

Agenda

Naples City Planning and Zoning Commission

August 17, 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 – August 17, 2023
- Disclosures
- Approval of Minutes –July 20, 2023

PLANNING/DISCUSSION

1. R3 Zone
 - Proposed R3 Changes

ITEMS FOR FUTURE DISCUSSION

- Highway 40 Rezone
- Legislative changes- Subdivision requirements

ADJOURN

The next Planning and Zoning meeting will tentatively be held on September 21, 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
July 20, 2023

Commission Present: Scott Adams, Scott Major, Brock Arnold

Commission Absent: Chris Clark, Andrew Bentley, Jessy McKee, Kevin Hiatt

Others Present: Mike Davis, Gwen Harrison, Ken Reynolds, Cliff Grua, Paul Hawkes
Opening Ceremonies

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

Approval of Agenda Gwen Harrison & Mike Davis suggested adding an item number 1 of Final Subdivision Approval pending administrative review to the agenda. Scott Major motions to approve the agenda with suggested changes. Brock Arnoldt seconds the motion.

All in favor:

Scott Adams	Aye
Scott Major	Aye
Brock Arnold	Aye

Motion carried with all voting Aye. None opposed.

Disclosures **None**

Approval of Minutes Brock Arnold motions to approve the May 18, 2023 minutes. Scott Major seconds the motion.

All in favor:

Scott Adams	Aye
Scott Major	Aye
Brock Arnold	Aye

Motion carried with all voting Aye. None opposed.

PLANNING/DISCUSSION

Cliff Grua
The Farm Subdivision
2014 Phase 5

Cliff Grua and Paul Hawkes presented the proposed preliminary plan for The Farm Subdivision 2014 Phase 5. On Lot 63, there is question about whether or not the area that was originally proposed to be the road continuation should be vacated or kept as Naples City right-of-way while changing the entrance to look like all other property entrances. Mr. Hawkes explained that they feel it is not cost effective to complete a survey and subdivision amendment plats for such a small area. Scott Major stated that if an individual purchased that property, they would assume they own that piece of land. Mr. Hawkes commented this is no uncommon, as there is generally a strip of land between the road and the property already starts, which is the road right-of-way. Brock Arnold questioned what burden could fall on the future property owner. Paul Hawkes stated it would look no different than other lots, there would not be additional asphalt to maintain. Scott Major stated he believes it is too much work at this stage to change that property over to be part of Lot 63, but he would suggest that the future owners of Lot 63 be notified that they could approach the City Council to vacate that portion and gain claim to that piece of property. Paul Hawkes stated that Lot 61 will have a public utility easement for sewer running back to Lot 63. Gwen Harrison stated there was question regarding the 1:1 slope for the storm retention pond, and if that could be changed to be 2:1 slope for safety and maintenance. Cliff Grua stated he doesn't believe it is any different than the gulch that runs right along that area. Brock Arnold questioned if the property owner is responsible for the retention pond, and it fails, how much liability and cost would fall on the property owner. Paul Hawkes stated there will language on the survey plat stating the owner of that lot will be responsible for the maintenance of the

retention pond. Cliff Grua stated that the runoff in that small section of road is fairly minimal. Ken Reynolds stated he does not see any problem with the road right-of-way being on Lot 63, as long as it is noted on the plat. Scott Major stated he believes there is potential liability for the city and more inconvenient for the citizen that purchases the property. Paul Hawkes stated the storm retention pond has the steep 1:1 slope on one side only, and it will be 2:1 on the other 3 sides. It will be 4 feet in depth. Scott Adams stated he is comfortable with the plan as-is, as long as there is another administrative review.

Brock Arnold motions to approve the preliminary plans for The Farm Subdivision 2014 Phase 5 pending administrative and consultative review. Scott Adams seconds the motion

All in favor:

Scott Adams
Scott Major
Brock Arnold

Aye
Nay
Aye

Motion carried with majority voting Aye. Scott Major opposed.

Brock Arnold motions to approve the final plans for The Farm Subdivision 2014 Phase 5 pending administrative and consultative review. Scott Adams seconds the motion.

All in favor:

Scott Adams
Scott Major
Brock Arnold

Aye
Nay
Aye

Motion carried with majority voting Aye. Scott Major opposed.

Water Connection Discussion

Mike Davis presented the issue with water connections moratorium. Mr. Davis stated that staff has discussed that no new building permits will be issued until they can prove they have a water connection. Mr. Davis asked the commission at what point they felt comfortable approving plans while the moratorium is in effect. Scott Major stated if the plat has met all the requirements, the city should sign and approve the plat. A letter should be included with the plat stating the approval is for the plat design and not approval for water connection. Scott Major directs staff to follow up with the commission once the next meeting with Ashley Valley Water & Sewer regarding the moratorium has taken place.

R3 Zone Ordinance Proposed Changes

Gwen Harrison presented the proposed R-3 Zone changes, specifically noting that it would not allow apartments but would allow for row houses with a maximum of six units per building, with a maximum of twelve units per acre, and required greenspace. Scott Major stated there was an item to be addressed regarding green strip between the sidewalk and curb, clarifying the intent. Scott Major stated it would be beneficial to bring this back again when more of the commission members may be present. Ken Reynolds stated he would like to see a statement in the ordinance not allowing on street parking.

ITEMS FOR FUTURE DISCUSSION

Highway 40 Rezone

Will be brought back in August or September.

Legislative changes

2023 Legislation changes will be brought the Planning Commission's attention in the coming months.

City Updates

Mike Davis updates the Planning Commission of upcoming city projects.

ADJOURN

Scott Major motions to adjourn, Brock Arnold seconds the motion.

All in favor:

Scott Adams
Scott Major
Brock Arnold

Aye
Aye
Aye

Motion carried with all voting Aye.

The next Planning and Zoning meeting will tentatively be held August 17, 2023 in the Naples City Council Chambers @ 7:30 P.M.

DRAFT



Item No: 1

MEMO TO: Planning Commission

FROM: Staff

Date: August 17, 2023

Subject:

R3 Zone Changes

Staff Recommendation:

Background:

Ken McBride originally proposed that changes be made to the R3 zone. In discussion during Planning Commission Meetings and within the office, it was proposed by Staff that changes to the R3 zone be made. Staff has made changes, deletions in red and additions in blue.

Options:

_____ Bring back for further discussion

_____ Bring back for Public Hearing

_____ 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 R-3 RESIDENTIAL ZONE R-3

Section	02-11-001	Purpose and Intent
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 PURPOSE AND INTENT

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, to provide a setting for medium density residential living by commingling single-family homes, twin homes, duplexes, and multi-family dwellings, plus parks, playgrounds, schools, churches, and other community facilities to serve the residents of the zone..

This zone is characterized by more compact development and should be designed to include neighborhoods that incorporate open space with convenient pedestrian and bicycle access, which maintains connectivity between adjoining property, among residential, office, and recreational areas of the City. Industrial uses are not permitted in this zone.

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. Promote useable recreation areas, parks, trails, and open space. ~~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.
- ~~5.6. Provide increased density of up to 12 units per acre.~~

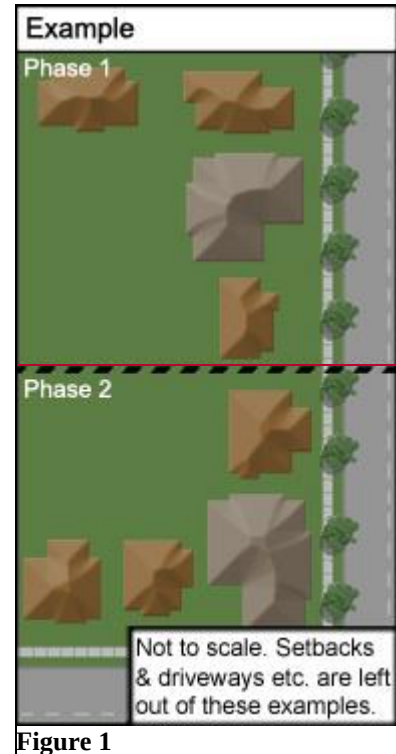
~~The R-3 zone will be designed to include neighborhoods, that incorporate open space with convenient pedestrian and bicycle access, which maintains connectivity between adjoining property, among residential, commercial, office, retail and recreational areas of the City.~~

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:

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 dwelling
2. Multi-family dwellings containing duplex, triplex, fourplex, and/or row housing containing no more than six (6) dwelling units. ~~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;~~
- ~~5.4.~~ Parks, trails and/or playgrounds;
- ~~6.5.~~ Recreation Centers;
- ~~7.6.~~ Schools;
- ~~8.7.~~ 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.~~
- ~~11.8.~~ Home occupations, in accordance with Chapter 13 this ordinance.
- ~~12.9.~~ Home gardens
10. Accessory buildings such as garages and sheds.



02-11-003 USE REGULATIONS

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

1. Multi-family dwellings units shall be attached horizontally, and shall not exceed 6 attached units per building.
2. Multi-family projects shall include a variety of unit sizes and shall include a variety of building colors and materials.
3. The maximum area of any lot that may be covered by structures is seventy-five (75) percent.

- ~~1.4.~~ 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.
- ~~2.5.~~ 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.
- ~~3.6.~~ 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~~6,000 square feet.
2. ~~The minimum lot area for a two-family dwelling is 8,000 square feet. The minimum lot area for duplex or twin home is 9,000 square feet, plus 1,500 additional square feet of lot area for each additional dwelling unit above 2 units, with a maximum of 6 units per building.~~
- ~~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.~~
- ~~5.3.~~ The minimum lot area for a church, school, ~~or government building~~ is 20,000 square feet.
4. The minimum lot area for any other permitted use is 10,000 square feet.
- ~~6.5.~~ In no case shall there be more than 12 units per acre.

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

1. The minimum lot width for a single-family dwelling is ~~60~~80 feet.
2. The minimum lot width for a two-family dwelling is 90 feet.

¹ Amended Feb 25, 2021

3. ~~The minimum lot width for a three- or four-family dwelling is 100 feet.~~
- 3.4. The minimum lot width for any multi-unit dwelling is 60 feet per unit at front property line.
- 4.5. The minimum lot width for any other permitted use shall be 100 feet.

02-11-006 OFF-STREET PARKING REQUIREMENTS

1. A minimum of ~~two (2)~~ **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.
2. Guest parking shall be provided at a ratio of 0.25 stalls per unit.
3. Guest parking shall be located within 200 ft of the dwelling unit.
4. Driveways shall not be counted towards the guest parking requirements.
5. Accessible parking spaces shall be provided in off-street parking areas and shall count towards fulfilling the minimum requirements for guest parking.
6. All landscaped areas abutting any paved surface shall be curbed. Boundary landscaping around the perimeter of the parking areas shall be separated by concrete curbs six inches higher than the parking surface.
- 1.7. Clear Sight Triangle 02-14-20

02-11-007 HEIGHT REQUIREMENTS

~~Minimum – None~~

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

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:

² Amended Feb 25, 2021

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 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.

Each dwelling unit shall front upon an access road whether it be a city or private road, and shall have a front and rear yard. .

02-11-009 SPECIAL PROVISIONS

1. Plans showing proposed off-street parking layout and landscaping for ~~the development churches and schools~~ shall be submitted to and approved by the city ~~Planning Commission 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, ~~streets, sidewalk, curb, gutter, lighting~~, and other improvements

³ Amended Feb 24, 2022

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.

7. 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 foot 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.~~

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

9. A six-foot-high sight obscuring fence/wall shall be installed for all dwellings, which extends directly from the unit enclosing the entire back yard from each adjoining lot or dwelling unit, to delineate between common and private space. Fencing shall be uniform in design and construction.

10. Clustering of dwelling units is encouraged to allow for larger open spaces. Housing units and open space should be distributed in a manner that does not unduly separate the usable open space from residents.

11. The Land Use Authority may approve variation from applicable development standards of the Naples City Land Use Ordinances, if found that the following conditions are met:

a. The granting of the variation will not adversely affect the rights of adjacent landowners or residents.

b. The variation desired will not adversely affect the public health, safety, or general welfare; and

~~a.~~c. The granting of the variation will not be opposed to the general spirit and intent of the subdivision code.

02-11-010 OPEN SPACE

Permanent Open Space shall be landscaped and shall ~~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 ~~on 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 ~~or 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.

1. Open space may include parks, playgrounds, sidewalks, non-motorized pathways, trails, and outdoor amenities may be computed into the open space requirement.
2. Open space excludes private balconies, decks, patio areas, recreation buildings, indoor amenities, vehicle parking, street, and streetscape sidewalks.
- 1.3. Open space should be clustered to create the most beneficial and efficient use of space.