

LAND USE ORDINANCE 2008-04

CHAPTER 1

GENERAL PROVISIONS

Amended by Ordinance 2009-18A

OVERVIEW

There are a number of activities related to the use, sale and development of land that have been determined by federal and State law to be in the public interest for local government to oversee and regulate in order to bring about the safe, orderly creation (and maintenance) of communities. These include such activities as subdividing land into lots for sale, building structures, construction of roads installing utilities, etc.

In order to effectively regulate these activities, communities are empowered to establish review and permitting processes. This document contains the review and permitting processes related to land development activities in the Town of Leeds. In addition, sections to the Leeds Ordinances that relate to land use, such as signage and design standards, are also included in this Ordinance.

1.1. SHORT TITLE.

This Ordinance shall be known as the Leeds, Utah, Land Use Ordinance 2008-04 and may be so cited and pleaded.

1.2. INTERPRETATION.

In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

1.3. CONFLICTS.

This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, other Ordinances or laws, but shall prevail notwithstanding such provisions, which are less restrictive.

1.4. EFFECT UPON PREVIOUS ORDINANCE AND MAP.

All existing Chapters of the 2005 Leeds Zoning and Subdivision Ordinance of Leeds, Utah, including maps, are hereby superseded and amended to read as set forth herein provided, however, that this Ordinance shall be deemed a continuation of the previous Ordinance and not a new enactment, whether in the substance of revisions of the previous Ordinance shall be so interpreted upon all questions of construction, including but not limited to questions of construction relating to tenure of officers and boards established by previous Ordinances and to questions as to dates upon which such uses, buildings or structures became conforming or nonconforming.

1.5. PURPOSE.

The purpose of this Land Use Ordinance is to augment the Leeds General Plan, to designate the zoning areas in Leeds, to set forth regulations regarding growth and building in those areas, and to promote the health, safety, and welfare of the citizens of the Town of Leeds. In addition, this Ordinance is designed to protect the Town of Leeds against unrestricted growth and to insure Leeds Town develops into the type of community desired by residents and landowners.

1.6. DEFINITIONS.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word “building” shall include the words “structure”; the word “used” or “occupied” shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used if occupied; the word “shall” is mandatory and not discretionary, and the word “may” is permissive; the word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the word “lot” includes the word plot, or parcel. Words used in this Ordinance but not defined herein shall have the meaning as defined in any other Ordinance adopted by the Town of Leeds, and if not defined in any Ordinance, as defined in the latest Webster’s Collegiate Dictionary. Items included in these definitions are to clarify meanings within this Ordinance and in no way imply or authorize the items defined to be permitted in the Town of Leeds.

Abandoned.

Structures, buildings, signs, equipment, and vehicles will be judged to be abandoned when the appearance, care, or maintenance, is such that it is judged by the Leeds Town Government that the owner no longer has an interest in the item. In the case of a vehicle, abandoned also includes those vehicles not in operating condition or not currently registered.

Accessory Building.

A detached subordinate building located on the same lot with a main building, the use of which is customarily incidental to that permitted in the main building, or to the land upon which the main building is located.

Acreage.

Any parcel of land, of one (1) or more acres and those areas where a legal subdivision has not been made previously, or where a legal subdivision has declared the parcel as acreage.

Agriculture.

The tilling of the soil, the raising of crops and horticulture, including household pets, and does not include any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals, feed lots or similar uses.

Alley.

A public thoroughfare twenty-six feet or less in width no part of which shall be less than twelve (12) feet in width.

Animal Hospital.

A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment; the use of the premises as a kennel or a place where animals or pets are boarded for remuneration may be permitted only when incidental to the principal use.

Animal Unit.

This definition applies to all animals in the category under limited Farming. An animal unit is one (1) Large animal, or up to two (2) Small animals, per the definitions in the Town of Leeds Land Use Ordinance.

Apartment Hotel.

Any building, which contains dwelling units and also satisfies the definition of a hotel, as defined in this Ordinance.

Apartment Motel.

Any building or group of buildings, which contain dwelling units, and also satisfies the definition of a motel, as defined in this Ordinance.

Apartment House.

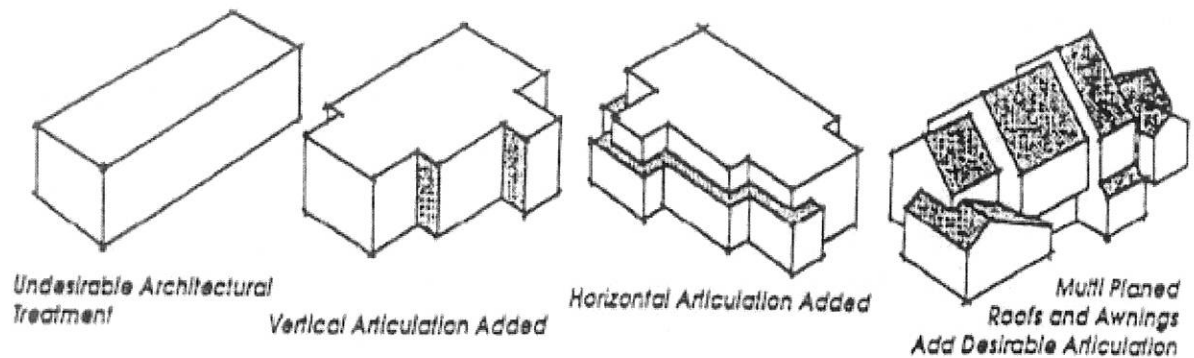
See dwelling, multiple-family.

Apartment Court.

Any building or group of buildings which contain dwelling units; see Dwelling, Group, in this Ordinance.

Articulation:

Horizontal and/or vertical variations in the plane of a building wall. Figure below.



Basement.

A story partly underground. A basement shall be counted as a story for purposes of height measurement if one half (1/2) or more of the basement height is above grade at any point.

Bed and Breakfast Inn:

An owner occupied dwelling, including those dwellings of historical significance, in which two (2) to eight (8) rooms are rented out by the day, offering overnight lodging to travelers, and where one (1) or more meals are provided to the guests only, the price of which may be included in the room rate (see definition of hotel, motel, or inn).

Boarding House.

A building with not more than five (5) guest rooms where, for compensation, meals are provided for at least five (5) but not more than ten (10) persons.

Boundary Adjustment.

A minor shift or rotation of an existing lot line where no additional parcels are created, nor deleted, as recommended by the Town Engineer.

Building.

Any structure used or intended to be used for the shelter, or enclosure of persons, animals, or property.

Building, Height of.

The vertical distance from the average grade surrounding the house, prior to any excavating, to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the highest peak of a pitched, gabled or hip roof.

Building, Main.

The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon a lot.

Building, Public.

A building owned and operated or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its subdivisions.

Bulk:

A term used to designate the overall size and mutual relationship of buildings and other structures, as to size, height, coverage, shape, location of exterior walls in relation to lot lines, to the center of streets, to other walls of the same building, and to other buildings or structures; and to all open spaces relating to the building or structure.

Carport.

A private garage not completely enclosed by walls or doors. For the purpose of this Ordinance, a carport shall be subject to all of the regulations prescribed for a private garage.

Casita:

(See Dwelling, Accessory).

Cemetery:

Land used or dedicated to the burial or interment of the dead, including crematoriums and mausoleums.

Child Nursery.

An establishment for the care and/or instructions, whether or not for compensation, of six (6) or more children other than members of the family residing on the premises.

Church.

A building set apart primarily for the purpose of worship in which religious services are held and with which clergy is associated, and the main body of which is kept for that use and not put to any other use inconsistent with its primary purpose, and which is tax exempt under the laws of the State of Utah.

Clinic, Dental or Medical.

A building in which a group of dentists, physicians and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or a medical laboratory and an apothecary, but it shall not include inpatient care or operation rooms for major surgery.

Club, Private.

An organization, group or association supported by the members thereof, the sole purpose of which is to render a service customarily rendered for members and their guests but shall not include any service the chief activity of which is customarily carried on as a business, and does not include labor union organizations or similar labor or business organizations.

Cluster Dwelling.

The locating of multiple dwellings in close proximity to each other while maintaining the density requirement of the zone.

Commission.

Commission shall mean the Planning Commission of the Town of Leeds, Utah.

Commission's Authorized Representative.

Commission's Authorized Representative shall mean the Planning Chair or any other Town employee or official who has been designated by the Commission to represent the Town in enforcing or carrying out the functions of the Commission as set forth in this Ordinance.

Conditional Use.

A use of land, which applies conditions, which mitigates use, requires a conditional use permit pursuant to Chapter 7 of this Ordinance (Conditional Use) and USC 10-9a-507 (Conditional Uses).

Conversion.

The creation of separate ownership of existing real property together with a separate interest in space of residential or commercial buildings.

Court.

An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by walls measured between opposite sides in the same general direction as the yard or lot line on which the court opens. The length of a court is its greatest horizontal dimension measured at right angles to its width.

Cremation, Animal.

The technical process using direct flame and heat, aquamation, alkaline hydrolysis, or other technique approved in State law to reduce animal remains to unidentifiable dimensions.

Cremation, Human.

The technical process using direct flame and heat, aquamation, alkaline hydrolysis, or other technique approved in State law to reduce human remains to unidentifiable dimensions.

Crematorium.

The building or structure that houses the cremation chamber and holding facility for cremation.

Dairy.

A commercial establishment for manufacture or processing of dairy products.

District.

A portion of the area of a zone as shown on a map attached to this Land Use Ordinance and given a district name.

Development Activity.

Any construction or expansion of a building or structure; Any change in use of a building or structure that creates additional demand and need for public facilities; Any change in the use of land that creates additional demand and need for public facilities or grading, filling or clearing of land.

Domestic Animals & Fowl.

Animals and fowl including the following: horses, cattle, sheep, pigs, goats, chickens, and pigeons.

Dormitories.

Any building arranged or designed for two (2) or more dwelling units and with three (3) or more sleeping rooms per unit.

Driveway.

A private access primarily for vehicle movement from a public or private roadway to a dwelling, commercial facility or other structure. The lot on which the driveway is providing access must have sufficient frontage to satisfy requirements of this ordinance.

Dwelling Unit, Accessory.

A subordinate residential living area with sleeping, bathroom and kitchen facilities created within a single family dwelling, or a detached building on the same residential lot or parcel as the single family dwelling, which meets the requirements of _____. The term includes, but is not limited to a casita, guesthouse or mother-in-law apartment/suite.

Dwelling Unit, Internal Accessory (Internal ADU).

An accessory dwelling unit created within a primary dwelling.

Dwelling Unit, Single-family.

A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit. ~~Any single family dwelling with more than one kitchen must be treated as a single dwelling unit, and cannot be rented out under any circumstances.~~

Dwelling Unit, Two-family.

A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units. Each dwelling unit will have a separate entrance. Each dwelling unit will have its own bathroom and kitchen facilities. A casita on a single family home parcel does not constitute a two-family dwelling unit.

Dwelling Unit, Three-family.

A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units. Each dwelling unit will have a separate entrance. Each dwelling unit will have its own bathroom and kitchen facilities.

Dwelling Unit, Four-family.

A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units. Each dwelling unit will have a separate entrance. Each dwelling unit will have its own bathroom and kitchen facilities.

Dwelling Unit, Multiple-family.

A building arranged or designed to be occupied by more than four (4) families. Each dwelling unit will have a separate entrance. Each dwelling unit will have its own bathroom and kitchen facilities.

Dwelling, Group.

Two (2) or more dwelling structures occupying the same lot and having yards and open spaces in common.

Dwelling Unit.

One (1) or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one (1) family or unrelated group for living or sleeping purposes and having kitchen facilities for the use of not more than one (1) family.

Engineer.

Engineer shall mean an engineer or surveyor hired by the subdivider to prepare a final map or to compile such data as may be required in connection therewith in accordance with the provisions of this Ordinance or any other engineer required to perform tasks as required by this Ordinance.

Engineer, Town.

Town Engineer shall mean the Town Engineer or a registered civil engineer in the State of Utah hired by the Town of Leeds, Utah, to represent the Town in carrying out the engineering functions associated with this Ordinance.

Exotic Animals.

Animals not listed under Small or Large Animals.

Farming.

Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.

Family.

An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons (excluding those who qualify under the definition of casita) who are not related, living in a dwelling unit as a single housekeeping unit.

Family Unit.

A family unit consists of family members within the third degree of consanguinity. Starting with the primary occupant this includes their children, their grandchildren, their

great grandchildren their parents, their grandparents, their great grandparents, their uncles/aunts, their brothers and their sisters.

Fence (Solid).

A fence of a material that is sight obscuring and made of a solid material such as wood, vinyl or masonry, but does not include a chainlink fence with slats inserted into the chainlink. Any questionable material shall be reviewed by the planning commission for determination.

Final Plat:

Flag Lot.

A lot which does not meet the frontage requirement adjacent to a public or private roadway for the zone in which it is in but does have legal access to a public or private road. The lot in all ways except frontage meets the requirements of the zone in which it is in.

Floor Area.

Area included within surrounding walls of a building or portion thereof exclusive of vents, shafts, and courts.

Frontage.

All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street, which it intercepts.

Garage, Private.

An accessory building designed or used for the storage of not more than four (4) vehicles owned and used by the occupant of the building to which it is accessory, provided that on a lot occupied by a multiple dwelling, the private garage may be designed and used for storage of two (2) times as many vehicles as there are dwelling units in the multiple dwelling. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common.

Garage, Public.

A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

Garden, Home.

The growing of fruit and/or vegetables for consumption by the residents where the garden is located. This also includes flower gardens that the residents may wish for the growing of flowers for their use and enjoyment.

General Retail:

Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include:

antique/ second hand/ vintage goods stores
art galleries, retail
art supplies, including framing services
artisan shops
auto parts (not including installation services)
bakery (all production in support of on-site sales)
bicycles and mopeds
books, magazines, and newspapers
clothing, shoes, and accessories
collectibles (cards, coins, comics, stamps, etc.)
department stores
dollar store
drug stores and pharmacies
dry goods
electronic/ phone service
fabrics and sewing supplies
florists and houseplant stores (indoor sales only - outdoor sales are "Plant Nurseries")
furniture, home furnishings, and equipment
gift and souvenir shops
hardware
hobby materials
jewelry
luggage and leather goods
medical supplies
musical instruments, parts, and accessories
pet stores
religious goods
small wares
specialty shops
sporting goods and equipment
stationery
toys and games
variety stores

Governing Board.

The elected legislative body of the Town of Leeds.

Grade - lots of one (1) acre or less.

- a. For buildings adjoining one (1) street only, the elevation of the ground (finish grade) or sidewalk at the center of the wall facing the street.
- b. For buildings adjoining more than one (1) street, the average of the elevations of the ground or sidewalks at the center of all walls facing the streets.

Grade - lots greater than one (1) acre.

The average elevation of the building site prior to any grading, excavation, or fill.

Hazardous.

Any building, land use, event, activity, chemicals, animal, business or other item that may be harmful to the health, safety, or welfare of the property owners or residents of Leeds.

Hazardous use.

The using, conducting of activities or distribution of any hazardous items.

Historical Building or Historical Structure.

Any building or structure, which the Planning Commission and Town Council find, meets the following standards:

- a. On any State or Federal Historical Registry.
- b. The building or structure is associated with events that have made a significant contribution to the broad patterns of our history.
- c. The building or structure is associated with the lives of persons significant in our past.
- d. The building or structure embodies distinctive characteristics of type, period, or method of construction, whether it represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components may lack individual distinction.
- e. The building or structure has yielded, or may be likely to yield, information important in prehistory or history.

Home Occupation.

Any use conducted within a dwelling, or on a residential lot and carried on by persons residing in the dwelling unit, occupying no more than twenty-five (25) percent of the dwelling unit, or residential lot, which is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and does not change the character thereof, and in connection with which there is no display, nor stock in trade.

Hospital.

Institution for the diagnosis, treatment and care of human illness or infirmity, including sanitariums and clinics.

Hotel.

A building designed or occupied as the more or less temporary abiding place of fifteen (15) or more individuals who are, for compensation, lodged, with or without meals, and

in which no provision is, made for cooking in any individual room or suite. Individuals may not reside at this location for more than thirty (30) days in any one twelve (12) month period.

Household Pets.

Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs or cats, etc. to constitute a kennel as defined in this Ordinance.

Improvement Standard.

A specific requirement imposed by this Ordinance in relation to the installation, modification or removal by the subdivider of a street, sidewalk, utility, well, tree, storm drain, or other facility as necessary for the general use by the owners of the subdivision and local neighborhood.

Joint Utility Committee.

A committee comprised of representatives of the Town of Leeds and providers of utility services to the Town of Leeds, including, but not limited to, representatives of the sewer authority, culinary water authority, irrigation water authority, Leeds Area Special Service District, power provider, natural gas provider and telecommunications providers.

Kennel.

The keeping of five (5) or more dogs or five (5) or more cats, which are at least six (6) months old.

Large Animals.

Animals kept as pets or for family food production or recreational purposes, such as horses, donkeys, cattle, goats, sheep, pigs, alpaca, and llamas.

Livestock Feed Yard.

A commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement, and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale.

Lodging House.

A multiple-family dwelling where lodging only is provided for compensation to persons related or unrelated.

Lot.

A parcel of land occupied or to be occupied by a main building, or group of buildings (main and accessory), together with such yards, open spaces, lot width and lot area as are required by this Ordinance and having frontage upon a street

Lot, Corner.

A lot abutting on two (2) intersecting or intercepting streets, where the interior angle or intersection or interception does not exceed one hundred thirty-five (135) degrees.

Lot, Interior.

A lot other than a corner lot.

Manufactured/Mobile Home.

A detached, single-family dwelling unit of not less than thirty-two (32) feet in length, designed for long-term occupancy, and to be transported on its own wheels or on flatbed or other trailers or detachable wheels; containing a flush toilet, sleeping accommodations, a tub or a shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems, and ready for occupancy except for connections to utilities and other minor work. Pre-sectionalized, manufactured, modular, or prefabricated houses not placed on a permanent foundation shall be regarded as mobile homes; If placed upon a permanent foundation, such structures which meet all applicable building and housing codes shall not be considered as mobile homes, but shall be regulated as conventional housing; and double wide mobile homes which are placed on permanent foundations which meet all applicable building and housing codes, and contain at least one thousand (1,000) square feet of floor space shall be regulated as conventional housing.

Map, Final.

~~Final Map shall mean a final map prepared in accordance with the provisions of this Ordinance which map is designed to be placed on record in the office of the Town Clerk.~~

Map, Preliminary.

~~Preliminary map shall mean a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it. Such map need not be based upon an accurate or final survey of the property. The preliminary map is essentially a study plan which, when approved, will serve as a basis for the preparation of the final map.~~

Merger.

The joining of two (2) or more contiguous parcels of land under one (1) ownership into one (1) parcel.

Mobile Home Park.

A space designed and approved by the Town of Leeds for occupancy by mobile homes, to be under single ownership (including corporation) or management, and meeting all requirements of the Land Use Ordinance and Mobile Home Park Ordinance for mobile home parks.

Mobile Homes Subdivision.

A subdivision designed and intended for residential use where lots are to be individually owned or leased, and occupied by mobile homes exclusively.

Modular Home.

A permanent dwelling structure built in prefabricated units, which are assembled and erected on the site, or at another location and brought as a unit to the site; said modular home is classed as a mobile home until it is placed on a permanent foundation and complies with all governing building codes.

Motel.

A group of attached or detached buildings containing individual sleeping rooms designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit. Lodgers may not reside at this location for more than thirty (30) days in any twelve (12) month period.

Natural Waterways.

Those areas, varying in width, along streams, creeks, springs, gullies, or washes, which are natural drainage channels as determined by the Town Engineer, in which areas no building shall be constructed.

Neighborhood Grocery:

A grocery store not exceeding 20,000 square feet in gross floor area.

Nonconforming Building or Structure.

A building, structure, or portion thereof, lawfully existing at the time this Ordinance became effective, which does not conform to all the height, area, and yard regulations herein prescribed in the zone in which it is located.

Nonconforming Use.

A use, which lawfully occupied a building or land at the time this Ordinance became effective and which does not conform to the use regulations of the zone in which it is located.

Nursing Home.

An institution providing long-term residence and care for the aged and infirm.

Obstruction.

A physical barrier that impedes or restricts a clean view of a person or object.

Parking Lot.

An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use.

Parking Space.

Space within a building, lot, or parking lot for the parking or storage of one (1) automobile.

Preliminary Plat:

Private Road.

A roadway to provide access to two (2) or more dwellings and owned, installed and maintained by one or more private citizens or association, which use the private road as access to dwellings, commercial buildings or other facilities. Private Road as defined does not satisfy frontage requirement.

Recreational Vehicle.

A vehicle such as recreational trailer, tent camper trailer, truck camper, travel trailer, camp car, or other vehicle with or without motive power designed and or constructed to travel on public thoroughfares in accordance with provisions of the Utah Vehicle Code, and designed for human habitation.

Recreational Vehicle Park.

Any area, tract of land, land/or a separate designated section within a mobile home park where lots are rented or held for rent to one or more owners or users of recreational vehicles. Ten percent (10%) of all spaces must be set aside for short term guests, not to exceed one (1) month. Fifty percent (50%) of the total spaces may be full time rentals/lease. May be designated together with Mobile Home Park as "Park."

Remainder.

That portion of an existing parcel which is not included as part of the proposed subdivision. The remainder is not required as part of the subdivision but must be shown on the required maps as part of the area surrounding the subdivision development.

Roomer.

One who occupies a hired room in another's house.

Restaurant:

Any business establishment where a variety of food is prepared and complete meals are served to the general public, located on premises having adequate culinary fixtures for food preparation and dining accommodations, and that is engaged primarily in serving meals to the general public.

Salvage Yard.

Any place, establishment or business maintained, used or operated for storing, keeping, buying, selling, recycling, or for the maintenance or operation of an automobile graveyard.

School.

Any building used primarily for the general education of minors including nursery schools, infant daycare centers, or trade or technical schools.

Sign.

Any device used for visual communication to the general public and displayed out-of-doors, but not including any flag, badge or ensign of any governmental agency.

Sign, Advertising.

A sign which directs attention to a use, product, commodity, or service unrelated to the premises.

Sign, Business.

A sign which directs attention to a use conducted, product or commodity sold, or service performed upon the premises.

Sign, Identification.

A sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses located upon the premises.

Sign, Name Plate.

A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises

Sign, Property.

A sign related to the property on which it is located and offering such property for sale or lease, or advertising contemplated improvements, or announcing the name of the builder, owner, designer, or developer of the project, or warning against trespassing.

Sign, Public Information.

A sign erected by a public or non-profit agency, service club, etc., giving information to direct the public to both public and private facilities and major uses.

Sign, Temporary.

Temporary signs shall include any sign, banner, pennant, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a short period of time only.

Small Animals.

Animals kept as pets or for family food production, or recreational purposes such as dogs, cats, rabbits, and fowl.

Sports Court, Private:

Any hardscape area or artificial turf area constructed for a tennis court, handball court, pickleball court, basketball court and other outdoor activity areas usually enclosed with a chainlink fence. Fences around sports courts in residential zones may be constructed to a height greater than six feet in height subject to conditional use approval by the planning commission. A fence up to 10 feet in height is allowed only under the following conditions:

- The fence surrounds a swimming pool, tennis court or playing field; and
- The fence is 80% open; and
- The fence is not located in the front yard; and
- A building permit is obtained for any fence over seven feet in height.

Stable, Private.

A detached accessory building or structure for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale. A private stable is the building only and does not imply that horses are allowed.

Stable, Public.

Any stable (building or structure) where horses are boarded and/or kept for hire. A public stable is the building only and does not imply that horses are allowed.

Story.

The space within a building included between the surface of any floor and the surface of the ceiling next above.

Story, Half.

A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls do not extend more than four (4) feet above the floor of such story, and that ceiling area of which does not exceed two-thirds (2/3) of the floor area of the same half story.

Street.

A public thoroughfare which affords principal means of access to abutting property, and is more than twenty-six (26) feet wide.

Structure.

Anything constructed or erected, which required location on the ground or attached to something having a location on the ground.

Structural Alteration.

Any change in supporting members of a building, such as bearing walls, columns, beams or girders.

Subdivider.

Subdivider shall mean any individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity, commencing to affect a subdivision for him or for another.

Subdivider's Authorized Representative.

Subdivider's Authorized Representative shall mean any person who has been designated by the subdivider, in writing, which designated has been filed with the Planning Commission as the authorized person to represent the subdivider.

Subdivision:

Includes the division of land whether by deed, metes and bounds description, devise and testacy, lease, map plat, or other recorded instrument; and division of land for all

residential and nonresidential uses, including land used or to be used for commercial, agricultural, and other purposes.

Temporary Use (for Recreational Vehicles).

Overnight parking, twenty-four (24) hour camping in approved areas, or as otherwise defined by the Town Council.

Through Lot.

A lot having frontage on two (2) streets which are parallel or nearly so.

Trailer Camp or Mobile Home Park.

Any area or tract of land used or designed to accommodate two (2) or more trailers, mobile homes, or camping parties.

Transparent Material.

Any material used for fencing or other purposes consisting of mesh, chain link, rail, or other unobstructed material.

Use, Accessory.

A subordinate use customarily incidental to and located upon the same lot occupied by a main use.

Veterinary or Animal Hospital.

A building and runs where both large and/or small animals are kept and/or treated by a licensed veterinarian.

Wall.

A masonry fence around a property or a portion of a property; the solid side of a structure or building.

Width of Lot.

The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

Yard.

A space on a lot other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

Yard, Front.

A space on the same lot with a building, between the front line of the building (exclusive of steps) and the front lot line, and extending across the full width of the lot.

Yard, Rear.

A space on the same lot with a building, between the rear line of the building (exclusive of steps and chimneys) and the rear line of the lot and extending the full width of the lot.

Yard, Side.

A space on the same lot with a building, between the side line of the building (exclusive of steps or open stairways) and the side line of the lot and extending from the front yard line to the rear yard line.

Zone.

Synonymous to District.

1.7. LAND USE AUTHORITY.

The Land Use authority for Leeds is the Town Council on all matters except those identified in this Ordinance as being the responsibility of others.

1.8. BUILDING PERMIT REQUIRED.

Any new construction or major alterations shall not be commenced or proceeded with except after the issuance of a written building permit by the Leeds Town designee. Work not started within one (1) year will require a new permit. Building permits shall not be issued without an approved water hook-up where applicable.

1.9. INSPECTIONS.

The Leeds Building Inspector is hereby designated and authorized as the officer charged with the enforcement of this Ordinance related to all building and construction matters. The Leeds Town Council, by Resolution or Ordinance, may designate and authorize a Town Enforcement Officer to enforce this Ordinance.

1.10. PERMITS TO COMPLY WITH ORDINANCE.

From the time of the effective date of this ordinance, the Leeds Building Inspector shall not grant a permit for the construction or alteration of any building or structure or the moving of a building or structure onto a lot, if such a building or structure would be in violation of any of the provisions of the Ordinance nor shall any Town officer grant any permit or license for the use of any building or land if such use would be in violation of this Ordinance.

1.11. TAKING – CONSTITUTIONAL TAKINGS REVIEW AND APPEAL.

To promote the protection of private property rights and to prevent the physical taking or exaction of private property without just compensation, the Town Council and all Commissions and Boards shall adhere to the following before authorizing the seizure or exaction of Property:

1.11.1. Taking Review Procedure.

Prior to any proposed action to exact or seize Property, the Town Attorney shall review the proposed action to determine if a constitutional taking requiring “just compensation” would occur. The Town Attorney shall review all such matters pursuant to the guidelines established in subsection 1.11.2 below. Upon identifying a possible constitutional taking, the Town Attorney shall, in a confidential, protected writing, inform the Council, Commission or Board of the possible consequences of its action. This opinion shall be advisory only. No liability shall be attributed to the Town for failure to follow the recommendation of the Town Attorney.

1.11.2. Taking Guidelines.

The Town Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article 1, Paragraph 22 of the Utah Constitution. The Town Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The Town Attorney shall also determine whether the action deprives the private Property Owner of all reasonable use of the Property. These guidelines are advisory only and shall not expand nor limit the scope of the Town’s liability for constitutional taking.

1.11.3. Appeal.

Any Owner of private property who believes that his/her property is proposed to be “taken” by an otherwise Final Action of the Town may Appeal the Town’s decision to the Takings Appeal Board within thirty (30) days after the decision is made. The Appeal must be filed in writing with the Town Recorder. The Takings Appeal Board shall hear and approve and remand or reject the Appeal within fourteen (14) calendar days after the Appeal is filed. The Takings Appeal Board, with advice from the Town Attorney shall review the Appeal pursuant to the guidelines in subsection 1.11.2 herein. The decision of the Takings Appeal Board shall be in writing and a copy given to the appellant and to the Town Council, Commission or Board that took the initial action. The Takings Appeal Board’s rejection of an Appeal constitutes exhaustion of administrative remedies rendering the matter suitable for appeal to a court of competent jurisdiction.

1.11.4. Takings Appeal Board.

There is hereby created a three member Takings Appeal Board. The Mayor shall appoint three (3) current members of the Board of Adjustment to serve on the Takings Appeal Board. If, at any time, three (3) members of the Board of Adjustment cannot meet to satisfy the time requirements stated in subsection

1.11.3 above, the Mayor shall appoint a member or sufficient members to fill the vacancies

1.12. POWER AND DUTIES OF BUILDING INSPECTOR.

It shall be the duty of the Leeds Building Inspector or designee to inspect or cause to be inspected all buildings in course of construction or repair. The Leeds Building Inspector shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration and use fully conform to all zoning and code regulations then in effect.

1.13. ENFORCEMENT OFFICER.

The Leeds Enforcement Officer shall enforce all of the provisions of this Ordinance, entering actions in the court when necessary, and his failure to do so shall not legalize any violation of such provisions. The Leeds Enforcement Officer will report to the Town Council on all actions he initiates, resolves, or that may become court actions.

1.14. CHANGES AND AMENDMENTS.

1.14.1. General Changes.

This Zoning Ordinance, including the maps, may be amended from time to time by the Leeds Town Council after ten (10) days notice by publishing in a local newspaper and posting in three (3) places in Town or posting on the Town's Website. The Town Council may hold a public hearing on the proposed amendments. All proposed amendments shall be first proposed by the Leeds Planning Commission or shall be submitted to the Leeds Planning Commission for its recommendation. If the changes were made by the Town Council they shall be returned to the Planning Commission for consideration and recommendation. The amendment shall be returned to the Town Council within sixty (60) days at which time a final decision can be made by the Town Council. The Leeds Planning Commission shall hold a public hearing after giving proper notices as stated above. The Leeds Planning Commission shall recommend the amendments to the Land Use Ordinance and/or the Zoning Map to the Town Council. The Leeds Town Council may overrule the Leeds Planning Commission's recommendation by a majority vote of its members. It shall be expressly recognized by all applicants seeking an amendment to this Land Use Ordinance and/or the Zoning Map that rezoning applications are discretionary Legislative decisions.

1.14.2. Required Changes.

The Leeds Land Use Ordinance and/or Zoning Maps should be amended as a minimum when:

- 1.14.2.1. The General Plan changes in such a way that it affects the Land Use Ordinance.
- 1.14.2.2. Every five (5) to seven (7) years.
- 1.14.2.3. The State Codes change, which affect the Land Use Ordinance and/or the Zoning Map.
- 1.14.2.4. An application for a zoning change is submitted and the amendment is approved by the Town Council.
- 1.14.2.5. The Town of Leeds annexes additional property.
- 1.14.2.6. Minor omissions or typographical errors have been collected in sufficient numbers that the document should be revised to provide clarity.

1.15. PENALTIES.

Any person, firm or corporation whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this Ordinance shall be guilty of a Class B misdemeanor and subject to a separate fine equal that set forth in the Uniform Bail Schedule for Washington County. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continues or is permitted by such person, firm or corporation.

1.16. SEVERABILITY.

1.16.1. It is hereby declared to be the legislative intent that the provision of this Ordinance shall be severable in accordance with the provisions set forth below:

1.16.1.1. If any provision of this Ordinance is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

1.16.1.1.1. The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid;

1.16.1.1.2. Such decisions shall not affect, impair or nullify this Ordinance as a whole or any part thereof, but the rest of this Ordinance shall continue in full force and effect.

1.17. FEES.

Fees may be charged applicants for building, occupancy, conditional use permits and Planned Unit Development, Planning Commission and Board of Adjustment hearings, and other services as are required by this Ordinance to be performed by public officers or agencies. Such fees shall be established by the Leeds Town Council and be in amount reasonably needed to defray costs to the public

1.18. NOTICES.

Each applicant seeking approval of any Land Use request shall be provided notice of all public hearings and public meetings where their Land Use request will be considered. Applicant notice shall be provided by any means reasonable a minimum of twenty-four (24) hours prior to the actual meeting or hearing. The notice is not required for Town staff meetings. The applicant is responsible for the cost of providing the notice and may be required to provide stamped and addressed envelopes. Notices required associated with subdivisions and Land Use Ordinance changes will be provided to those property owners within three hundred (300) feet of the affected property. The applicant will be responsible for the cost of these notices and will provide stamped addressed envelopes as well as other related costs. These costs are in addition to the Leeds Standard Fee Schedule.

