority shall confer and deliver a decision to the applicant, in writing, no later than 30 calendar days after the Appeal Authority receives the appeal or complaint.

02-31-10 SUBDIVISION APPLICATION

Prior to subdividing/developing any tract of land, the Applicant shall comply with the requirements of this chapter.

A. Pre-Application Meeting/Concept Plan Review

1. A party intending to submit a subdivision application under this Title may request a pre-application meeting with City staff ~~the Planning Commission or other City staff~~ for the purpose of reviewing any element of the party's proposed subdivision application. Or the applicant may attend the next regularly scheduled Planning Commission meeting. The proposed application need not be complete for purposes of this meeting and may—if the party desires—be limited to a concept plan.
2. If a party requests a pre-application meeting, the City shall schedule the meeting within 15 business days after the request. The meeting shall be scheduled at the earliest convenient opportunity, and, at the option of the party requesting the meeting, shall occur within 20 business days after scheduling.
3. The Planning Commission or delegated City staff shall conduct the meeting, provide feedback on materials as requested by the party, and shall provide or have available on the City website the following at the time of the meeting:
 - a. Copies of applicable land use regulations,
 - b. A complete list of standards required for the project, and
 - c. Relevant application checklists.

Commented [JH12]: One of the state changes is that this pre-application meeting needs to be optional.

Commented [JH13R12]: Option to meet with city staff or planning commission.

Commented [JH14]: Fix

B. Form and Contents of Subdivision Application

The City shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Chapter and received an approval from the Land Use Authority. To considered complete, a subdivision application must include at least the following elements:

- A. An **approved land use application** that describes how the property will be used after it is subdivided.
 1. If the intended use is permitted by right under City ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
 2. If the intended use requires a conditional use permit or is otherwise

conditioned on City approval, the land use application must include an approved, City-issued permit authorizing the intended use. Should an applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.

3. If the intended use is prohibited under City ordinances and requires a variance, the land use application must include an approved, City-issued variance authorizing the intended use. Should an applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.

B. An **improvement plan**, created in accordance with applicable portions of Sections 2-31-11, 2-31-12, 2-31-13, and 2-31-19 of this Title, for all public improvements proposed by the applicant or required by City ordinances. In addition to the requirements in Sections 2-31-11, 2-31-12, 2-31-13, and 2-31-19, the improvement plan must contain:

1. An engineer's estimate of the cost of completing the required improvements.
2. A tentative plan by which the Applicant proposes to handle a 125% of a 2 hour, 100-year storm water drainage for the subdivision.
3. Utilities: Information showing availability or plans for providing utilities to the development.
4. A soil report: a soil report prepared by a registered civil engineer, based upon adequate test boring or excavations (if required by this ordinance).
 - a. The Applicant shall provide complete information about any potential geologic problems within the development area, including but not limited to expandable soils, potential slide of slough areas, high-ground water, etc. If no geologic problems exist in the development area, the Applicant and their surveyor/engineer shall so certify to the Planning Commission.
 - b. The Planning Commission shall determine from application the possible need for environmental impact analysis, which would take into account the soil, slope, vegetation, drainage and other geological characteristics of the site. If the site requires substantial cutting, clearing, grading or other earthmoving operations in construction of structures or roads in the proposed development or if geologic conditions warrant, the Planning Commission shall require the applicant to provide soil erosion and sedimentation control plans or stabilization plans and specifications prepared by a registered civil engineer.
5. A traffic study, if one is required by an applicable UDOT Access Management Plan.
6. A plan to comply with the City's Master Street Plan, the General Plan, and

Master Park Plan.

7. Any other study or report reasonably necessary to ensure compliance with City design standards and improvement requirements.

C. A **plat**. The plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and acceptable filing standards of the County Recorder's Office. **The plat must include at least the following elements:**

1. The proposed name of the subdivision, which shall be shown on the plat and must be a unique subdivision name within Uintah County.
2. Sufficient information to locate accurately the property shall be shown on the plat.
3. The lot or unit reference; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale.
4. Where the plat submitted covers only a part of the Applicant's tract, or is part of a larger vacant area, the plat shall show the locations of the subdivision as it forms part of the larger tract or parcel of land. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
5. The names and addresses of the Applicant, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided as shown in the records of the county recorder.
6. A contour map at appropriate intervals.
7. The boundary lines of the tract to be subdivided, showing all fences, ditches, canals, and existing structures within 100 feet of the boundary line.
8. The location, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots, with proper labeling of spaces to be dedicated to the City or held in common.
9. The location, principal dimension and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within 600 feet of the boundary thereof, whether recorded or claimed by usage; the location of and dimensions to the nearest existing benchmark or monuments, and section line; the location and principal dimensions for all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including exceptional topography, airports and air approaches to the airport.
10. The location of existing bridges, culverts, surface or subsurface drainage ways, irrigation lines, ditches, utilities, public buildings, pumping stations, within the subdivision or within 300 feet thereof.

Commented [JH15]: We kept the town's existing requirements and added in a few that the state requires. Let us know if you want to require anything else.

In the next draft, we'll add anything you point out and then do a final check of state requirements.

11. Proposed offsite and onsite water facilities, sanitary sewers, storm drainage facilities, and fire hydrants.
12. Each sheet of the plat shall contain the sheet number, and North arrow.
13. Boundary lines of adjacent tracts of land, showing fences, ownership and property monuments.
14. All underground utilities and other utility facilities.
15. If any portion of the proposed subdivision is within 300 feet of an Agriculture Protection Area, the notice language found in Utah Code §17-41-403(4).
16. If any portion of the proposed subdivision is within 1,000 feet of an Industrial Protection Area, the notice language found in Utah Code §17-41-403(4).
17. If any portion of the proposed subdivision is within 1,000 feet of a Critical Infrastructure Materials Protection Area, the notice language found in Utah Code §17-41-403(4).
18. If any portion of the proposed subdivision is within 1,000 feet of a Mining Protection Area, the notice language found in Utah Code §17-41-403(4).
19. If any portion of the proposed subdivision is within 1,000 feet of a Vested Critical Infrastructure Materials Operation (extracting, excavating, processing, or reprocessing sand, gravel, or rock aggregate where that use is not permitted by City ordinances), the notice language found in Utah Code §10-9a-904.
20. A rendered elevation showing the façade if the new construction is in the C, C-1, I-1, or I-2 zone.
21. Signature blocks for by all persons required to sign the plat in the approved form.
22. If the subdivision includes a condominium, the requirements found in Utah Code §57-8-13, as amended.

D. Certifications, including:

1. An affidavit from the applicant certifying that the submitted information is true and accurate.
2. The signature of each owner of record of land described on the plat, signifying their consent to the subdivision application and their intent to dedicate portions of the plat to the public as described in the application.
3. A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.
4. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
5. Certification that the surveyor who prepared the plat:
6. Holds a license in accordance with Utah Code 58-22; and
 - a. Either
 - i. Has completed a survey of the property described on the plat

Commented [MC16]: State law requires these elements, but we can get rid of these bullets if there are no locations in the city where these types of operations would be feasible or if there aren't any of these types of protected areas in or around the city.

Commented [MC17]: Taken from original code requirements

Commented [JH18]: If you don't intend to ever have condos developed, then we can remove this.

- in accordance with state requirements and has verified all measurements; or
 - ii. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - b. Has placed monuments as represented on the plat.
 - 7. A notary public's acknowledgment of each owner's dedication in the approved form.
 - 8. Proof of approval from the culinary water authority, the sanitary sewer authority, the local health department, the local fire department, and the local public safety answering point.

Commented [JH19]: The code originally had signatures for the mayor, attorney, engineer, and others. Instead, we will have a member of the land use authority (Planning Commission) sign. The state requires a single LUA to approve. However, this does not mean that the City can't require internal approvals by the engineer, attorney, etc.

Commented [JH20]: Add letter from gas/electricity company

E. Binding dedication documents, including:

- 1. As applicable, formal, irrevocable offers for dedication to the public of streets, City uses, utilities, parks, easements, or other spaces.
- 2. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.

F. Other documents, including:

- 1. Agreements with adjacent owners: copies of any materially relevant agreements with adjacent property owners to the proposed subdivision.

G. Copies, including:

- 1. One electronic copy of the plat in AutoCAD format (DWG or DXF), with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to.
- 2. A PDF document of the complete application (including the plat and all other plans and supporting documents required by this Section).
- 3. Five 8.5" x 11" printed copies of the complete application, delivered to the City office, for review.
- 4. A copy of the plat drawn on Mylar for signing and recording. The applicant may wait to produce this recording-form copy until the Subdivision Review Committee has completed two review cycles, but in such case, the Committee need not approve the application until this copy has been produced and reviewed.

Commented [JH21]: You may want to ask your engineer what format he prefers, but Autocad seems to be preferred.

Commented [JH22]: You don't have to require printed copies if you don't want to.

H. Payment of nonrefundable fees as required by the Naples City General Provision Fee Resolution for each step of the development process.

I. Notwithstanding the application requirements of this Section, the Land Use Authority may, in its sole discretion, waive any of the specific requirements found in this Section as to an application on a case-by-case basis.

Commented [JH23]: We recommend making the applicant pay a fixed fee plus any costs that your engineer and attorney incur when reviewing.

C. Review.

- A. The Land Use Authority shall review all subdivision applications in accordance with the requirements of this Section before approving or denying those applications.

Commented [JH24]: If it's helpful, we can change all the references to Land Use Authority to "Planning Commission" (assuming you leave the PC as the LUA).

- B. The review process begins when an applicant submits a complete application.
1. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
 2. If the Land Use Authority determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.
 3. Within 15 calendar days after receiving a complete subdivision application under this Chapter, the City Manager or designee shall provide written notice of the proposed subdivision to the facility owner of any known water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
 - a. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, the City Manager or designee shall review information:
 - i. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
 - ii. From the state engineer's inventory of canals; or
 - iii. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.
 4. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a subdivision application under this Chapter sooner than 20 calendar days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.
 - a. A water conveyance facility owner's failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application.
- C. After the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of "review cycles."
1. A review cycle consists of the following phases:
 - a. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
 - b. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances.
 - c. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all requested modifications or additions.

Commented [JH25]: "water conveyance facilities" is limited to any secondary and irrigation water, including ditches, drains, etc. It does not include culinary water.

- d. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the City’s review comments, identifying and explaining the applicant’s revisions and reasons for declining to make revisions, if any. This written explanation must be comprehensive and specific, including citations to applicable standards and ordinances and an index of requested revisions or additions for each required correction. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

Commented [JH26]: This is written to give the City maximum protection against being held to the review cycles. But if you think this requirement is too much for developers, we can just require a “written explanation.”

Table A – Review Cycles, Hearings, and Timelines by Subdivision Use Type

Use Type	Max Review Phases/Cycles	Max Public Hearings	Town Turnaround Deadline**
1-2 Family Residential*	4	1	30 Business Days
All Other Uses	6	2	30 Business Days

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*Includes single-family, duplexes, and townhomes.

*Describes the total time (per review cycle) the Town may take to complete both Phase #2 and Phase #3.

Commented [JH27]: There is no state-mandated rule about how applications for non-1-2 family residential applications should be run. So if you’d like, we can give the City more review cycles, longer deadlines, etc. for other uses.

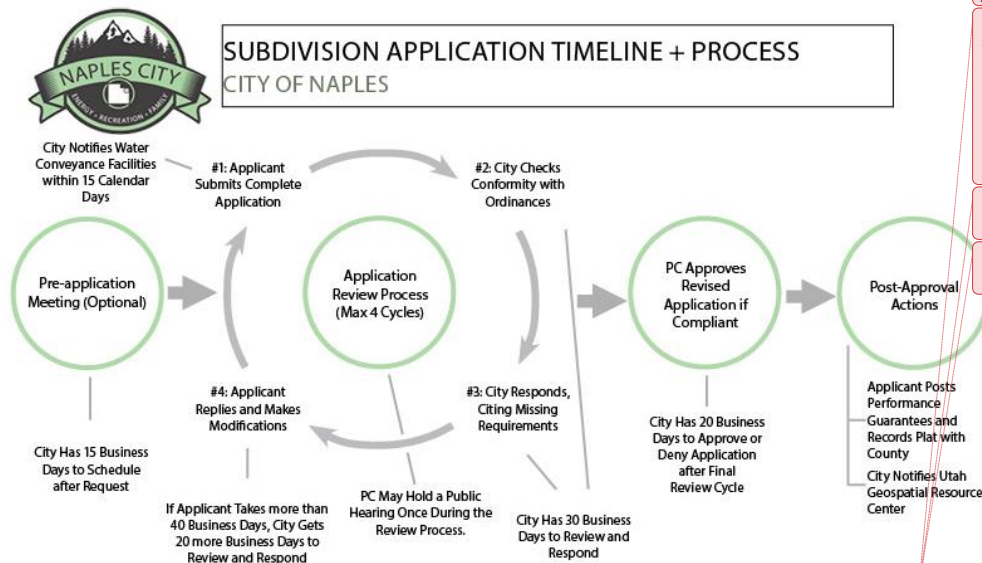
Or if you want to keep it simple, we can delete this table and just explain the 30-day, 4-cycle limit in the text.

Commented [JH28]: If you like the idea of this flowchart, we can leave it in the code and/or put it on the application forms as an instructional page. If we end up having longer review periods for other uses, then we can make a chart for each category.

Either way, we will update this flowchart once we’re done making the substantive changes to the process.

Commented [JH29R28]: Add flowchart for other applications

Commented [JH30R28]: *owner of water conveyance facilities



D. The Land Use Authority (and other City representatives or agents) shall adhere to the maximum number of review cycles and the review deadlines described in Table A, except as described below. If no further revisions are needed, the Land Use Authority may end the review process early and approve or deny the application.

1. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the City is exempt from limits on the number of permitted review cycles and the City's deadlines for reviewing and responding (Phases #2 and #3).
2. If the applicant makes a material change to the application not requested by the City at any point in the review process, the Land Use Authority may restart the review process, but only with respect to the portion of the application that the material change substantively affects.
3. If an applicant takes longer than 40 business days to submit a revised application and respond to the City's requests for modifications and additions (Phases #1 and #4), the City shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
4. If an applicant takes longer than ~~365~~ 180 calendar days to submit a revised application and respond to the City's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process.

E. After the last review cycle is complete, the Land Use Authority shall approve or deny the application within 20 days.

1. If the Land Use Authority has not approved or denied the application within 20 days after the fourth or final review, the applicant may request a final decision. After such a request, the City shall, within 10 days:
 - a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or
 - b. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.

F. After the Land Use Authority provides comments in the fourth or final review cycle, the City shall not require further modifications or corrections unless those modifications or corrections are needed to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.

1. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the City waives noncompliant

Commented [JH31]: Make sure to add notify affected entities section

subdivision-related requirements that the Land Use Authority does not identify during the review process.

2. The applicant shall make reasonable changes, unless prohibited otherwise by a contract or deed, to the subdivision application to accommodate water conveyance facilities to the extent required by Utah Code §73-1-15.5.

G. The Land Use Authority may conduct only one public hearing during the review period for a subdivision application.

1. The purpose of this public hearing is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public.
2. If the Land Use Authority elects to hold a public hearing, the hearing must occur before the end of Phase #3 of the last review cycle. Scheduling issues shall not extend the review and approval deadlines in this Title.

H. Other sections of this Title notwithstanding, the Land Use Authority shall approve or deny a subdivision application under this Title after reviewing a complete subdivision application as described in this Section. This singular application and review process includes the combined elements of traditional “preliminary” and “final” applications, as those terms are used in Utah Code §10-9a-604.2. For purposes of applying Utah Code §10-91-604.1(3)(a) and §10-91-604.1(9)(b), this Chapter describes a “preliminary” review and approval, with “final” approval happening automatically when the plat is recorded.

D. **Approval and Post-Approval Actions**

- A. The Land Use Authority shall approve any complete subdivision application made under this Title that complies with applicable City ordinances.
- B. The Land Use Authority shall issue all approvals in writing and shall certify the approved plat, either by signing the plat directly or by attaching a signed certification to the plat.
- C. **Phased Developments:** If the subdivision application is for a phased development, the applicant shall obtain approval in phases. Each individual phase of a subdivision must have an approval from the Land Use Authority. A pproval of an entire subdivision shall be voided if the application of a section or phase is not submitted for approval within ~~12~~²⁴ months of the approval of the most recently approved phase. Any change in the design of the subdivision that received approval will require resubmission of the plat for approval
- D. **Recording and Improvements:** The applicant shall record the approved plat with the County Recorder’s Office within six months after the City approves the application, provided that the applicant has completed any improvements or posted any performance guarantee required by City ordinances or described in the approved improvement plan. The applicant shall not record the approved plat until such improvements are completed or guaranteed in compliance with City ordinances and the approved improvement plan.
 1. ~~An approved plat not properly recorded within the timeline specified in this provision is void, unless the City Council approves an extension.~~

Commented [JH32]: Fix numbering

Commented [JH33]: Clarify that this extension applies to the recording timeline.

Also make the Planning Commission approve the extension instead of CC.

- E. The Land Use Authority shall submit to the Utah Geospatial Resource Center (so the subdivision can be included in the 911 database), within 30 calendar days after approving an application, either:

1. An electronic copy of the approved plat; or
2. Preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

Commented [JH34]: This is technically something that the State requires municipalities to do. But if Uintah County typically takes care of this, then we can delete this section.

Commented [JH35R34]: Will ask the county to see if they take care of this.

02-31-11 ACCEPTANCE OF DEDICATED STREETS AND PUBLIC IMPROVEMENTS

A. Dedication

The Applicant shall dedicate the public streets, easements and other public improvements to Naples City at the time the Subdivision Application is approved. The dedication shall be deemed an offer by the Applicant which shall be irrevocable. Naples City shall accept the offer of public improvements only if it finds that the Applicant has constructed, installed and maintained the public improvements required by this ordinance and that the improvements comply with the minimum requirements of this ordinance at the time of acceptance.

B. Time of Acceptance

Unless the Planning Commission extends the time for acceptance of the public improvements, the improvements shall be deemed accepted at the expiration of one year following the completion of the public improvements. In the event the Planning Commission does not accept the public improvements, the Applicant shall be so advised in writing of the reason for the non-acceptance and shall be required to construct the improvements to City standards prior to the issuance of any building permit.

Commented [JH36]: Clarify + allow for longer because the bond goes for 2 years.

Commented [JH37R36]: This paragraph is really the warranty... see below

02-31-12 GENERAL IMPROVEMENT REQUIREMENTS

The following improvements are required for all subdivisions, except those that qualify under the Agricultural Land exemption of Section 2-31-14.

A. Scope

This section defines the general requirements for improvements to be built by the Applicant. The improvements shall include all street improvements in front of all lots and along all dedicated streets to a connection with existing improvements of the same kind or to the boundary of the subdivision nearest existing improvements. Layout must provide for future extension to adjacent development and to be compatible with the contour of the ground for proper drainage. All water lines, sewer lines, appropriate utilities and any other buried conduit shall be installed to the boundary lines of the subdivision.

B. Construction Drawings

Complete and detailed construction plans and drawings of improvements shall be submitted to the engineer prior to commencing construction. Construction shall not be started until plans have been checked and approved by the engineer.

For the purpose of standardizing the preparation of drawings to obtain uniformity in appearance, clarity, size and style, the following is required:

- A. The construction plans shall be submitted in triplicate. Two sets shall be retained by the engineer and one set shall be returned to the Applicant with approval mark of the engineer.
- B. The approved set shall be available at the construction site.
- C. These plans and designs shall meet the standards defined in the specifications and drawings hereinafter outlined. The minimum information required on drawings for improvements are as follows:
 - 1. All drawings and/or prints shall be clear and legible and conform to good engineering and drafting practice. Size of drawings shall be 22" x 34" (trim line) with one-half inch border on top, bottom and right sides, left side one and one-half inches.
 - 2. North Arrow.
 - 3. Scale and elevations referenced to U.S.G.S. datum.
 - 4. Stationing and elevations for profiles.
 - 5. Name of City
 - 6. Project Title (Subdivision, etc.)
 - 7. Specific Type and Location of Work
 - 8. Space for Approval Signature of Engineer and Date
 - 9. Name of Engineer or Firm Preparing Drawings with License Number
 - 10. Curb and gutter, drains and drainage structures, sidewalks and street surfacing shall show:
 - a. An appropriate scale of no more than 1":~~50~~¹⁰⁰.
 - b. A plan view, profile, and cross-section for the roadways.
 - 11. Drainage System Plans
 - a. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area, but also where applicable the system shall be designed to route the runoff from those areas adjacent to and "upstream" from the development itself, as well as its effects on lands downstream.
 - b. All proposed surface drainage structures shall be indicated on the plans.
 - c. All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.
 - d. The storm drainage system must be engineered to retain on-site storm water for 125% of a 2 hour, 100-year storm over the impervious area.

02-31-13 IMPROVEMENT COMPLETION ASSURANCE

A. Required improvements.

The improvements required by this ordinance apply to all developments and owners/developers and to all persons that have or receive any interest in any land which is located within a subdivision, development, proposed subdivision, or proposed development.

B. Improvements made prior to recording approved plat.

The improvements required by this ordinance shall be constructed, installed and maintained by the Applicant and inspected and accepted by the City prior to recording the approved plat, unless the construction, installation, and maintenance is guaranteed in the manner provided in this ordinance. Improvements shall not be installed or constructed until their location and specifications have been approved by the engineer representing Naples City.

C. Guarantee of performance.

In lieu of completion and acceptance by the City Council of the improvements required by this ordinance before approval of the plat by the City Council, the Applicant may provide funds to guarantee that the installation and construction of the required improvements shall be completed, inspected and approved by the City within two years from the date of approval of the plat and that the improvements shall be maintained in a state of good repair free from defective material or workmanship for a period of 24 months from the date of completion by one or more of the following methods:

1. Bond

Applicant may file with the City Recorder a bond payable to the City with a corporate surety, licensed and in good standing in Utah and approved by the City Council and the City Attorney, in an amount equal to one hundred ten percent(110%) of the cost of improvements not previously installed, as estimated by the engineer representing Naples City. The bond shall guarantee that all improvements required by this ordinance shall be installed as required herein and that the improvements shall be maintained in a state of good repair free from material or workmanship defects for a period of 24 months from the date of completion. The bond shall be irrevocable and shall provide for the payment of the funds therein to the City in the event of default or any failure by the Applicant to install the improvements as required herein and in the development agreement.

2. Trust Account

Applicant may deposit in a trust account payable to and controlled by the City with a bank, credit union or savings and loan institution doing business in Utah and licensed and in good standing with the Utah Department of Financial Institutions and insured by the applicable federal agency (FDIC, FSLIC etc) an amount of money equal to at least 110% of the cost of the improvements. The costs of the improvements shall be determined by the engineer representing Naples City. The trust account agreement shall be approved by the City attorney and shall be signed by the Applicant, the City and the bank and shall provide for the payment of the funds therein to the City in the event of default or any failure by the Applicant to install the improvements as required herein and in the development agreement. The agreement shall also guarantee that all improvements required by this ordinance shall be installed as required herein and that the improvements shall be maintained in a state of good repair free from material or workmanship defects for a period of 24 months from the date of completion.

3. Irrevocable letter of credit.

Applicant may deliver to Naples City an irrevocable dedicated letter of credit payable to the City from a bank, credit union or savings and loan institution doing business in Utah and licensed and in good standing with the Utah Department of Financial Institutions and insured by the applicable federal agency (FDIC, FSLIC etc) which letter shall in an amount of money

Commented [JH38]: Clarify based on below. 2 year warranty period where we keep 10% of the bond after acceptance.

equal to at least 110% of the cost of the improvements. The costs of the improvements shall be determined by the engineer representing Naples City. The letter of credit shall be approved by the City attorney and shall provide for the payment of the funds therein to the City in the event of default or any failure by the Applicant to install the improvements as required herein and/or in the development agreement.

The letter of credit shall also guarantee that all improvements required by this ordinance shall be installed as required herein and that the improvements shall be maintained in a state of good repair free from material or workmanship defects for a period of 24 months from the date of completion.

- D. No lot or portion of a subdivision may be approved, recorded, sold or conveyed until all required improvements have been completed or until City has accepted and received financial guarantees to assure adequate performance and completion.
- E. The Applicant shall be and remain responsible for completion of the required improvements and for the quality of the materials and workmanship. In no event shall the City be responsible to pay any bills incurred by Applicant. City shall have no responsibility to install improvements or expend any funds not paid for by the financial guarantees set forth herein.
- F. The City may require the Applicant to record notice on the development that until all required improvements have been installed and approved and accepted by City, no building permit shall be issued for any structure in the development and no person shall be allowed to occupy any structure therein.
- G. **Default: Criminal penalty.** In the event the Applicant defaults in any performance required by this ordinance or the development agreement or the bond or trust account documents, the City Council may declare the trust account or bond funds forfeited and the City may install, or cause to be installed, the required improvements using the funds thus obtained. This shall not relieve the Applicant from liability for the performance of all obligations required by this ordinance. Failure by the Applicant to complete the improvements required herein within the time established by this ordinance shall be a class B misdemeanor as to each lot sold or conveyed to a third party.
- H. **Partial Releases of Funds.** Subject to the improvement assurance documents approved by the City and City Attorney, at such times as the City inspects and approves the improvements installed by the Applicant and upon written approval from the City, the obligation of the improvement assurance may be reduced in proportion to the costs of installation of the improvements that have been inspected and approved by the City. In no case shall more be released from the improvement assurance for the completion of each item of work shown on the detailed breakdown of costs than is attributed to that item of work.
- I. Approval of partial payment from a trust account or reduction in other improvement assurance must be in writing and is conditioned upon the City receiving, on a form approved by the City, proof of completion of the work and, in the event of partial payments, a signed Utah Conditional Waiver and Release upon progress payment in the form approved by the City Attorney.
- J. **Final disposition and release.** The Applicant shall remain responsible for the quality of all materials and workmanship.
 - 1. At the completion of the work, the Applicant shall submit a sworn declaration that all

improvements have been completed and installed in accordance with the ordinance, plans, plat, development agreement, etc.

2. Upon receipt of the declaration, the engineer representing Naples City and/or public works department, shall make a preliminary inspection, of the improvements, and shall submit a report to the City Council, setting forth the conditions of such facilities. If all liens are paid, and other conditions thereof are found to be satisfactory, the City Council shall release the remaining portion of the bond, trust account, or letter of credit or other assurance, except that an amount equal to ten percent (10%) of the cost of the improvements as installed shall be retained for two years as set forth herein as an improvement assurance guarantee to warranty the materials and workmanship.
3. If the conditions of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability; or if any outstanding liens are not paid, the City Council may declare the Applicant in default.

Commented [JH39]: Clarify

K. **Maintenance.** The Applicant shall, during the improvement assurance warranty period, maintain all of the improvements in the subdivision in good condition and free from defects in materials and workmanship. During the warranty period, the City may provide routine maintenance of public improvements such as snow removal and cleaning, which has been dedicated to and accepted by the City.

L. **Warranty of Improvements**

1. The Applicant shall warrant and guarantee that the improvements provided hereunder, and every part thereof, will remain in good condition for a period of two years after the date of the construction completion inspection report by the engineer and agrees to make all repairs to and maintain the improvements and every part thereof in good condition during that time with no cost to the City.
2. The engineer shall determine when repairs or maintenance are required for improvements which have not been accepted by the City. Unless unreasonable, arbitrary or capricious, the engineer's decision shall be binding on the Applicant.
3. The improvements required hereby extend, but are not limited to, the street base, and all pipes, joints, valves, backfill and compaction as well as the working surface, curbs, gutters, sidewalks, and other accessories which are or may be affected by the construction operations. Whenever, in the judgment of the engineer, the work needs repair, maintenance, or rebuilding, he shall cause a written notice to be served the Applicant and thereupon the Applicant shall undertake and complete such repairs, maintenance or building.
4. If the Applicant fails to do so within ten days from the date of the service of such notice, the engineer shall have such repairs made and the costs of such repairs shall be charged to the Applicant with an additional 25% of the cost of the repairs levied in addition thereto for stipulated damages resulting from such failure on the part of the Applicant to make the repairs.
5. The Applicant shall be responsible for all of the repairs of the improvements during the improvement assurance warranty period and shall promptly, at its own expense, make all necessary repairs and correct all discovered defects. If, at the end of the warranty period,

the improvements comply with the requirements of this ordinance and applicable City codes, the City shall give its final written approval and acceptance of the improvements and shall fully release the improvement assurance warranty commitment. If at or prior to the end of the warranty period, the improvements fail to comply with this ordinance and the standards of construction of the City, the City shall notify the Applicant in writing of such defects. The Applicant shall have not more than sixty (60) days to correct the defects to the improvements. If the defects are not corrected to the satisfaction of Naples City within the sixty (60) day period, then the City shall be entitled to disbursement of the retained warranty assurance funds.

6. **Warranty Assurance Duration.** The Planning Commission has determined that a period of less than two (2) years would be inadequate to protect the public health, safety and welfare of the community due to the potential unstable soil conditions in the subdivision or development area and due to the extreme fluctuations in climatic conditions that exist in the Uintah Basin when rendered impracticable the discovery of sub-standard or defective performance within a one (1) year period. Therefore, the warranty assurance period shall be two (2) years from date of final completion and inspection by Naples City. Prior to final release, the Applicant must provide evidence of final payment on the Utah Labor and Release form from all contractors, subcontractors, and materialmen providing work on the development.

M. Default on two-year warranty. In the event the Applicant is in default, or fails or neglects to satisfactorily repair and maintain the required improvements during two (2) years from the date of approval and acceptance of the improvements by the City Council, or to pay all liens in connection therewith, the City Council may declare the bond, or escrow or other assurance, forfeited, and the City may repair or cause the required improvements to be repaired, using the proceeds from the collection of the bond, escrow or other assurance, to defray the expense.

N. Release. After a period of two (2) years from the completion and acceptance of all required improvements, the City shall release, at the request of the Applicant, the remaining ten percent (10%) of the escrow, or other assurance, provided the required improvements do not show unusual depreciation and all improvements are installed as required and are operational and the Applicant and the development are in compliance with all requirements of the ordinance, development, plan, trust account agreement, etc.

02-31-14 EXCEPTIONS

Where unusual topographic or other exceptional conditions exist, the Land Use Authority may vary the requirements of this Title, provided that such variations will not impair the intent of this Title.

Agricultural Land

- A. Applications to subdivide agricultural land are exempt from the plat requirements (but not the other application requirements) if the resulting parcels:
 1. Qualify as land in agricultural use under Utah Code §59-2-502;
 2. Meet the minimum size requirement of applicable City land use ordinances; and
 3. Are not used and will not be used for any nonagricultural purpose,
- B. For subdivision applications for which this exception applies, an applicant may submit to

the City—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.

- C. If the City approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the City, with the County Recorder's Office. This shall be done in the same manner as is done for a plat under Section 2-31-10(D)(D).
- D. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The City may, in its discretion, impose the penalty in Section 2-31-04 and/or require a subdivision amendment before issuing a building permit.

Minor Subdivisions

- A. Applications to subdivide land are exempt from the plat requirements (but not the other application requirements) if the subdivision:
 - 1. Results in no more than eight parcels;
 - 2. Is not traversed by the mapped lines of a proposed street, city easement, or any other land required for public purposes;
 - 3. Has been approved by the culinary water authority and the sanitary sewer authority; and
 - 4. Is located in a zoned area.
- B. For subdivision applications for which this exemption applies, an applicant may submit to the City, in place of a plat, both:
 - 1. A record of survey map that illustrates the boundaries of the parcels; and
 - 2. A legal metes-and-bounds description that describes the parcels illustrated by the survey map.
- C. If the City approves a subdivision application based on a record of survey map and metes-and-bounds description, the applicant shall record the map and description, signed by the City, with the County Recorder's Office. This shall be done in the same manner as is done for a plat under Section 2-31-10(D)(D), except that the City shall also provide the notice required in Utah Code §10-9a-611(1).

Commented [JH40]: The minor subdivision exception in state code is really focused on approval without a plat (just by a metes-and-bounds description). If you'd like, you can also make minor subdivisions exempt from the need to submit an improvement plan, if for example, you only permit minor subdivisions in areas that don't require major improvements.

Alternatively, we can get rid of this requirement and just let the PC waive certain application requirements for small subdivision applications.

Commented [JH41R40]: Keep plat requirement, but get rid of improvement plan requirement / studies if there is already a road, etc.

And cut down from 8 parcels to 4.

Development Agreements

- A. Subdivisions platted in a valid development agreement are exempt from the application requirements and review and approval requirements (Section 2-31-10) of this Chapter.
- B. Clauses in a valid development agreement with the City superseded all conflicting requirements in this Title, except where a clause in the development agreement poses a substantial danger to the health and safety of City residents.

02-31-15 LOT LINE ADJUSTMENTS

- A. Property owners may adjust their lot lines and record the amendment without a subdivision amendment. Such a petition shall include
 - 1. A record survey map and a metes-and-bounds description showing the adjustment.
 - 2. An explanation of the reason for the adjustment.

Commented [JH42]: This is not included in the definition of subdivision and therefore doesn't have to follow the state's new requirements.

3. Signatures from all the parcel owners involved in the adjustment.
 4. Signatures from the City Attorney, Ashley Valley Water & Sewer, a licensed surveyor, and an engineer representing Naples City if engineering work is required.
 5. A map indicating the present lot boundaries and the boundaries as they will be upon completion of the lot line adjustment.
 6. A legal description of both affected properties describing the lots as they will exist after the lot line adjustment.
 7. Any other information the Planning Commission requests.
- B. If the adjustments will not result in a violation of a land use ordinance or an adverse development condition, the Planning Commission shall approve the petition. The lot line adjustment shall not result in a remnant piece of land that did not exist previously. Lot adjustments that are recorded and do not meet the above conditions shall be considered a violation of this ordinance.
- C. If the adjustment is approved, the Planning Commission shall sign the record of survey map and accompanying metes-and-bounds description, and the petitioner shall record the document in the County Recorder's Office.
1. Upon approval the legal descriptions from the applicant shall be recorded at the Uintah County Recorder's Office as an amendment to existing parcels or subdivision plat as appropriate. The lot line adjustment shall not be considered complete until this action is taken and a copy is received by the City.

02-31-16 AMENDING A SUBDIVISION

- A. The Planning Commission may vacate a subdivision or a portion of a subdivision by enacting an ordinance to that effect that describes the subdivision or the portion being vacated and recording that ordinance in the County Recorder's Office.
- B. A property owner or agent of a property owner may correct minor typographical or clerical errors in a document of record by filing with the County an affidavit or other appropriate instrument. This provision does not apply to changing the name of a subdivision, which requires a material amendment described in the following provisions.
- C. A fee owner of land in a platted subdivision may request a material subdivision amendment by filing a written petition with the Planning Commission. This petition must meet all the requirements for a subdivision application specified in Section 2-31-10(B), with the following changes:
 1. The plat (or the record of survey map, if applicable) should:
 - a. Depict only the portion of the subdivision that is proposed to be amended;
 - b. Include a plat name distinguishing the amended plat from the original plat;
 - i. Subdivision names need to be unique within County records.
 - ii. The only way to change the name of a subdivision plat is through an amendment (recorded declarations/other documents purporting to change the name are void).
 - c. Describe the differences between the amended plat and the original plat;
 - d. Include references to the original plat; and
 - e. Meet all the other plat requirements specified in Section 2-31-10(B).

Commented [JH43]: This section describes three different ways an existing subdivision may be amended.

2. The petition must additionally include the name and address of each property owner affected by the petition and the signature of each of those property owners who consent to the petition.
 3. The petitioner must include with the petition envelopes addressed to each property in the subdivision.
- D. Upon receipt of an amendment petition, the Planning Commission (or City staff, as delegated) shall provide notice of the petition to:
1. Each utility provider that services a parcel of the subdivision. The City shall not approve an amendment petition until at least 10 calendar days after noticing these utility providers. The City may notify the utility providers in any effective manner (email, mail).
 2. Each property owner in the subdivision. The City shall notify these property owners by mail.
- E. The Planning Commission shall hold a public hearing, before approving an amendment petition, and within 45 calendar days after the day on which the petition is submitted if:
1. A property owner objects in writing to the amendment within 10 days of the City notifying the property owner by mail, or
 2. Not every property owner in the subdivision has signed the revised plat.
- F. Notwithstanding Section 2-31-16(E) the Planning Commission need not hold a public hearing if notice has been given to adjoining property owners in accordance with any applicable local ordinance and the petition seeks to:
1. Join two or more of the petitioner's contiguous lots;
 2. Subdivide one or more of the petitioner's lots;
 3. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
 4. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
 5. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as a common area.
- G. If the Planning Commission approves the amendment petition, it must be signed by the Planning Commission and signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended. Then the petitioner shall record the plat, subject to the completion or guarantee of any improvements, as described in Section 2-31-11, 2-31-12, 2-31-13, and 2-31-19.
- H. Any amendment petition the Planning Commission approves must identify and preserve any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

02-31-17 ORDERLY DEVELOPMENT REQUIRED

An Applicant shall develop a subdivision/development in an orderly manner and in such a way that the required improvements will be continuous and all of the improvements will be made

available for the full, effective and practical use and enjoyment by the purchaser, grantee, assignee, transferor or lessee of any of the lands within the development.

02-31-18 DESIGN STANDARDS, AREA AND ACCESS REQUIREMENTS

A. Minimum area of subdivision

There shall be no minimum area for a subdivision, except as required to meet the minimum lot size requirements, as provided in the Land Use ordinance for the area in which the subdivision is located.

B. Access

It shall be the responsibility of the Applicant to provide the proper road access to the subdivision as required in this ordinance. The mere existence of a road or right-of-way to the proposed subdivision does not mean that adequate access exists. The Applicant shall follow the requirements of the International Fire Code – Appendix D: Fire Apparatus Access Roads.

C. Relations to adjoining street systems

Owners/Developers shall locate access streets within the subdivision so that the streets connect with existing public streets. Reasonable effort should be made to locate and design streets so that the adjoining land is not adversely impacted.

Half streets on the boundary of a subdivision are prohibited.

D. Angle of minor streets

Minor streets shall approach the major or collector streets at an angle between 80 and 100 degrees.

E. Streets to conform to Master Street Plan

Master and collector streets shall conform to the width designated on the master street plan wherever a subdivision is in an area for which a major street plan has been adopted. For territory where such street plan has not been completed at the time the subdivision application is submitted to the Planning Commission, major or collector streets shall be provided as required by the Planning Commission, with minimum easement widths of ~~72~~⁸⁰ feet for major streets, ~~and~~ 66 feet for collector streets, and 60 for minor streets.

F. Minimum street width

Streets shall have a minimum width of ~~40~~ feet of asphalt. All streets and alleys must conform to the requirements detailed in the 2009 International Fire Code, Appendix D – Fire Apparatus Access Roads.

G. Alleys

Alleys shall have a minimum width of 26 feet of asphalt and shall only be one direction. Alleys shall not be permitted in the following residential zones: R-1, R- 2, RA-1, RA-2, and R-S. The maximum length of an alley shall only be 700 feet. A snow removal easement shall be engineered into the design of the alley. There shall be no parking within an alley.

H. Cul-de-sacs

Maximum cul-de-sac (dead end street) length shall be no more than 500 feet. Dead ends ~~over 150 feet in length~~ must be terminated by a turnaround not less than 100 feet in diameter. See the International Fire Code, Appendix D – Fire Apparatus Access Roads for examples of allowed turnarounds. If surface water drainage is into the turnaround due to the grade of the street,

Commented [JH44]: Look up. Can probably go down to 32' to match state code.

necessary catch basins and drainage easements shall be provided. Where a street is designed to remain only temporarily as a dead-end street, an adequate temporary asphalted 110-foot diameter turning area shall be provided at the dead end thereof to remain and be available for public use so long as the dead end exists. A temporary cul- de-sac is only allowed for a period of 8 years.

I. Easements

The Applicant shall set aside easements of at least 10 feet in width for utilities access to each lot.

J. Service roads

Service roads paralleling major streets shall be required unless the Planning Commission approves double frontage lots which may back onto major highways or collector streets as designated on the major street plan. Where lots back onto a major highway or collector street, a buffer planting strip of trees or shrubs shall be provided at a width of ten feet or wider, but in no case less than ten feet.

K. Protection strips prohibited

Protection strips are prohibited. Plats shall not be approved where a proposed subdivision/development plat or any proposed or actual street to the subdivision/development cuts off access to the proposed or actual street by adjacent property owners.

L. Blocks

1. Length and Walkways

Blocks shall not be longer than 1,300 feet. Dedicated walkways five feet wide may be required in the middle of blocks. Where a walkway is required, the Applicant shall surface the full width of the walkway with concrete or asphalt and install a chain link fence at least four feet high on each side, the full length of the walkway. The chain link fence shall be owned and maintained by the property owner on whose property the fence is located.

2. Width

Blocks shall be at least two building lots wide

M. Lots

All lots shown on the subdivision plan shall conform to the minimum requirements of the Land Use ordinance for the zone in which the subdivision is located, and to the minimum requirements of the engineer representing Naples City and Ashley Valley Water and Sewer for sewage disposal. The minimum width for any residential building lot shall be as required by the Land Use ordinance.

1. All lots shall abut a dedicated street, a public street, or a street which has become public by right of use. Streets shall be at least 40 feet wide (asphalt). In the event a lot abuts a public right-of-way created by use, the owners/developers shall improve the right-of-way to the standards required by this ordinance.
2. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.
3. All remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than allowed to remain lot remnants.
4. Where the land in a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the

Commented [JH45]: Edit based on minimum road width (see above)

land in each lot so divided shall be held in either single or joint ownership before approval of the plan and such ownership shall be recorded in the office of the county recorder.

N. Future Roads

Section lines and quarter section lines shall be reserved for public roads, unless otherwise designated on the master road plan, or unless such location is determined to be unnecessary for future road purposes by the Planning Commission. The minimum easement width of 66 feet total, and 33 feet on each side of section lines will be required. See Master Road Map for all road easements.

O. Street Grades

Minimum ~~street grades of a 0.5 percent~~ will be required, with the maximum grade being 7 percent for collector streets; and ~~a maximum grade of 8.40~~ percent for minor streets. Where the observance of this standard is unfeasible, the Planning Commission shall have the power to grant an exception, when special pavement surfaces and adequate leveling areas are installed, or, in the opinion of the Planning Commission, the best subdivision of the land is thereby secured.

Commented [JH46]: Look up industry standards.

P. Street curves

Where the street lines within a block deflect from each other at any one point more than ten (10) degrees, there should be a connecting curve. The radius of the curve for the inner line should not be less than three hundred fifty (350) feet for major streets, two hundred fifty (250) feet for an important neighborhood street, and one hundred fifty (150) feet for minor streets.

02-31-19 SUBDIVISION IMPROVEMENTS

A. Time of construction

The improvements required by this ordinance shall be installed, approved and accepted prior to recording the approved plat, except as provided in this ordinance. Improvements shall not be installed until the location and specifications are approved by the engineer. Water and sewer mains and laterals and fire hydrants shall be installed prior to the surfacing of streets and the installation of road base, curbs, gutters, and sidewalks.

B. Streets on property of other public agencies or utility companies

Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement, and maintenance of such streets shall be obtained from the public agency or utility company.

C. Street improvements.

All streets shall be constructed by the Applicant in accordance with the standards, rules, and regulations of this ordinance.

D. Curbs, gutters, and sidewalks

Curbs, gutters, and sidewalks shall be installed on existing and proposed streets by the Applicant in all subdivisions except the rear of those lots which back on major streets and are not permitted access to such streets. After approval by the Planning Commission, the Planning Commission may waive sidewalk requirements on streets which exceed an average grade of ten percent between intersections, and may do so in subdivisions where the average lot width exceeds 200

feet at the front building setback line and/or the average lot area exceeds 50,000 square feet. The design for curb and gutter in Residential subdivisions shall be either high back or modified high back according to UDOT standards. Curb and gutter design in commercial zones shall be high back. The design for curb and gutter in Industrial zones shall be either high back or modified high back.

E. Water supply

A culinary water supply, which must be approved by Tri-county Health Department, shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of Ashley Valley Water and Sewer District. Where an approved public water supply is available, the Applicant shall install water mains and service lines or laterals from such mains to each lot within the subdivision prior to the installation of road base, surfacing, curbs and gutters, and sidewalks.

F. Fire hydrants

Fire hydrants shall be installed by the Applicant at locations determined by the engineer representing Naples City and the City of Naples Fire Department.

G. Sewage disposal

Individual sewer disposal systems or public disposal facilities shall be provided and must meet Ashley Valley Water and Sewer District and state codes and regulations for each lot in the subdivision. Where a public sanitary sewer is available within 300 feet of the subdivision at the time of recording the approved plat, the Applicant shall connect with such sanitary sewer and provide sewer mains and extend laterals from the main sewer line to each lot in the subdivision prior to the installation of the road base, surfacing, curbs, gutters and sidewalks, unless waived by the council.

H. Surface water

The Applicant shall design, construct and install a storm water drainage system within the subdivision which shall be constructed of materials and according to the specifications of the master storm drain plan and according to generally accepted engineering standards based on 125% of a 2 hour, 100 year storm. Each phase of a subdivision shall be connected during construction to a storm water retention system sufficient to retain storm water for that phase. The storm water retention system may consist of one or more storm water retention areas. Each phase of a subdivision must have its own storm water retention area, unless the storm water retention area of that phase is combined with the storm water retention area of another phase. If the storm water retention area is used for multiple phases, then the combined storm water retention area must be designed to retain storm water for all phases that use that storm water retention area. For residential subdivisions, the storm drainage system and area shall be provided by the owner/developer and maintained in one or more of the following ways:

1. Establish a homeowners association with the proper documents and funding mechanism, including the articles of incorporation and bylaws and CC&Rs, to own and maintain the storm water retention area and system for storm water runoff control purposes. This requirement for owning and maintaining the storm water retention area and system is only the minimum requirement and reason for the homeowners association to exist. The homeowners association may have additional rules, regulations, and purposes. OR

2. If the storm water retention area and system is entirely on the surface and not underground, then the owner/developer shall, in lieu of an HOA, set aside an area approved by the City Council within the Subdivision engineered to retain the water as required by this ordinance, which may be privately owned. If not a common area, the retention pond/area shall be established by recorded easements and covenants and restrictions that run with the land and that require the owner of the land to maintain the area as designed and at its expense and to make any repairs or improvements as needed over the years to effectuate the purpose of the water retention facility. The owner shall be required to hold the City harmless from any damage or expense related to repairs or maintenance or from damage caused by failure of the system, in perpetuity. The area shall also be identified on the plat and the recorded documents shall be approved by the City Attorney as to form and effect. The following requirements must also be met for this option to be used:
 - a. A solid, free-standing, permanent sign must be located on the property within 10 feet of the storm water retention area. The sign must be visible when viewed from the storm water retention area. The bottom of the sign must be between 3 feet from the ground level at the base of the sign. The sign must be 2 feet wide and 1 foot tall. The cap height, measured as the distance from the imaginary line upon which the letters in a font appear to rest to the top of the uppercase letters, must be at least 1 inch for all words on the sign. The sign must have the following language permanently written on it: "The storm water retention area located on this property shall be maintained by the owner(s) of the same property. For more information, see book __ page __ of the Uintah County Records. This sign may not be removed or altered under penalty of law."
 - b. The following language must be written on the recorded subdivision plat with a reference in the legend indicating the private property containing the storm water retention area: "The storm water retention area located on this property shall be maintained by the owner(s) of the same property."
OR
 - c. In lieu of options a. and b., if the storm water retention area is built under a public road with drain boxes that are accessible for maintenance, then Naples City will be responsible for ongoing maintenance of the storm water retention area. Refer to the Naples City developer's packet for storm water system specifications.

I. Drainage system plans – (See 02-31-010 B. 3. g.)

J. Fences

Fences shall be installed along the perimeter of a subdivision/development when the Planning Commission determines such fence is necessary to protect adjacent lands or the residents of the subdivision/development.

K. Landscaping

The Planning Commission and/or City Council may require an Applicant to provide

ground cover where it determines that soil erosion may be a problem or that surface water may flood portions of the city or damage city property, or to prevent the growth of noxious weeds which may become a nuisance or fire hazard or endanger public health. It may specify the types of ground cover.

L. Monuments

Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type approved by the engineer. All subdivision plats shall be tied to a corner or monument of record or established land office survey corner.

M. Street signs

The Applicant shall furnish and install all necessary street signs in accordance with city specifications and UDOT standards. (See 02-16 Sign Regulations)

N. Street names

New street names should not duplicate those already existing. Before the street is named, the proposed name must be submitted to and approved by the Planning Commission.

O. Private lanes, driveways, and accesses

All private lanes, driveways, accesses, etc. that connect to a public street shall be paved starting from the public street to a line not less than 25 feet away from the public street. The entire width of the private lane, driveway, access, etc. must be paved.

P. Street Lighting

1. Street lights shall be installed at each intersection within or abutting the subdivision.
2. Street lights shall have a minimum and maximum distance apart as follows:

Zoning	Minimum distance	Maximum Distance
Residential	150 feet	350 feet
Commercial	100 feet	250 feet
Industrial	150 feet	400 feet

3. Street light poles shall have a minimum and maximum height as follows:

Zoning	Minimum Height	Maximum Height
Residential	20 feet	25 feet
Commercial	20 feet	35 feet
Industrial	30 feet	40 feet

4. Street light poles shall be steel or other material as approved by Naples City.
5. All street lighting shall be provided with underground circuitry as detailed by Naples City and the local electric utility company's specifications.
6. All street lighting installation must be completed before occupancy in the subdivision phase is allowed by Naples City.
7. All residential street lighting shall be type 2 distribution and full cut-off dark sky compliant.

8. Street lights located along public right-of-ways shall be dedicated to Naples City and metered under the ownership of Naples City.
9. Street lamps shall have maximum lumens as follows:

Zoning	Maximum Lumens
Residential	5,000
Commercial or Industrial	8,000

10. Street lamps shall only be LED or induction lighting.

02-31-20 INSPECTION

All construction work involving the installation of improvements in subdivisions and developments shall be subject to inspection by the City of Naples. Certain types of construction shall have continuous inspection while others may have only periodic inspections.

- A. Continuous inspection shall be required on the following types of work:
 1. Laying of street surfacing.
 2. Pouring of concrete for curb and gutter, sidewalks and other structures.
 3. Laying of sewer pipe, drainage pipe, water pipe, valves, hydrants and testing.
- B. Periodic inspections shall be required on the following:
 1. Street grading and gravel base
 2. Excavations for curb and gutter and sidewalks
 3. Excavations for structures
 4. Trenches for laying pipe
 5. Forms for curb and gutter, sidewalks and structures
- C. On construction requiring continuous inspection, no work shall be done except in the presence of the inspector
- D. **Requests for inspection**
Requests for inspections shall be made to the City by the person responsible for the construction. Requests for inspection on work requiring continuous inspection shall be made three days prior to the commencing of the work. Notice shall also be given one day in advance of the starting of work requiring periodic inspection.
- E. **Construction completion inspection**

An inspection shall be made by the engineer representing Naples City after all construction work is completed. Any faulty or defective work shall be corrected by the persons responsible for the work within a period of 30 days of the date of the inspection report of the engineer representing Naples City defining the faulty or defective work.

F. Inspection of Water and Sewer Improvements

The Applicant shall arrange for the inspection of water and sewer improvements through Ashley Valley Water and Sewer Improvement District.

02-31-017 DEVELOPMENT COSTS

The cost of all improvements, which are required under the provisions of this ordinance, as well as the cost of improvements to existing city infrastructure necessitated by the development, shall be paid by the Applicant.

02-31-018 SIGNATURE BLOCKS

The following are the officially recognized signature blocks required on each plat (where applicable):

A. Owner's Dedication:

"The undersigned owner(s) do hereby certify that they are all of the owners of the foregoing described tracts of land, and do hereby set apart and subdivide the same into lots, blocks, and utility easements as shown on this plat, which is hereby made a part hereof, and assign to the lands included in said plat the name of _____ subdivision.

"The undersigned owner(s) further hereby dedicate, grant and convey to Naples City all those parts or portions of said tracts of land designated on this plat as right-of-ways and/or streets, the same to be used as public thoroughfares, forever and grant and dedicate a perpetual right and easement over and under the land designated on the plat as public utility easements, the same to be used for the installation, maintenance and operation of public utility service lines as may be authorized by Naples City."

DATED this _____ day of _____, 20 ____.

Signature: _____

Property Owner(s)

B. All owners of interests in the land must sign and the signatures must be acknowledged. Use one of the following signature blocks for the Notary Public, based on the type of owner:

1=Property Owner(s) 2=Corporation 3=Partnership 4=LLC 5=Family Trust

Notary Public's "Acknowledgment" (This should immediately follow the "Owner's Dedication")

1. (Complete only if APPLICANT is the Property Owner): "State of _____ County of _____, ss:

On this _____ day of _____, 20 ____, personally appeared before me _____ and _____, Signer(s) of the above instrument, who duly acknowledged to me that they executed the same.

Commented [MC47]: We recommend moving this language out of the ordinance and stating instead that the City Council shall publish forms for the applicant. Following this change, we can provide you with application forms which could then be updated when needed.

Commented [JH48R47]: Put this language instead in the application forms + reference on plat requirements (in language the city provides).

Notary Public
My Commission expires: _____ Residing at: _____”

2. (Complete only if APPLICANT is a Corporation):

“State of _____
County of _____, ss:
On this _____ day of _____, 20 __, personally appeared before
me, _____, who being by me duly sworn did say that he/she
is the _____ of _____ Corporation,
and that the foregoing instrument was signed in behalf of said corporation by
authority of its Board of Directors/Bylaws, and he/she acknowledged to me that said
corporation executed the same.

Notary Public
My Commission expires: _____ Residing at: _____”

3. (Complete only if APPLICANT is a Partnership): “State of ____
County of _____, ss:

On this _____ day of _____, 20 __, personally appeared before
me, _____, the signer(s) of the foregoing instrument,
on behalf of _____ partnership, and declared that the
foregoing instrument was duly authorized by the partnership at a lawful meeting held
or by authority of its partnership agreement and signed in behalf of said partnership.

Notary Public
My Commission expires: _____ Residing at: _____”

4. (Complete only if APPLICANT is a LLC):

“State of _____ County of _____, ss:
On this _____ day of _____, 20 __, personally appeared before
me, _____, who being by me duly sworn did say that
he/she is/are the managing member of _____ LLC and that the foregoing
instrument was duly authorized by the LLC at a lawful meeting held or by authority
of its operating agreement and signed in behalf of said LLC.

Notary Public
My Commission expires: _____ Residing at: _____”

5. (Complete only if APPLICANT is a Family Trust):

"State of _____
County of _____, ss:

On this _____ day of _____, 20 __, personally appeared before me, _____, who being by me duly sworn did say that he/she is the Trustee of _____ Trust, And that the foregoing instrument was signed in behalf of said Trust by authority of its Trust Agreement and executed the same.

Notary Public
My Commission expires: _____ Residing at: _____"

- C. "Certificate of Survey" of the Registered Professional Land Surveyor that creates the approved plat as follows:

"I, _____, a registered professional land surveyor in the State of Utah, do hereby certify that the above described plat has been correctly drawn to the designated scale and is a true and correct representation of the foregoing description of lands included in said subdivision, based on data compiled from the records of the Uintah County Recorder's Office and of a survey made on the ground. I have read the current zone requirements. The lots described hereon comply with the current zone, and all information required by ordinance or State law to be included on the plat is duly and accurately shown thereon and that all measurements have been verified and monuments placed as shown thereon.

DATED this _____ day of _____, 20 ____.

Surveyor
State License Number: _____"

- D. In case a Lien Holders Dedication pertains to the plat, the following shall be added (if applicable):

"The undersigned holders of a lien, easement or other non-possessory interest in the above and foregoing described tracts of land, hereby consent to and join in the foregoing plat and dedication thereof by the legal owners thereof and hereby release and quit claim to Naples City all of the right, title and interest of the under signed in the rights in said lands dedicated, granted and conveyed to said City by the owner's dedication aforesaid.

DATED the _____ day of _____, 20 ____ Signature: _____"

- E. Naples City Mayor's "Certificate of Approval" as follows:

"This is to certify that this plan and dedication of the _____
Subdivision in Naples City were duly approved and accepted by the Mayor and City
Council of Naples City on this _____ day of _____, 20 ____."

Mayor
Attest: _____
City Recorder"

F. Naples City Attorney's "Certificate of Approval" as follows:

"I have examined the proposed plat and in my opinion it conforms with the Naples
City Ordinances applicable thereto and now in force and effect.

DATED this _____ day of _____, 20 ____.

City Attorney"

G. Ashley Valley Water & Sewer "Certificate of Approval" as follows:

"I have examined the proposed plat and in my opinion they conform with Ashley
Valley Water & Sewer standards applicable thereto and now in force and effect.
Sewer & Water will be made available once conditions are met.

DATED this _____ day of _____, 20 ____.

Ashley Valley Water & Sewer:
_____,"

H. Naples City Land Use Administrator's "Certificate of Approval" as follows: "I have
examined the proposed plat and in my opinion it conforms with the Naples City
Ordinances applicable thereto and now in force and effect. DATED this __ day of __, 20
__.

Naples City Land Use Administrator"



Item No: 5

MEMO TO: Planning Commission FROM: Staff Date: September 19, 2024	Subject: Highway 40 Rezone
Staff Recommendation: 	
Background: 	
Options: _____ Bring back for further discussion _____ Table and bring back at another time	

Note: All proposed ordinance changes included in this document are NOT considered legal until legislative action has occurred and are accepted by Naples City Council in a public meeting by ordinance.