

CHAPTER 02-14 SUPPLEMENTARY REGULATIONS

Section 02-14-001	Applicability
Section 02-14-002	Additional Use Regulations
Section 02-14-003	Additional Main Building Regulations
Section 02-14-004	Additional Yard Regulations 18
Section 02-14-005	Additional Height Regulations 12
Section 02-14-006	Reserved for Future Use
Section 02-14-007	Sewer Regulations
Section 02-14-008	Fence Height Requirements 12
Section 02-14-009	Lighting 12
Section 02-14-010	Private Park, Playground, or Recreation Area 14
Section 02-14-011	Public Utilities Substation
Section 02-14-012	Swimming Pool, Family
Section 02-14-013	Storage of Commercial Vehicles in Residential Zones
Section 02-14-014	Pollution Control
Section 02-14-015	Temporary Uses and Structures
Section 02-14-016	“Offsite” Improvements
Section 02-14-017	Travel Trailers and Mobile Homes Prohibited
Section 02-14-018	Storage of Junk and Debris in Residential Zones Prohibited
Section 02-14-019	Reserved for Future Use
Section 02-14-020	Clear View of Intersecting Streets
Section 02-14-021	Effect of Street Plan
Section 02-14-022	Uses Prohibited in Zones Unless Expressly Permitted
Section 02-14-023	Transitional uses
Section 02-14-024	Moved Buildings, Mobile Homes, and Manufactured Homes

02-14-001 APPLICABILITY

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations contained elsewhere in This Title.

02-14-002 ADDITIONAL USE REGULATIONS

The requirements of This Title as to minimum site development standards shall not be constructed to prevent a use as permitted in a respective zone, or any parcel of land in the event such parcel was held in separate ownership prior to the initial enactment of this code. Each such parcel to be developed must have not less than sixty feet of frontage on a street, and the density of development may not exceed that presently permitted by the area requirements in the respective zone.

02-14-003 ADDITIONAL MAIN BUILDING REGULATIONS

Every main building be located and maintained on a “lot” as defined in the section 02-02, and every lot shall have the required frontage on a “street” as defined in

section 02-02, except where a parcel of land was in separate ownership prior to the initial enactment of this code, as described in Section 02-14-002.

02-14-004 ADDITIONAL YARD REGULATIONS

No required yard or other open space around an existing building shall be considered as providing a yard or open space for any other building, nor any yard or other required open space on an adjoining lot be considered as provided a yard or open space on a lot whereon a building is to be erected or established.

Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear Yard, and except for the ordinary projections of skylights, sills, belt courses, cornices, and other ornamental features.

Open or lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers may project in a yard not more than five feet and the ordinary projections of chimneys and flues are permitted.

No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty-five percent of the rear yard.

No space needed to meet the width, yard, are, coverage, parking, or other requirements of this for a lot or building may be conveyed away from such lot or building, except as permitted by the board of adjustment, and any attempted conveyance or lease in violation hereof shall be void.

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, or building or development as a lot, except by permit of the board of adjustment.

In residential zones, the sale of each unit with a duplex or twin home shall be permitted, provided each unit has a frontage on a public road, is connected to a public sewer, and meets applicable Land Use and building codes. The minimum lot area required is as follows:

- R-1 zone 5,000 sq. ft./unit 50'/unit frontage
- R-2, zone 4,500 sq. ft./unit 54'/unit frontage

Accessory building prohibited as permanent living quarters. Living and sleeping quarters in any building other than the main residential building is prohibited, exception on a temporary basis.

02-14-005 ADDITIONAL HEIGHT REGULATIONS

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating

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

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

02-14-006 RESERVED FOR FUTURE USE

02-14-007 SEWER REGULATIONS

Sewer disposal shall comply with the health department requirements in all application for a building permit where more than two dwelling units shall be connected to a public sewer system. All sewer connections will have Ashley Valley Water and Sewer's letter of approval prior to issuing a building permit.

02-14-008 FENCE HEIGHT REQUIREMENTS

No fence shall be erected in any required front yard of a dwelling to a height in excess of five feet, nor shall any fence be erected in any side or rear yard to a height in excess of seven feet, unless permitted by the Planning Commission.

Where a fence is erected upon a retaining wall, or where for other reasons there is a difference in the evaluation of the surface of the land on either side of a fence, height of the fence shall be measure from a point halfway between the top of the retaining wall and the land on either side of the fence, but nothing herein contained shall be constructed to restrict a fence to less than four feet in height measured from the surface of the land on the side having the highest elevation.

02-14-009 LIGHTING

No spotlight or flood light shall be installed in any way which shall permit the direct rays of such light to penetrate into any adjustment residential lot, or onto any property used for residential purposes.

No light, sign, or advertising structure, as regulated by this code, shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of position, shape, or color it may interfere with any authorized traffic sign, signal, or device, or which makes use of the words, 'stop', 'look', 'driven', or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.

02-14-010 PRIVATE PARK, PLAYGROUND, OR RECREATION AREA

Area in all residential zones, a private park, playground or recreation area, with or without a swimming pool, shall meet the following requirements:

- A. The lands and facilities used for such purpose shall be owned or leased and operated by a nonprofit corporation for the exclusive benefit of the members, their immediate families and nonpaying guests.
- B. Operation of the recreational or other facilities provided is forbidden between the hours 10:00 PM to 6:00 AM NEXT morning.
- C. All facilities, equipment, and buildings, shall be set back not less than thirty feet from the public right-of-way and not less than twenty feet from any property line, and shall be located not less than fifty feet from any main building on an adjoining lot.
- D. Any lights used to illuminate the premises shall be installed in such a manner that the source of light shall be suitably screened to avoid annoying illumination of lands outside said premises.
- E. In order to prepare and plan for growth and recreation a future park facility map or plan has been developed as part of the Naples General Plan. *See General Plan for Map, see chapter 02-20.*

02-14-011 PUBLIC UTILITIES SUBSTATION

In any residential zone; public utility substation shall meet the following requirements:

- A. Each substation shall be located on a lot not less than two thousand square feet in area.
- B. Each substation shall be provided with a yard on each of the four sides of the building or structure not less than five feet in width, except that for such stations located on lots fronting on a street abutted by one or more residential lots, the front, side and rear yards, shall equal those required for a single family in the same zone.
- C. Each substation shall be located on a lot which has adequate access from a street, a lot, or easement.
- D. The location of public utility substations in a residential zone shall be subject to approval by the Naples City Council.
- E. In residential and commercial zones facility will be balanced with the neighborhood.

- F. Each substation or tower will be landscaped and camouflaged to blend into the Community Standards and surrounding area.

02-14-012 SWIMMING POOL, FAMILY

A family swimming pool shall be permitted in the rear or side yard of a dwelling as an accessory use, provided the following requirements are met:

The location of such family swimming pool or accessory machinery shall not be less than thirty-five feet from any dwelling on an adjoining lot, and not less than ten feet from any property line. On corner lots, the distance from said pool to the property line facing on a street shall not be less than the required side yard.

An outside family swimming pool shall be completely enclosed by a substantial fence of not less than six feet in height, and any lights used to illuminate said pool, or its accessories, shall be so arranged as to reflect the light away from adjoining premises.

02-14-013 STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES SHALL BE A CONDITIONAL USE

The storage and/or regular or frequent of or more trucks having a rated capacity of one and one-half ton or more and construction equipment such as bulldozers, graders, compressors, etc., shall be a conditional use in any residential zone, provided that the lots be at least one acre in size. Farm equipment shall be allowed in the A-1 and C, C-1, I-1, RA1, RA2, R1, R2, zones. Construction equipment may be stored on a lot during construction of a building thereon, but not to exceed one year. **Violation of this section constitutes a class B misdemeanor.**

02-14-014 POLLUTION CONTROL

Any use which emits or discharges gases, fumes, dust, glare, noise, or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the Utah State Air Act, Utah Noise Act or the Board of Health, and by any uses which emits or discharges liquids or solid material on the soil or water in amounts which results in pollutants entering ground water in amounts exceeding the standards prescribed by the Utah State Water Pollution Act or the Board of Health, shall be prohibited.

02-14-015 TEMPORARY USES AND STRUCTURES

The following regulations govern the operation of certain transitory or seasonal uses:

A Permits

Application for a temporary use permit shall be made to the building department, and shall contain the following information:

1. A description of the property to be used, rented or leased for the temporary use, including all information necessary to accurately portray the property.
2. A description of the proposed use.
3. Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space is to service the proposed use.

B. Uses

The following are temporary uses, and are subject to the following specific regulations and time limits, in addition to the regulations of any zone in which the use is located:

1. Carnival or circus when authorized by the Naples City Council a temporary use permit for a carnival or circus may be issued in any zone, for a period not longer than fifteen days.
2. Christmas tree sales when a temporary use permit may be issued for the display and open lot sales of Christmas trees for a period no longer than forty five days.
3. Contractor's office and equipment sheds in any zone, a temporary office and equipment sheds incidental to a construction project. The office or shed shall not contain sleeping or cooking accommodations. The permit shall be valid for not more than one year, but is renewable. The office or shad shall be removed upon completion of the construction project.
4. Real estate sales office, in any zone, a temporary use permit may be issued for a temporary real estate sales office in any new subdivision, which has been approved in accordance with the subdivision ordinance. The permit shall be valid for not more than one year, but is renewable, the office shall be removed upon completion of the development of the subdivision. A model home may be used as a temporary sales office.

02-14-016 "OFFSITE" IMPROVEMENTS

In order to protect the safety and welfare of school children and other individuals, the Naples Planning and Land Use Commission may require certain offsite improvements, such as sidewalks, fences, and other such improvements, as a

condition of approval for any development proposal. The developers may be required to install such off site improvements at his own cost.

**02-14-017 TRAVEL TRAILERS AND MOBILE HOMES PROHIBITED
EXCEPTION**

It shall be unlawful to place any travel trailers on any lot or parcel of land in Naples City and to use the same for a length of time for human habitation, not more than 30 day within 12 months cycle except when located in a travel trailer court.

It shall be unlawful to place a mobile home on any lot or parcel of land in Naples City, and to use the same for human habitation, except in compliance with one or more of the following conditions:

When temporarily located on a lot for which a building permit has been issued, and a building is being constructed, and is connected to approved water and sewer facilities, but not to exceed on year.

When placed in a licensed mobile home park.

When placed on a lot that complies with all the regulations of the zone in which the mobile home is located provided:

Residential dwellings are a permitted use in the zone, and the mobile home is connected to an approved after supply and domestic sewage disposal facility.

The mobile home is placed upon a permanent foundation and is skirted with brick, masonry, or a continuation of the racing material of the mobile home.

Will be entered upon the tax roles of Uintah County as real property, as evidenced by a letter or other proof from the county assessor.

The mobile home is certified by the U.S. Department of Housing and urban development (H.U.D.) or the State of Utah that it has been inspected and has attached to ten mobile home a H.U.D. or State of Utah Inspection Shield.

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

No yard or other open space surrounding an existing building in any residential zone, or which is hereinafter provided around any building in any residential zone, shall be used for the storage of junk, debris, or obsolete vehicles, and no land shall be used for such purposes except as specifically permitted herein.

02-14-019 RESERVED FOR FUTURE USE

02-14-020 CLEAR VIEW OF INTERSECTING STREETS

In all zones which require a front yard, no obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points twenty five feet from the intersection of the street lines.

02-14-021 EFFECT OF STREET PLAN

Whenever a front or side yard is required for a building which building abuts on a proposed street which has not been constructed, but which has been designated by the Naples Planning and Land Use Commission as a future street, the depth of such front or side yard shall be measured for the planning street lines.

02-14-022 USES PROHIBITED IN ZONES UNLESS EXPRESSLY PERMITTED

Uses of land which are not expressly permitted within a zone expressly prohibited therein, except as may be permitted by action of the Board of Adjustment pursuant to express authority under terms of this ordinance.

02-14-023 TRANSITIONAL USES

Uses which are permitted on either portion of a lot which lot is divided by a zone boundary line or which is conterminous with a zone boundary line may be permitted to extend to the entire lot, but not more than one hundred feet beyond the boundary line of such zone in which such uses is permitted. Before a permit for such a use may be granted, however, the Planning Commission must find that the General Plan Land Use will be maintained and that a harmonious mixing of uses will be achieved thereby.

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

Prior to placing a moved building, mobile home, or manufactured home in Naples City, a permit shall first be obtained from the Naples City building inspector. The building inspector shall not issue a permit for the placing of such moved building, mobile, or manufactured home, unless all ordinances and codes of Naples City are complied with, particularly section 02-14-017 of this chapter. The moved building or mobile home shall not have an appreciable detrimental affect on the residential neighborhood and property values in the surrounding area where the structure is to be moved.