

Agenda

Naples City Planning and Zoning Commission

May 18, 2023 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	Scott Major	Y N
Scott Adams (Vice-Chairman)	Y N	Kevin Hiatt (A)	Y N
Andrew Bentley	Y N	Brock Arnold (A)	Y N
Jessy McKee	Y N		

- Approval of Agenda – May 18, 2023
- Disclosures
- Approval of Minutes –April 20, 2023

PLANNING/DISCUSSION

1. Cliff Grua- The Farm Subdivision 2014 Phase 5
 - Preliminary Site Plan
2. Tony Ivie- Commercial Tire
 - Preliminary Site Plan
3. Ken McBride- R3 Zone
 - Proposed R3 Changes
4. HB 406- Road Width
 - Legislative requirements

ITEMS FOR FUTURE DISCUSSION

- Highway 40 Rezone
- Legislative changes- Subdivision requirements

ADJOURN

The next Planning and Zoning meeting will tentatively be held on June 15, 2023

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
April 20, 2023

Commission Present: Chris Clark, Jessy McKee, Kevin Hiatt, Scott Major, Brock Arnold

Commission Absent: Andrew Bentley, Scott Adams

Others Present: Gwen Harrison, Dean Baker, Ken Reynolds, Brad Walker, Cable Murray, Tony Ivie, Shantel Ivie, Casey Crowther, Cliff Grua, Greg Walker

Opening Ceremonies

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

Approval of Agenda Gwen Harrison suggested moving the public hearing to the end of the agenda. Scott Major motions to approve the agenda with suggested changes. Kevin Hiatt seconds the motion.

All in favor:

Chris Clark	Aye
Brock Arnold	Aye
Jessy McKee	Aye
Kevin Hiatt	Aye
Scott Major	Aye

Motion carried with all voting Aye. None opposed.

Disclosures Jessy McKee stated he knows Tony Ivie.

Approval of Minutes Brock Arnold motions to approve the March 16, 2023 minutes. Scott Major seconds the motion.

All in favor:

Chris Clark	Aye
Brock Arnold	Aye
Jessy McKee	Aye
Kevin Hiatt	Aye
Scott Major	Aye

Motion carried with all voting Aye. None opposed.

PLANNING/DISCUSSION

Brad Walker
Proposed Ordinance Change

Brad Walker presented proposed changes to the 02-31 Subdivision ordinance by changing the requirement to refrain from installing curb, gutter, and sidewalk at the current 200 feet to 120 feet and limiting this to RA-1 zone, or minor subdivisions that come into a cul-de-sac, where expansion will not go further. Mr. Walker also proposes changing the width of asphalt road requirements. Chris Clark stated this has been brought up in the past, and the concern with limiting street width is that you lose parking on the street. The purpose behind having the 40-foot asphalt width is to provide parking in the streets. Mr. Walker proposes adding in signs indicating no-street parking. Ryan Cook states that snow removal and maintenance become an issue with narrower roads. With the lack of curb and gutter, drainage becomes an issue and water will combine in an area and erode the roads. Chris Clark stated reducing the road width is a hard sell. The ordinance indicating how the roads would need to be built, maintained, and drainage on the road would need to be changed. Mr. Walker stated making the change to curb and gutter with no sidewalk. Chris Clark states anything that varies from current requirements would need to be addressed, as well. Chris Clark stated changing the lot width to 125 feet is just over our required 100 feet width, would be appealing to developers because they could sacrifice a couple lots to save on pavement and 40 feet of road, curb, gutter, and sidewalk goes away and that could be an issue. Brock Arnold stated he would need more information for how

many properties, surrounding properties, and would it expand. If we opened the door, would it hurt for what the goal is. Mr. Walker stated he would limit it so you couldn't do a major subdivision with more than 10 lots. Brock Arnold stated if there was a 30-lot subdivision, it would be enticing to break it down into smaller subdivisions to get around the ordinance. Jessy McKee and Brock Arnold are interested in more information to be provided by Mr. Walker.

**Cliff Grua
The Farm Subdivision
2014 Phase 5**

Cliff Grua presented the proposed concept for The Farm Subdivision 2014 Phase 5. Mr. Grua states that the concept has changed from the original concept due to Lot 63 being shallow and a 20' house would not be able to fit on it. The cul-de-sac would take the number of lots from 17 down to 13. Another change would be the retention pond behind Lot 54, he anticipates very little run-off with it being the cul-de-sac. Chris Clark questioned if we meet the zoning requirements with the 500-foot cul-de-sac. Mr. Grua states yes. Chris Clark questioned rather than having the street dead-end on Lot 63 to have curb, gutter, and sidewalk rather than appear as a road. Mr. Grua stated they would install curb, gutter, and sidewalk to match the other lots. Chris Clark questioned with the stormwater retention being on Lot 54, if it would be owned by the owner of Lot 54. Cliff Grua stated they would own it and be required to maintain it. Brock Arnold questioned if the 100-foot cul-de-sac is to code. Gwen Harrison stated it is. Cliff Grua stated there is a new curb profile that is much easier to get across the he would like the commission to entertain. Chris Clark stated this is something that could be proposed on the preliminary plat.

Jessy McKee motions to approve The Farm 2014 Phase 5 concept plan. Kevin Hiatt seconds the motion.

All in favor:

Chris Clark	Aye
Brock Arnold	Aye
Jessy McKee	Aye
Kevin Hiatt	Aye
Scott Major	Aye

Motion carried with all voting Aye. None opposed.

**Cliff Grua
The Farm Subdivision
Roundabout**

Cliff Grua brings to the attention of the Planning Commission that the city owns the roundabout but Mr. Grua has been maintaining it. There is a water line connected to Mr. Palcios in the house adjacent, and Mr. Grua has reimbursed him for the water used. It is recommended that Mr. Grua approach the City Council to make a decision on how to proceed.

**Commercial Tire Building
Concept Site Plan**

Tony Ivie with Moutai west Services & Ufford Investments and Cable Murray with Timberline Engineering & Land Surveying present the proposed site plan for a commercial tire store. The right of way access on Highway 40 will be used, as well as an access to 2000 South. A chainlink fence exists along the highway and there is intent to remove this. The stormwater runoff would be sent to two long, narrow ponds along the highway, where the land slopes down, and the storm drain in the center of the ponds will allow for overflow. Water and sewer will tie in on the south side of the building. There is intent to not pave the entire lot, but will pave a skirt around the entire building. Chris Clark questioned if it would be a metal building. Mr. Murray commented that yes, it would be a metal building. Chris Clark stated something to look at is if the current zone would allow the entire area to be graveled, an alternative hard surface may be required, everything visible from the front edge would need to be paved. Scott Major questioned where the landscaping would be located. Mr. Murray stated it would be near the retention pond. Chris Clark stated we do require trees and shrubs. Kevin Hiatt questioned if the intention of the road coming in and out would be paved or gravel. Mr. Ivie stated it will be paved. Chris Clark stated that there are different materials on the façade of the front of the building, so it doesn't look like

a metal building. Mr. Ivie stated it would be stucco. Jessie McKee stated the color of the building needs to be earthen tone.

Jessy McKee motions to approve the Commercial Tire concept plan. Scott Major seconds the motion.

All in favor:

Chris Clark	Aye
Brock Arnold	Aye
Jessy McKee	Aye
Kevin Hiatt	Aye
Scott Major	Aye

Motion carried with all voting Aye. None opposed.

PUBLIC HEARING

02-15 Offstreet Parking Regulations

Gwen Harrison presented the Offstreet Parking Regulations ordinance changes

Brock Arnold motions to open the public hearing. Scott Major seconds the motion.

All in favor:

Chris Clark	Aye
Brock Arnold	Aye
Jessy McKee	Aye
Kevin Hiatt	Aye
Scott Major	Aye

Motion carried with all voting Aye. None opposed.

No public comments

Kevin Hiatt motions to close the public hearing. Jessie McKee seconds the motion.

All in favor:

Chris Clark	Aye
Brock Arnold	Aye
Jessy McKee	Aye
Kevin Hiatt	Aye
Scott Major	Aye

Motion carried with all voting Aye. None opposed.

Scott Major motions to approve the ordinance changes and recommend to City Council. Jessie McKee seconds the motion.

All in favor:

Chris Clark	Aye
Brock Arnold	Aye
Jessy McKee	Aye
Kevin Hiatt	Aye
Scott Major	Aye

Motion carried with all voting Aye. None opposed.

ITEMS FOR FUTURE DISCUSSION

Highway 40 Rezone

ADJOURN

Commissioner Clark asks for a motion to adjourn.

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

All in favor:

Andrew Bentley	Aye
Chris Clark	Aye
Scott Adams	Aye
Scott Major	Aye

All Opposed

Jessy McKee	Aye
--------------------	------------

Motion carried with majority voting Aye.

The next Planning and Zoning meeting will tentatively be held May 18, 2023 in the Naples City Council Chambers @ 7:30 P.M.



Item No: 1

MEMO TO: Planning Commission

FROM: Staff

Date: May 18, 2023

Subject:

The Farm Subdivision 2014 Phase 5

Staff Recommendation:

Background:

Preliminary Plan for The Farm Subdivision 2014 Phase 5. Concept plan approved 4/20/23.

Options:

_____ Bring back for further discussion

_____ Approve Preliminary Plan

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.



Item No: 2

MEMO TO: Planning Commission FROM: Staff Date: May 18, 2023	Subject: Commercial Building Concept Plan
Staff Recommendation:	
Background: Concept Plan has been submitted for a proposed site plan for a commercial building to be built at the 1884 South Highway 40 property.	
Options: _____ Bring back for further discussion _____ Approve Preliminary Plan	

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.



Item No: 3

MEMO TO: Planning Commission FROM: Staff Date: May 18, 2023	Subject: Ken McBride R3 Zone Changes
Staff Recommendation:	
Background: Ken McBride has submitted proposed changes to the R3 Zone. The intent is to accompany his application request to rezone his property to the R3 Zone	
Options: ____ Bring back for further discussion ____ Accept proposed changed ____ Reject proposed changes	

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 02-11 RESIDENTIAL ZONE R-3

Section	02-11-001	Purpose
Section	02-11-002	Permitted Uses
Section	02-11-003	Use Regulations
Section	02-11-004	Minimum Lot Area Requirements
Section	02-11-005	Minimum Width Requirements
Section	02-11-006	Off-street Parking Requirements
Section	02-11-007	Height Requirements
Section	02-11-008	Locations Requirements
Section	02-11-009	Special Provisions
Section	02-11-010	Open Space

02-11-001 OBJECTIVES & CHARACTERISTICS PURPOSE

~~The R-3 Residential Zone has been established as a zone for family residential purposes with a higher density than both the R-1 and R-2 zones.~~

~~Additionally, the zone has been established to promote the following:~~

- ~~1. High quality, innovative and creative development that includes a mixture of uses, heights and setbacks, varying densities and lot sizes and sufficient diversity of housing types to meet the full life cycle of housing needs for residents within the City of Naples;~~
- ~~2. Preservation of open space;~~
- ~~3. Recreational uses that meet or exceed the needs of the residents;~~
- ~~4. A pedestrian environment which encourages transit and bicycle usage; and~~
- ~~5. A desirable living environment with unique identity and character.~~

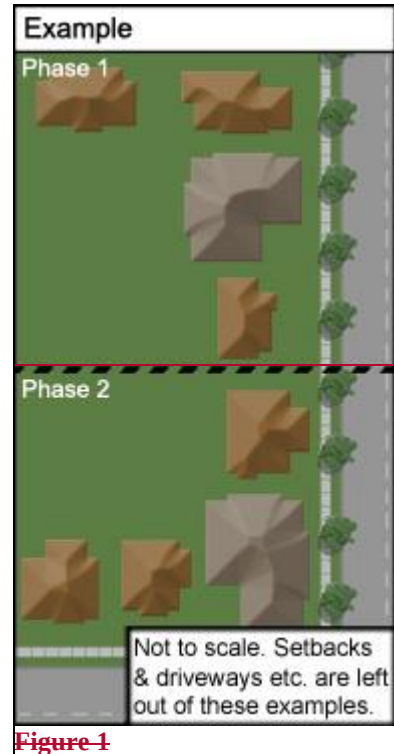
~~The R-3 zone will be designed to include neighborhoods, that incorporate open space with convenient pedestrian and bicycle access, which maintains connectivity between adjoining property, among residential, commercial, office, retail and recreational areas of the City.~~

~~In order to accomplish the objectives and purposes of this ordinance, and to stabilize and protect the essential characteristics of the zone, the following regulations shall apply in the R-3 Residential Zone:~~

1. The R-3 residential zone has been established as a district in which the primary use of the land is for multi-family residential purposes but in which office buildings and certain other uses of a semicommercial nature may be located. In general, this district serves as a transitional zone between the commercial zone. Since this zone is essentially residential in character, office buildings, rest homes, mortuaries, parking lots and other transitional uses must be developed and maintained in harmony with the residential uses. While a greater amount of automobile traffic and automobile parking is characteristic of this zone, attractive lawns, trees,

shrubs, both on the street and around the building, is also characteristic of this zone.

2. In order to accomplish the objectives and purposes of this chapter and to stabilize and protect the essential characteristics of this zone, the following regulations shall apply in the R-3 residential zone.



02-11-002 PERMITTED USES

~~The following buildings, structures, and uses of land shall be permitted, upon compliance with the requirements set forth in this ordinance:~~

- ~~1. Single family detached~~
- ~~2. Multi-family dwellings containing four (4) or less dwelling units placed at a ratio of not more than one multi-family unit to three (3) single family units. In a multi-phase development, this ratio shall never exceed 1:3 in a single phase. See Figure 1 to the right for an example.~~
- ~~3. Churches;~~
- ~~4. Government buildings or uses, non-industrial;~~
- ~~5. Park, trail and/or playground;~~
- ~~6. Recreation Center;~~
- ~~7. Schools;~~
- ~~8. Temporary building for uses incidental to construction work. Such shall be removed upon the completion of the construction;~~
- ~~9. Public utility stations~~
- ~~10. Day-care nurseries, which have been approved by the appropriate state and local agencies. Day cares permitting more than 8 children are prohibited.~~
- ~~11. Home occupations, in accordance with Chapter 13 this ordinance.~~
- ~~12. Home gardens~~
 1. Uses are as set out in this section:

USES	R-4
------	-----

Bed and breakfast	C
Boarding houses	C
Churches	P
Day care nursery	P
Dwelling, internal additional	P
Fences not exceeding seven feet	P
Group dwellings in accordance with Chapter 16.20	P
Home occupations in accordance with 16.22	P
Hospitals and clinics	P
Household pets not exceeding 4	P
Mortuary	P
Multiple family dwellings containing thirty (30) or less units	P
Multiple family dwellings containing more than thirty (30) units	C
Portable Storage Container	P
Professional office buildings or group of office buildings	P
PRUD	P
Public parking lots	P
Public utility buildings and facilities	P
Rest home	P

Residential facilities for the elderly	P
Residential facilities for the handicapped	P
Retail establishments	N
Row House	P
Schools	P
Signs, monument	C
Signs - non-flashing, flat	P
Signs pertaining to sale or lease of property or professional offices	P
Single family dwelling	P
Temporary storage buildings for construction	P
Tower, amateur radio	P
Tower, low power radio	C
Tower, small cellular	P
Two family dwellings	P
Urban farm	P
Urban livestock	C
Uses ruled to be similar by the Planning Commission	P
Wedding chapel	P
Wholesale commercial establishment	N

2.

02-11-003 USE REGULATIONS

Uses may be conducted in the R-3 Zone only in accordance with the following regulations:

1. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the Zone. No commercial materials, inventory or equipment may be stored in the open.
2. It shall be unlawful to park, store, or leave, or to permit the parking, storing or leaving of any vehicle of any kind or part(s) thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the Zone for longer than seventy-two (72) hours, except that up to two such vehicles or parts thereof may be stored completely within an enclosed building.
3. No commercial vehicle or commercial earth moving or material handling equipment shall be parked or stored on any lot or parcel in the Zone except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semi-trucks and trailers, trucks and trailers equaling or exceeding 12,000 lb. curb weight, delivery vehicles, dump trucks, back hoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.

02-11-004 MINIMUM LOT AREA REQUIREMENTS

- ~~1. The minimum lot area for a single-family dwelling is 7,000 square feet.~~
- ~~2. The minimum lot area for a two-family dwelling is 8,000 square feet.~~
- ~~3. The minimum lot area for a three-family dwelling is 9,000 square feet.~~
- ~~4. The minimum lot area for a four-family dwelling is 10,000 square feet.~~
- ~~5. The minimum lot area for a church, school, or government building is 20,000 square feet.~~
- ~~6. The minimum lot area for any other permitted use is 10,000 square feet.~~

In the R-3 residential zone, minimum area requirements are as follows:

1. For each residential building: six thousand five hundred (6,500) square feet, plus one thousand five hundred (1,500) square feet for each dwelling unit in excess of one (1) in each building;
2. For other main buildings: seven thousand five hundred (7,500) square feet.
3. Dwelling utilizing zero side yard: four thousand five hundred (4,500) square feet. Such dwelling must be in a structure having two (2) or more dwelling units, with each dwelling being located entirely and solely on one (1) individual lot.
4. Row houses: three thousand (3000) square feet.

02-11-005 MINIMUM WIDTH REQUIREMENTS
(MEASURED AT BOTH FRONT ¹ROAD RIGHT-OF-WAY AND SETBACK LINES)

1. Width requirements shall be measured at a distance of thirty (30) feet back from the front lot line.
2. The minimum width of any parcel for a one (1) family or other main building shall be sixty-five (65) feet, plus five (5) additional feet for each additional dwelling unit up to eighty (80) feet.
3. Dwelling utilizing zero side yard: forty-five (45) feet. Such dwelling must be in a structure having two (2) or more dwelling units, with each dwelling being located entirely and solely on one (1) individual lot.
4. Row House: thirty (30) feet.
- ~~1. The minimum lot width for a single family dwelling is 80 feet.~~
- ~~2. The minimum lot width for a two family dwelling is 90 feet.~~
- ~~3. The minimum lot width for a three or four family dwelling is 100 feet.~~
- ~~4. The minimum lot width for any other permitted use shall be 100 feet.~~

02-11-006 OFF-STREET PARKING REQUIREMENTS

~~A minimum of three (3) off-street parking places shall be provided for each dwelling unit. Driveways must be a minimum of thirty (30) feet long in order to keep sidewalks and streets clear of larger vehicles. See Chapter 02-15 Off-street Parking Regulations for more information on parking regulations.~~
Same as required in the R-3 residential zone except that off-street parking and landscape plans shall also be required for office buildings, clinics, mortuaries and similar structures

02-11-007 HEIGHT REQUIREMENTS

~~Minimum—None~~

~~Maximum—Thirty five (35) feet above grade. Church steeples are exempt from this requirement.~~

1. The maximum height requirement in the R-3 residential zone is as follows:
 1. None for residential dwellings.
 2. Thirty-five (35) feet for other main buildings.

The minimum height in the R-3 residential zone is eight (8) feet.

2. The maximum height for accessory buildings in the R-3 residential zone shall follow the same requirements as in the R-1 zone.

¹ Amended Feb 25, 2021

3. The maximum area of any lot that may be covered by structures is sixty-five (65) percent.

02-11-008 LOCATION REQUIREMENTS

~~MINIMUM SETBACKS FROM ²ROAD RIGHT-OF-WAY LINES:~~

~~1. Main buildings on INTERIOR (non-corner) LOTS:~~

~~Front: 24 feet~~

~~Side: 8 feet (20 feet minimum for both sides combined)~~

~~Rear: 20 feet~~

~~2. Main buildings on CORNER LOTS:~~

~~Front: 24 feet~~

~~Side: 20 feet on street side, and 8 feet on interior side~~

~~Rear: 20 feet (8 feet for dwellings with attached garage or carport)~~

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

~~Front: 24 feet measured perpendicular to a straight line between the front lot corners, and no less than 20 feet from the turn-around or cul-de-sac right-of-way.~~

~~Side: 8 feet~~

~~Rear: 20 feet measured perpendicular from the rear wall of the home to the lot line. In no case shall any part of the home be closer than 5 feet to any lot line, and in no case shall any two homes on adjacent lots be closer than 10 feet.~~

~~4. Accessory buildings³:~~

~~Front 24 feet~~

~~Side 3 feet unless the accessory building is located within 5 feet of the rear of the main building, then the side setback is the same as the main building.~~

~~Rear: 3 feet.~~

~~One-story detached accessory structures located 5 or more feet behind the main building are exempt from permit and location requirements provided that the floor area does not exceed 200 square feet.~~

~~Setbacks are measure from either the property line or the back of curb or sidewalk, whichever is furthest from public right-of-way. Porches may not be~~

²~~Amended Feb 25, 2021~~

³~~Amended Feb 24, 2022~~

~~built in the setback area, but steps leading up to porches may be built in the setback area.~~

~~Regardless of orientation, the closest a main building may be to any property line is 8 feet.~~

1. Front Setback: All buildings and structures shall be set back at least twenty (20) feet from the front lot line.
2. Side Setback:
 1. Except for dwellings utilizing zero side yards, all dwellings and other main buildings shall be set back from the side property line a distance of at least five (5) feet.
 2. The minimum side setback for accessory buildings shall be the same as for main buildings except that no side setback shall be required for accessory buildings located twelve (12) feet or more in back of the dwelling.
 3. On corner lots, the side setback from the street along the exterior lot line for any dwelling, accessory building or other main building shall not be less than twenty (20) feet, unless:
 1. The exterior lot line is directly adjacent to an unimproved, undeveloped section of public right-of-way. If this is the case, the side setback for accessory buildings shall be ten (10) feet.
3. Rear Setback:
 1. For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least ten (10) feet. Accessory buildings shall be set back at least one (1) foot from the rear property line.
 2. For exterior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least ten (10) feet. Accessory buildings on corner lots shall be set back from the rear property line a distance of not less than five (5) feet.

02-11-009 SPECIAL PROVISIONS

1. ~~Plans showing proposed off-street parking layout and landscaping for churches and schools shall be submitted to and approved by the city building official prior to the issuance of a building permit. Said plans shall provide that all land not covered by buildings or by off-street parking space shall be landscaped as lawn, trees, shrubs, gardens, or ground cover and otherwise landscaped and maintained in accordance with good landscaping practice.~~
2. ~~A bond or other financial guarantee shall be required, guaranteeing landscaping and other improvements within a year of occupancy. See 02-31 Subdivisions for the procedures of bonds.~~

- ~~3. At least eighty percent of the lot area not covered by buildings or parking shall be maintained as landscaped area and shall be kept free from refuse and debris.~~
- ~~4. All residential dwellings shall be connected to a public sewer system.~~
- ~~5. The design for curb and gutter shall be either high back or modified high back according to UDOT standards.~~
- ~~6. All dwellings shall be supplied with culinary water, and plumbed in accordance with the current edition of International Plumbing Code in Utah.~~

~~All new residential developments shall have curb, gutter, and a minimum 5 foot wide sidewalk, all of which adhere to ADA standards. A minimum 4 feet wide green strip is required between the sidewalk and the street. The green strip shall be maintained by the developer and/or property owner. Naples City may plow snow into piles on the green strip on occasion in order to keep the streets clear of snow.~~

~~Street lights and street signs shall be located in the green strip and not in the sidewalk.~~

Same as required in the R-3 residential zone except that off-street parking and landscape plans shall also be required for office buildings, clinics, mortuaries and similar.

02-11-010 OPEN SPACE

~~Open Space is landscaped or natural area or farmland which is established to provide and preserve recreational, agricultural or other uses in the R-3 Zone as approved by the City. The development as a whole shall include a minimum 20% open space. Recreation/Open Space will be recorded as a lot or lots in subdivisions or as common areas in condominium plats and shall be located according to environmental conditions and infrastructure needs. All open spaces shall be maintained with perpetual open space or conservation easements. Privately owned open space shall be preserved and properly maintained by the owners through taxing districts, owners' associations with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City Council. Open space may not include private lot or individually owned yard areas. Park strips located within city right of ways are permitted as open space. All privately owned open spaces which are accessible to the public either free of charge or through payment of a fee may be included in the required open space of the Zone.~~

Landscaping shall be in conformance with Chapter 16.27 herein and shall provide for and meet the needs of the tenants.

1. R-3, zones;
 1. A minimum ratio of one (1) tree or shrubbery per every 1500 square feet of landscaping shall be provided on the overall site plan. For example: A one (1) acre R-4 multi-family site shows 30% open green space: $30\% = 13068 \text{ sq. ft.}$ divided by 1500 = 8.712 rounded to 9 trees or shrubbery for the one (1) acre site.
2. Coniferous trees (evergreens) shall be a minimum of six (6) feet high. Deciduous trees (leaf bearing) shall be a minimum of two (2) inches caliper. Shrubby shall be a minimum of ten (10) gallons.

Landscaping shall be provided for all land not covered by buildings or by off-street parking space in those zones requiring landscaping. In zones that require a building set back, the main landscaped area (60% of the total landscaping requirement) shall be along the frontage, parallel to the public road right of way. No rock or gravel, except boulders, shall be allowed in the main landscaped area. Landscaping plans shall be submitted with site plans according to site plan regulations. All zones shall require the following minimum landscaping regulations:

1. Residential.
 1. R-3 Residential: Multi-family developments of three units or more shall have minimum landscaping of 30% of the lot area.
 2. R-3 Residential: Multi-family developments of three units or more shall have minimum landscaping of 30 % of the lot area.
 3. R-3 Residential: Row house developments shall have minimum landscaping of 15% of the lot area.
 4. MX Mixed Use Residential: Developments having a residential component shall have minimum landscaping of 10% of the lot area.
2. Commercial.
 1. CC-1 Central Commercial Zone: None, except for areas of the development not covered by buildings or parking.
 2. C-2 Commercial Zone: Commercial developments shall have a minimum landscaping of 5% of the lot area. Multi-family dwellings shall meet the same requirement as the R-4 Residential zone.
 3. CP-2 Planned Commercial Zone: Commercial developments shall have a minimum landscaping of 5% of the lot area. Multi-family dwellings shall meet the same requirement as the R-4 Residential Zone.
 4. CCP-1 Planned Commercial Zone: None, except as required by the Planning Commission.
 5. MX Mixed Use Residential: Developments having no residential component shall have minimum landscaping of 5% of the lot area.
3. I-1 Industrial Zone shall have a minimum landscaping of 5% of the main building area.
4. P-1 Parks zone shall have a minimum landscaping of 40% of the lot area.
5. F-1 Fairgrounds zone shall have a minimum landscaping of 15% of the lot area.

6. HC-1 Health Care Zone shall have a minimum landscaping of 10% of the lot area.
7. Locations of Trees.
 1. Trees shall be located and maintained within the yards so as not to impact public sidewalks or rights-of-way with roots, branches, or other debris.



Item No: 4

MEMO TO: Planning Commission FROM: Staff Date: May 18, 2023	Subject: HB 406- Road Width Legislation changes
Staff Recommendation:	
Background: 2023 Legislation session passed HB 406. The maximum road width The City can require is now 32'.	
Options: _____ 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.

(b) A municipal legislative body may not apply the provisions of a temporary land use regulation to the review of a specific land use application if the land use application is impaired or prohibited by proceedings initiated under Subsection 10-9a-509(1)(a)(ii)(B).

(3) (a) A municipal legislative body may, without prior planning commission consideration or recommendation, enact an ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.

(b) A regulation under Subsection (3)(a):

(i) may not exceed ~~[six months]~~ 180 days in duration;

(ii) may be renewed, if requested by the Transportation Commission created under Section 72-1-301, for up to two additional ~~[six-month]~~ 180-day periods by ordinance enacted before the expiration of the previous regulation; and

(iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

Section 10. Section **10-9a-508** is amended to read:

10-9a-508. Exactions -- Exaction for water interest -- Requirement to offer to original owner property acquired by exaction.

(1) A municipality may impose an exaction or exactions on development proposed in a land use application, including, subject to Subsection (3), an exaction for a water interest, if:

(a) an essential link exists between a legitimate governmental interest and each exaction; and

(b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

(2) If a land use authority imposes an exaction for another governmental entity:

(a) the governmental entity shall request the exaction; and

(b) the land use authority shall transfer the exaction to the governmental entity for which it was exacted.

(3) (a) (i) A municipality shall base any exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.

(ii) Upon an applicant's request, the culinary water authority shall provide the applicant with the basis for the culinary water authority's calculations under Subsection (3)(a)(i) on which an exaction for a water interest is based.

(b) A municipality may not impose an exaction for a water interest if the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public, as determined under Subsection 73-1-4(2)(f).

(4) (a) If a municipality plans to dispose of surplus real property that was acquired under this section and has been owned by the municipality for less than 15 years, the municipality shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the municipality.

(b) A person to whom a municipality offers to reconvey property under Subsection (4)(a) has 90 days to accept or reject the municipality's offer.

(c) If a person to whom a municipality offers to reconvey property declines the offer, the municipality may offer the property for sale.

(d) Subsection (4)(a) does not apply to the disposal of property acquired by exaction by a community reinvestment agency.

(5) (a) A municipality may not, as part of an infrastructure improvement, require the installation of pavement on a residential roadway at a width in excess of 32 feet.

(b) Subsection (5)(a) does not apply if a municipality requires the installation of pavement in excess of 32 feet:

(i) in a vehicle turnaround area;

(ii) in a cul-de-sac;

(iii) to address specific traffic flow constraints at an intersection, mid-block crossings, or other areas;

(iv) to address an applicable general or master plan improvement, including

1038 transportation, bicycle lanes, trails, or other similar improvements that are not included within
1039 an impact fee area;

1040 (v) to address traffic flow constraints for service to or abutting higher density
1041 developments or uses that generate higher traffic volumes, including community centers,
1042 schools, and other similar uses;

1043 (vi) as needed for the installation or location of a utility which is maintained by the
1044 municipality and is considered a transmission line or requires additional roadway width;

1045 (vii) for third-party utility lines that have an easement preventing the installation of
1046 utilities maintained by the municipality within the roadway;

1047 (viii) for utilities over 12 feet in depth;

1048 (ix) for roadways with a design speed that exceeds 25 miles per hour;

1049 (x) as needed for flood and stormwater routing;

1050 (xi) as needed to meet fire code requirements for parking and hydrants; or

1051 (xii) as needed to accommodate street parking.

1052 (c) Nothing in this section shall be construed to prevent a municipality from approving
1053 a road cross section with a pavement width less than 32 feet.

1054 (d) (i) A land use applicant may appeal a municipal requirement for pavement in
1055 excess of 32 feet on a residential roadway.

1056 (ii) A land use applicant that has appealed a municipal specification for a residential
1057 roadway pavement width in excess of 32 feet may request that the municipality assemble a
1058 panel of qualified experts to serve as the appeal authority for purposes of determining the
1059 technical aspects of the appeal.

1060 (iii) Unless otherwise agreed by the applicant and the municipality, the panel described
1061 in Subsection (5)(d)(ii) shall consist of the following three experts:

1062 (A) one licensed engineer, designated by the municipality;

1063 (B) one licensed engineer, designated by the land use applicant; and

1064 (C) one licensed engineer, agreed upon and designated by the two designated engineers
1065 under Subsections (5)(a)(d)(iii)(A) and (B).

(iv) A member of the panel assembled by the municipality under Subsection (5)(d)(ii) may not have an interest in the application that is the subject of the appeal.

(v) The land use applicant shall pay:

(A) 50% of the cost of the panel; and

(B) the municipality's published appeal fee.

(vi) The decision of the panel is a final decision, subject to a petition for review under Subsection (5)(d)(vii).

(vii) Pursuant to Section [10-9a-801](#), a land use applicant or the municipality may file a petition for review of the decision with the district court within 30 days after the date that the decision is final.

Section 11. Section **10-9a-509** is amended to read:

10-9a-509. Applicant's entitlement to land use application approval -- Municipality's requirements and limitations -- Vesting upon submission of development plan and schedule.

(1) (a) (i) An applicant who has submitted a complete land use application as described in Subsection (1)(c), including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:

(A) in effect on the date that the application is complete; and

(B) applicable to the application or to the information shown on the application.

(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:

(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

(B) in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land