

1. 1.1.6 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. 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.

1. **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.
2. **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.
3. **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.
4. **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.
5. **Alley.** A public thoroughfare twenty-six feet or less in width no part of which shall be less than twelve (12) feet in width.
6. **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.
7. **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.
8. **Apartment Hotel.** Any building which contains dwelling units and also satisfies the definition of a hotel, as defined in this Ordinance.
9. **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.
10. **Apartment House.** See dwelling, multiple family.
11. **Apartment Court.** Any building or group of buildings which contain dwelling units; see Dwelling, Group, in this Ordinance.
12. **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.

13. **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.
14. **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 .
15. **Building.** Any structure used or intended to be used for the shelter, or enclosure of persons, animals, or property.
16. **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.
17. **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.
18. **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.
19. **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.
20. **Casita.** A casita means an attached accessory building, providing living quarters for the use of guests, residential employees or family members of the owner-occupied premises. The unit may not be rented or otherwise used as a separate dwelling unit unless all the zoning requirements for a secondary dwelling unit are met including setbacks and required parking. A casita shall be made to look like one residence, attached by a common wall or roof structure. A casita shall not exceed 800 square feet.
21. **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.
22. **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.
23. **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.
24. **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.
25. **Cluster Dwelling.** The locating of multiple dwellings in close proximity to each other while maintaining the density requirement of the zone.
26. **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.
27. **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 Permit).

28. **Condominium.** Attached dwelling that shares at least one wall with adjacent properties, and that has a separate entrance. Condominium owners own the interior only, not the exterior or land upon which the dwelling sits.
29. **Conversion.** The creation of separate ownership of existing real property together with a separate interest in space of residential or commercial buildings.
30. **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.
31. **Dairy.** A commercial establishment for manufacture or processing of dairy products.
32. **Development Agreement.** A written agreement or amendment to a written agreement between a municipality and one or more parties that regulates or controls the use or development of a specific area of land. Development agreement does not include an improvement completion assurance.
33. **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.
34. **Domestic Animals & Fowl.** Animals and fowl including the following: horses, cattle, sheep, pigs, goats, chickens, and pigeons.
35. **Dormitories.** Any building arranged or designed for two (2) or more dwelling units and with three (3) or more sleeping rooms per unit.
36. **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.
37. **Dwelling.** Any building or portion thereof, which is designed for use for residential purposes, except the following: hotels, apartment hotels, boarding houses, lodging houses, motels, apartment motels, fraternities, sororities, trailers, mobile homes, or dormitories.
38. **Dwelling, 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.
39. **Dwelling, 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.
40. **Dwelling, 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.
41. **Dwelling, 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.
42. **Dwelling, 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.
43. **Dwelling, Group.** Two (2) or more dwelling structures occupying the same lot and having yards and open spaces in common.

44. **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.
45. **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 Town Code. The term includes, but is not limited to a casita, guesthouse or mother-in-law apartment/suite.
46. **Dwelling Unit, Internal Accessory (Internal ADU).** An accessory dwelling unit created within a primary dwelling, within the footprint of the primary dwelling for the purpose of rentals of at least 30 consecutive days in duration.
47. **Dwelling Unit, Primary.** A single-family dwelling that is detached and is occupied as the primary residence of the owner on record. It includes a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall.
48. **Dwelling Unit, Single-family.** A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit. Synonymous with single-family home.
49. **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. Synonymous with two-family home.
50. **Engineer.** Engineer shall mean a Utah state licensed engineer or surveyor hired by the subdivider to prepare a final plat 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.
51. **Engineer, Town.** Town Engineer shall mean the Town Engineer or a licensed 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.
52. **Exotic Animals.** Animals not listed under Small or Large Animals.
53. **Farming.** Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.
54. **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.
55. **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.
56. **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.
57. **Floor Area.** Area included within surrounding walls of a building or portion thereof exclusive of vents, shafts, and courts.
58. **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.

59. **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.
60. **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.
61. **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.
62. **Geologic Hazards.** Geologic conditions that present a risk to life or health, substantial loss or damage to property, or damage to the environment. Geologic hazards recognized by the Utah Geological Survey include, but are not limited to:
 - A. Hazards resulting from earthquakes, including earth movement, liquefaction, surface fault rupture, and tectonic subsidence
 - B. Flood zones
 - C. Slope-related instability, including debris and rock fall, landslides, and avalanches
 - D. Collapsible soils
 - E. Expansive soils and rock, including bentonite clay
 - F. Gypsiferous soil and rock
 - G. Shallow bedrock
 - H. Breccia pipes and paleokarst
 - I. Caliche
 - J. Wind-blown sand
 - K. Volcanic activity
 - L. Radon gas
63. **Governing Board.** The elected legislative body of the Town of Leeds.
64. **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.
65. **Grade – lots greater than one (1) acre.** The average elevation of the building site prior to any grading, excavation, or fill.
66. **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.
67. **Hazardous use.** The using, conducting of activities or distribution of any hazardous items.

68. **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.

69. **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.

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

71. **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.

72. **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.

73. **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.

74. **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.

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

76. **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.

77. **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.

78. **Lodging House.** A multiple-family dwelling where lodging only is provided for compensation

to persons related or unrelated.

79. **Lot.** For purpose of Chapter 23 Mixed-Use Zone and subdivisions approved that are located on property zoned MU, "lot" means a tract of land regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder. For all other provisions of this Ordinance, "lot" means a lot or 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.
80. **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.
81. **Lot, Interior.** A lot other than a corner lot.
82. **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.
83. **Merger.** The joining of two (2) or more contiguous parcels of land under one (1) ownership into one (1) parcel.
84. **Mixed-Use:** Areas near single-family residential neighborhoods with a mix of single-family, townhome, and medium density multiple-family residential development, as well as limited neighborhood retail within a pedestrian/bicyclist friendly environment.
85. **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.
86. **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.
87. **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.
88. **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.
89. **Multi-Use Planned Development:** An area of land, under unified control, master planned for development of a mix of residential and commercial land uses in the Mixed-Use Zone that are internally complementary and are compatible with and complement surrounding land uses by utilizing effective site, structure, circulation and landscaping design in a coordinated manner. For

an annexed area that is assigned the MU Zone, the annexed area combined with contiguous land, including land connected by a public road, that has the MU Zoning designation shall have its Multi-Use Planned Development approved by an annexation and development agreement at the same time the area is annexed into the Town.

90. **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.
91. **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.
92. **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.
93. **Nursing Home.** An institution providing long-term residence and care for the aged and infirm.
94. **Obstruction.** A physical barrier that impedes or restricts a clean view of a person or object.
95. **Parcel.** Any real property that is not a lot.
96. **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.
97. **Parking Space.** Space within a building, lot, or parking lot for the parking or storage of one (1) automobile.
98. **Plat, Final.** A map of a subdivision, required of all subdivision of land, which is prepared for final approval and recordation, which has been accurately surveyed, so that streets, alleys, blocks, lots and other divisions thereof can be identified; such plat being in conformity with ordinances and codes of the Town of Leeds and the municipal land use development and management act set forth in Utah Code Annotated Title 10.
99. **Plat, Preliminary.** The initial map of proposed land division or subdivision required for the subdivision process.
100. **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.
101. **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.
102. **Recreational Vehicle Park.** Any area, tract of land, land/or a separate designated section within a mobile home park where spaces 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."
103. **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.
104. **Retail Commercial Uses:** The provision of goods, wears and merchandise to the general public. Retail commercial does not include the provision of professional offices or other services.
105. **Roomer.** One who occupies a hired room in another's house.

106. **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.

107. **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.

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

109. **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.

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

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

112. **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.

113. **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

114. **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.

115. **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.

116. **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.

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

118. **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.

119. **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.

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

121. **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.

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

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

124. **Structural Alteration.** Any change in supporting members of a building, such as bearing walls,

columns, beams or girders.

125. **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.
126. **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.
127. **Subdivision.** "Subdivision" means any land that is divided, subdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
 - A. Subdivision includes:
 1. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
 2. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
 - B. Subdivision does not include:
 1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
 2. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended) if no new parcel is created;
 3. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels or joining a lot to parcel;
 4. A joining of one or more lots to a parcel;
 5. A road, street, or highway dedication plat; or
 6. A deed or easement for a road, street, or highway purpose.
128. **Subdivision Review Committee.** An Administrative Land Use Authority that reviews and approves final subdivision applications for subdivisions containing single-family homes, two-family homes and/or townhomes.
129. **Temporary Use (for Recreational Vehicles).** Overnight parking, twenty-four (24) hour camping in approved areas, or as otherwise defined by the Town Council.
130. **Through Lot.** A lot having frontage on two (2) streets which are parallel or nearly so.
131. **Townhome.** Attached dwelling that shares at least one wall with adjacent properties, and that has a separate entrance. Townhome owners own the interior, exterior, and the land upon which their dwelling sits.
132. **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.

133. **Transparent Material.** Any material used for fencing or other purposes consisting of mesh, chain link, rail, or other unobstructed material.
134. **Use, Accessory.** A subordinate use customarily incidental to and located upon the same lot occupied by a main use.
135. **Veterinary or Animal Hospital.** A building and runs where both large and/or small animals are kept and/or treated by a licensed veterinarian.
136. **Wall.** A masonry fence around a property or a portion of a property; the solid side of a structure or building.
137. **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.
138. **Yard.** A space on a lot other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.
139. **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.
140. **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.
141. **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.
142. **Zone.** Synonymous to District.

1.1.7 Land Use Authorities

1. The Administrative Land Use Authority for the review and approval of preliminary and final single-family, two-family, and townhome (STT) subdivision applications and improvement plans, is the Planning Commission and the Subdivision Review Committee (SRC), respectively. The Administrative Land Use Authority does not include a municipal legislative body or a member of a municipal legislative body. Certain responsibilities of the Administrative Land Use Authority may be delegated to qualified staff or licensed engineers where specified elsewhere in the Land Use Ordinance.
2. The Legislative Land Use Authority is Town Council on all other land use matters, including approval of non-STT subdivision applications and improvement plans.

4.1.18C.6 Lighting Hours

1. Commercial establishments shall turn off all customer-facing outdoor lighting one hour after the close of business, and it shall remain off until the business opens, except for the following:
 1. Commercial establishments located in Commercial, Mixed Use or Village Commercial zones may leave all compliant outdoor lighting on until 10:00 p.m. or until one hour after the close

of business if the business closes after 10:00 p.m.

2. Compliant lighting to illuminate the entrance to the commercial establishment.
3. Compliant parking lot and pathway lighting required for the safety of guests or customers.
4. Lighting for deliveries or other business operations after the close of business.
2. Recreational lighting (residential and commercial) shall be turned off by 10:00 p.m. except to conclude a specific sporting event that is underway.
3. All legal, nonconforming lighting on residential properties shall be turned off by 10:00 p.m. unless exempt.
4. Commercial establishments located in Commercial or Village Commercial zones shall turn off all illuminated signage by 10:00 p.m., or one hour after close of business, whichever is earlier, and remain off until the business opens. All other commercial establishments shall turn off all illuminated signage one hour after the business closes and shall remain off until the business opens.

6.1.8 Number of Parking Spaces

The number of off-street parking spaces required shall be as follows:

...

3. Residential Parking Area.

1. The number of off street parking spaces required for residential development shall be as follows:
 1. Single-family dwelling and two-family dwelling units shall have two fully enclosed garage parking spaces per dwelling unit, unless the expansion or addition is less than 50% of the square footage of the existing home, or the garage would impose upon existing setbacks. New homes refer to Chapter 4.7.
 2. If an existing garage is to be turned into living space, a building permit will be required, and additional garage space must be provided elsewhere on the property.
 3. All other dwellings, including townhomes and condominiums, shall have two (2) parking spaces per dwelling unit, at least one of which shall be fully enclosed. No street parking shall be counted toward meeting the parking requirement. Tandem parking shall not count toward the parking requirement. No parking area shall be located within the required front setback facing a public street. All parking shall be on site.
 4. 6.4.3.1.4. Parking for all dwelling units must also comply with paragraph 6.8 "Residential Parking."

21.1.1 General

1. Purpose. The purpose of this Subdivision Ordinance is to comply with Utah State Code, amplify the Leeds General and Zoning Plans, and to set forth detailed regulations that will

ensure that Leeds develops into the attractive, safe, well-planned residential area that the residents desire as detailed in our General Plan.

2. Background. It is the desire of Leeds residents to have as few regulations as possible but still have a beautiful town in which to live. Areas that detract from, rather than add to Leeds' attractiveness, can for the most part be dealt with through the doctrines of "nuisance"; however, it is necessary to have some regulations so that housing will be safe and achieve the long range plan the residents of Leeds have formulated in the General Plan.
3. This Ordinance, therefore, has been written mainly to ensure that anyone desiring to develop a subdivision will be required to meet the Leeds Standard Specifications for Design and Construction. In addition, developers will be held responsible for providing the necessary potable water, sewage disposal, drainage, streets, public areas, etc., so that the development will not later become a problem for the Town of Leeds ("Town"). If a conflict exists between this Ordinance and the Leeds Standard Specifications for Design and Construction the more stringent requirement will prevail.
4. The Town uses a separate review process for single-family, two-family, and townhome (STT) subdivisions versus other types of subdivisions, although the application requirements for both categories of subdivisions are shared. Except for a Multi-Use Planned Development in the MU Zone, a proposed development contains building products of both an STT subdivision and non-STT subdivision, then the project will be reviewed using the non-STT subdivision process.

21.1.3 Land Use Authority And Appeal Authority For Single-Family Dwellings, Two-Family Dwellings And Townhome (STT) Subdivisions

21.1.3 Performance Bonds

...

9. Notwithstanding any other provision or this Section or Section 21.1.4, if the developer's improvements for the subdivision are being funded by municipal bonds issued by a special district, the security for the improvement completion assurance and improvement warranty shall be governed by Section 10-9a-604.5 Utah Code and agreements approved by issuer's bond counsel and by the Town attorney for Town improvements, and counsel for the other governmental entities for their respective improvements. I

23 Mixed-Use Zone

23.1.1 PURPOSE

1. Specified: The purposes of the mixed-use zone (MU) are to:

1. Provide for a mix of single-family, townhome, two-family, three-family, and four-family residential uses, together with appropriate scale, compatible commercial development, limited to projects of thirty (30) acres or larger, to serve the nearby neighborhood areas and the Town. The thirty (30) acre limit does not apply to property that is already zoned as mixed-use prior to the effective date of this chapter.

2. Through a Multi-Use Planned Development approval process set forth in Section 23.1.18, designate appropriate areas for each of the uses identified in subsection 23.1.5 of this Chapter that may be included in the development in relationship to existing housing, roadways and interchanges.

3. Provide for the creation of developments that combine village scale residential and complementary retail that can serve as the center for surrounding residential neighborhoods.

4. Provide standards for site design, architecture, landscaping and circulation that are representative of the Town of Leeds rural agricultural heritage and encourage walking and bicycling for recreation and daily errands.

5. Provide for medium density residential development, where appropriate, to serve as a buffer between single-family and commercial development.

6. Preserve the residential character of Main Street and protect residential uses within and adjacent to MU zones.

7. Integrate the Town's Master Transportation Plan with internal traffic circulation and pedestrian pathways to ensure public safety.

2. Intent; Character: The mixed-use zone is intended to be used for developments of thirty (30) acres or larger that incorporate a generous mix of uses as described above. The character of the areas of Leeds in which the MU zone may be applied will differ depending on the size and location of the parcel proposed to be rezoned. While the MU zone may be applied to a property through a zoning request, the appropriate locations, proportions and mix of residential and nonresidential uses will be determined for each MU zoned area through a Multi-Use Planned Development approval process, as set forth in Section 23.1.18, in order to ensure that the purposes of the MU zone are met.

3. Notwithstanding other provisions of the Town's land use regulations, references to "multiple-family", "multiple family", "multi-family", "multifamily" or similar concepts in the land use regulations do not apply to residential uses in the Mixed-Use Zone. This Chapter and the development agreement approved, pursuant to this Chapter, solely govern the residential uses, including the density, configuration, and approval process.

23.1.2 Conflicts. This chapter provides additional provisions to those set forth in the other chapters of this title. In the event of conflict between other provisions of this title and this chapter, the provisions of this chapter shall apply.

23.1.3 Attainable Housing.

1. Minimum Requirement: Developers must provide or set aside dwelling units equal in number to at least ten percent (10%) of the total number of dwelling units approved for the development for attainable housing as provided in the development agreement required by Section 23.1.18; unless, at the sole discretion of, and by agreement with the Town, the developer provides:

1. Open space;
2. A fee in lieu thereof determined in consideration of factors set forth in Town code; or
3. Some other public benefit;
4. A combination of 1, 2, and 3 above.

2. Exemption: Subdivisions resulting in two (2) or fewer additional dwelling are exempt from the minimum attainable housing requirements of this Section.

3. Additional Dwelling Units: The Town may approve additional dwelling units than what is conventionally allowed in the underlying zone as an incentive to a developer to provide attainable housing as defined.

23.1.5 Allowed Uses. The MU zone provides for a broad variety of land uses. The purpose of the MU zone is to provide for a mix of uses rather than a single type of use. The specific uses that will be allowed in an MU zoned area will depend on the location and character of the property to be zoned, the mix and intensities of the uses proposed, and on the character of the surrounding neighborhoods and land uses and will be determined through the review and approval of a multi-use planned development.

1. A. Specified: Among the permitted uses that may be considered for approval as part of the development agreement required under the Multi-Use Planned Development approval pursuant to Section 23.1.18 are the following:

Agriculture.

Athletic or tennis club.

Bed and Breakfast.

Business and professional offices.

Church, temple, synagogue or other place of worship.

Convenience store (sale of grocery items, nonprescription drugs, no gasoline sales).

Daycare, preschool.

Financial institutions.

Fitness center.

Four-family dwellings.

Funeral home.

Home occupations as identified in Town code.

Medical or dental clinic.

Neighborhood grocery store which may include gasoline sales.

Neighborhood service establishments (low impact retail and service uses such as bakery, bookstore,

dry cleaning, hairstyling, coin laundry, pharmacy, art supply/gallery, craft store, photocopy center,
etc.).

Nursing home, convalescent center.

Pet store or pet grooming establishment.

Private school.

Public or quasi-public uses, material additions or modifications on a developed site.

Reception center.

Research services.

Residential facilities for the disabled.

Residential facilities for the elderly.

Restaurant.

Single-family dwellings.

Temporary uses.

Three-family dwellings

Townhomes.

Two-family dwellings.

Uses customarily accessory to a listed use.

2. Commercial and residential dwellings intended for stays less than 30 days are not permitted.

This includes, but is not limited to:

- Bed and Breakfasts
- Hotels
- Motels
- Short-Term Rentals
- Dispersed hotel, including a condo hotel

23.1.6 Impact Analysis Studies.

1. Traffic Impact Analysis: Upon request by the Town when circumstances warrant, an applicant for a Multi-Use Planned Development approval in the MU zone shall provide a thorough traffic impact analysis including parking capacity, prepared by a licensed professional engineer with traffic engineering expertise, which shall be reviewed by the Town engineer. Cost of the analysis, including all reviews and updates, shall be borne by the applicant.

Analysis shall accompany the development agreement.

2. Community And Economic Impact Analysis:

1. Upon request by the Town when circumstances warrant, an applicant for a Multi-Use Planned Development approval in the MU zone shall provide a fiscal impact analysis, prepared by an expert acceptable to the Town. The purpose of assessing community and economic impact is to evaluate the projected benefits and costs to the public and private sectors of the community from the project, and to prescribe mitigation measures, if needed. Cost of the analysis, including all reviews and updates, shall be borne by the applicant.

2. At a minimum the fiscal impact analysis shall include the following:

1. The estimated net impacts and/or benefits to local employment, wages and salaries, retained profits, land values, property taxes and sales taxes.

2. The estimated net impacts of increased local consumer spending.

3. The projected net costs to the Town arising from increased demand for and required improvements to public services and infrastructure.

4. The value of improvements to public services and infrastructure to be provided by the project.

5. The impacts projected to occur because of the development.

3. The developer shall demonstrate the ability to complete the project and to achieve long term financial stability. Final determination of the appropriateness of a particular building use and size will take into account the net benefits and impacts to the development itself, to the surrounding neighborhoods, and to the community as a whole.)

23.1.7 Density and Dimensional Standards.

1. Residential Development: The maximum residential density for development in the MU Zone is 4.25 units to the acre, as measured over all of the acreage in the Multi-Use Planned Development. Townhomes and patio homes shall be configured to each have a two-car garage and each unit shall be located on its own lot. Townhomes shall have no more than eight (8) units connected in one structure.

2. The minimum lot size for development of a single-family dwelling is eight thousand (8,000) square feet. The minimum lot size for a two-family dwelling is twelve thousand (12,000) square feet. The minimum lot size for a three-family dwelling is fourteen thousand (14,000) square feet. The minimum lot size for a four-family dwelling is sixteen thousand (16,000) square feet.

3. Setback and other dimensional standards for residential development in the MU zone are as set forth in the Development Agreement

4. For every two-family dwelling building, three-family dwelling building, and four-family dwelling building approved, the total number of individual family units within the buildings shall be matched by an equal number of single-family dwelling or townhome units.

(Example): A proposed building contains four-family dwelling units under one roof. Then there must be four single-family or townhome dwelling units in the development.

THIS:



REQUIRES THIS:



5. The maximum height for any residential unit is 35 feet above the finished grade. Entirely below grade basements are not allowed; however, walkout basements are permitted where there are terrain constraints. No residential building shall be more than 2 levels, as a level, including any walkout basement area below the finished grade.

6. Nonresidential Development:

1. Maximum Single Building Size:

1. The maximum building footprint for nonresidential structures in areas not abutting major arterial roadways and interchanges shall be seven thousand five hundred (7,500) gross square feet, not exceeding one story in height.

2. In areas abutting major arterial roadways and interchanges, the maximum building footprint shall be ten thousand (10,000) gross square feet per floor with a maximum height of two (2) stories, except as allowed by Subsection (3)9 of this section.

3. In some areas abutting major arterial roadways and interchanges, a single building with a footprint larger than ten thousand (10,000) square feet, but in no case larger than fifty-five thousand (55,000) square feet, may be appropriate. In such areas, a special exception to the ten thousand (10,000) square foot maximum building footprint may be granted in the development agreement, where it can be shown that the overall project and its mix of uses enhance the character of Leeds, protect existing nearby uses, do not overwhelm the surroundings, and will protect and contribute to the health, safety and welfare of the community.

2. Maximum Aggregate Retail Space: The maximum aggregate interior square footage dedicated to retail commercial uses in any one MU zone district shall be limited to one hundred

fifty thousand (150,000) square feet. A special exception to this limitation may be granted where it is shown that exceeding the maximum is necessary to provide adequate retail space to meet the city's needs and general plan objectives:

1. The uses within the project are located in such a manner as to prevent adverse off-site impacts, such as noise, dust and fugitive light.

2. The Planning Commission determines, after consideration of all evidence that the proposed additional retail commercial uses above the one hundred fifty thousand (150,000) square foot limit will not cause any public street adjacent to the project to drop in its level of service from the level of service that would have been reached without the additional retail commercial use or uses; and

3. The Planning Commission determines, after consideration of all evidence, that the proposed additional retail commercial uses above the one hundred fifty thousand (150,000) square foot limit will not have an adverse impact on the long-term fiscal viability of the project.

3. Front Yard: Measured from property line or abutting a public street or a private street edge, no front yard setback is required on local or important local streets. On minor collectors and higher classification streets, the front yard setback is twenty-five feet (25').

4. Side Yards: Measured from face of building perpendicular to abutting property line, are not required except to provide access to parking and deliveries behind a building and as deemed necessary by the fire department for emergency access.

5. Rear Yard: No specified requirements, except that a minimum of thirty feet (30') shall be provided when adjacent to a low-density residential zone. If the rear yard abuts a minor collector or above street in the case of a double frontage lot, the rear yard setback is twenty-five feet (25').

6. Side Yard Corner: Same as front yard.

7. Lot Size: No requirement.

8. Lot Width: No requirement.

9. Building Height: Maximum building height shall not exceed two (2) stories, thirty-five feet (35') maximum. Nonresidential uses allowed through the Multi-Use Planned Development process are limited to single-story buildings or the first floor of multi-story buildings. However, the second story of a building with ground floor retail may be used for offices as well as residential.

23.1.8 Design Standards. The following design standards shall be implemented throughout the mixed-use zone in order to create a cohesive, attractive appearance that is inviting and pedestrian friendly, and which encourages travel by foot, bicycling, and future public transportation, in addition to traditional automobile transport.

1. Site Design:

1. Site design shall specifically encourage pedestrian friendly development by eliminating large block parking areas and encouraging landscaping and amenities which encourage pedestrian activity.

2. For residential uses, side load garages and/or garages set back from the primary front facade of the residence are encouraged.

2. Building Design: The height, size, bulk and arrangement of buildings within the MU zone should be designed to invite pedestrian circulation and offer an attractive streetscape. Building design should complement exterior design and be coordinated throughout the project area.

1. Buildings shall provide a clear visual division between all floors. The top floor of any building shall contain a distinctive finish, consisting of a roof, cornice or other architectural termination.

2. The facade of every residential floor greater than thirty (30) linear feet and visible from a street shall incorporate features designed to provide human scale and visual interest. Compliance can be achieved through balconies, alcoves or wall segments that create at least a two-foot (2') variation in plane for at least ten (10) linear feet for each thirty feet (30') of facade

visible from a street.

3. For nonresidential buildings and the nonresidential floor of mixed-use buildings, approximately fifty percent (50%) of the linear frontage of any wall visible from a street shall incorporate windows, doors or display windows.

4. The sides and back of nonresidential and two-family, three-family, and four-family dwelling buildings shall receive similar architectural treatment as the front facade to include some openings, overhangs, features, decorative lighting, landscaping, etc., as deemed appropriate for its exposure to surrounding areas.

5. Building facades of two-family, three-family, and four-family dwellings shall incorporate colors and materials that are compatible with the neighborhood, including some stone, and shall attempt to screen garage doors from public view. The use of pitched roofs is encouraged.

3. Exterior Materials: Exterior materials shall be durable and require low maintenance, and be of the same or higher quality as surrounding developments, factory finished composite board siding, acrylic stucco (EIFS), standing seam metal roofing, cedar shake shingles, weathering steel, etc.

1. Details of proposed colors and materials, including color chips, samples and colored building elevations, shall be shown on building plans when a development project application is submitted.

2. Reflective surfaces shall not be used in locations which may produce excessive reflections or glare that may create a potential safety problem.

3. Tile, architectural grade asphalt shingles, standing seam metal or similar quality roofing materials shall be used on all visible pitched roofs.

4. Building Entry: Main building entrances shall be easily identifiable and form a transition between inside and outside areas. Building entries shall be provided with adequate lighting for security.

1. Buildings that are open to the public and are within thirty feet (30') of the street shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be attractive and functional, be a distinctive and prominent element of the architectural design and shall be open to the public during all business hours.

2. Wherever practical, buildings shall incorporate arcades, roofs, alcoves, porticoes and awnings that protect pedestrians from the rain and sun. In plazas and courtyards, lighting shall incorporate fixtures and standards designed for pedestrian areas.

5. Exterior Uses, Storage and Equipment: All uses located in the zone shall be conducted entirely within a fully enclosed building, except for outdoor dining.

1. There shall be no outside storage of materials or equipment, other than motor vehicles licensed for street use except as specifically approved by the planning commission in conjunction with a conditional use application or as set forth in the development agreement.

2. Trash storage areas, mechanical equipment, transformers, meters and similar devices are not permitted to be visible from the street. Where site constraints would otherwise force these uses into visible locations they shall be screened by decorative walls, earthen berms, landscaping or architectural treatments capable of screening views from streets and sidewalks.

3. If in rooftop locations, mechanical equipment shall be screened by roof components, parapets, cornices or other architectural features.

4. In plazas and courtyards, lighting shall incorporate fixtures and standards designed for pedestrian areas that are compatible in design with adjacent properties.

5. All new utility transmission lines shall be placed underground.

6. Building standards must comply with Leeds Standard Specifications for Design and Construction.

23.1.9 Pedestrian and Vehicle Circulation. The following site design standards shall apply to all development within the neighborhood mixed-use zone:

1. Bike Pathways: Bike pathways at least six (6') in width shall be provided in, out and through the MU area to allow easy access to nonresidential buildings. Sidewalks at least six feet (6') in width shall be provided along each public right of way.

2. Pedestrian Sidewalks: Pedestrian sidewalks along major roadways (i.e., Main Street) shall incorporate generous landscaped park strips separating vehicular traffic from pedestrian traffic. Crosswalks shall be clearly marked and, where appropriate, signalized. Special measures shall be incorporated to ensure safety for children as may be recommended by the Town engineer. These measures could include special signage, reflectors or flashing crosswalk indicator lights, handheld flags, etc.

3. Public Seating, Bicycle Racks: Public seating and bicycle racks shall be provided near entrances to all nonresidential buildings or groups of buildings.

4. Bikeway Standards: Bikeways shall meet standards consistent with the Southern Utah Regional Trail Standards. These bikeways shall provide safe and inviting access through MU areas and shall provide continued circulation of trails identified in any local or regional trail master plan, including planned equestrian trails.

23.1.10 Landscaping. The following site landscaping standards shall apply to all new development in the mixed-use zone. Species shall be selected from the approved plant list provided by WCWCD herein:

1. Street Trees: Street trees shall be provided on all street frontages at a maximum spacing of thirty feet (30') on center.

2. Planting Of Trees: Street trees shall be planted within a landscape strip of at least six feet (6') in width, between the roadway and sidewalk where feasible, and shall not be planted closer than three feet (3') from back of curb. Trees shall not be planted closer than two feet (2') from any hard surface paving or walkway. Sidewalk cuts for trees shall be at least ten (10) square feet in area.

3. Space Between Hard Surface and Trees: Space between hard surface and trees may be covered by permeable hard surfaces, such as grates, bricks on sand or paver blocks. As they grow, trees shall be pruned to provide at least eight feet (8') of clearance above sidewalks and twelve feet (12') above street roadway surfaces.

4. Distance Of Trees to Light Standards: Street trees shall be planted no closer than fifteen feet (15') to light standards.

5. Approved Landscape Plan: All areas of a developed site not occupied by buildings, required parking, driveways, walkways or service areas shall be landscaped according to an approved landscaping plan. These areas may also incorporate hardscape for patios, plazas and courtyards.

6. Parking Areas: Parking areas shall be shaded by large broadleaf canopied trees placed at a rate of one tree for each twelve (12) parking spaces. Parking shall be adequately screened and buffered from adjacent uses.

7. Two-Family, Three-Family, and Four-Family Housing Areas: Two-family, three-family, and four-family housing areas shall be fully landscaped in accordance with the water efficient landscape provisions of Town code.

8. Review, Approval: All landscape plant materials must be specifically reviewed and approved by the Town.

23.1.11 Parking. Parking shall be provided in accordance with Town standards. In addition, the following provisions shall apply in the MU zone:

1. Location: Parking areas shall be located behind or at one side of buildings. Except as approved by the Town, for uses such as a grocery store, parking may not be located between a building and the street but may be located on the street within the public right of way.

2. Pedestrian Walkways: Where feasible, pedestrian walkways shall be incorporated into

all parking lots of any size.

3. Bicycle Parking: Bicycle Parking shall be provided as follows:

1. Bicycle Parking must be located on the same lot as the use it serves.

2. Access to and from nearby public streets, sidewalks and trails for the target users of the bicycle parking.

3. Secure bicycle racks shall be provided at likely destination stops to encourage the use of bicycles as a way to access those destinations.

4. Shared Parking: Developments incorporating a mix of uses generally require fewer parking stalls due to shared patronage of retail stores and varying hours of peak use by office users and retail customers. For mixed-use projects, developers shall provide an analysis of projected parking needs for consideration to justify any reduction in required parking stalls, with a maximum allowed reduction of twenty percent (20%).

5. Parking per resident shall be quantified at 2.5 spaces per residence: 2 spaces per unit, 0.5 as aggregate overflow.

23.1.12 **Paving.**

1. Sidewalks and major crosswalks within the commercial areas of an MU zone shall incorporate variations in pavement to add interest, help slow traffic and increase safety. Pavements may include stained or textured concrete, colored and/or stamped concrete, brick, stone or CMU pavers. Nevertheless, the use of pervious surfaces is encouraged. Other appropriate areas for special paving would include outdoor patio areas and public plazas.

2. Sidewalks must be no less than 6 feet wide.

23.1.13 Signage. In an MU zone, residences are limited to the signage allowed in Section 22.1.2 (1)(3), (1)(7), (1)(8), and (1)(9). Signs for businesses should be identified by an appropriate blend of the six (6) sign types that are permitted hereunder. These include monument, facade mounted, suspended/supported, projecting, awning/canopy and window signs.

1. Character: Sign character will be compatible with the character of surrounding neighborhoods.

2. Material: Wood and similar appearing material, metal, canvas-like materials and window stencil are the materials of preference. Plastic, Lexan and other similar appearing materials will be allowed in limited amounts on individual signs. Repetitive use of signs utilizing pan channel letters is not allowed. No plastic face box signs shall be allowed.

3. Exterior Building Signs: All exterior building signs must present the name of the business for that tenant space and may include the business/company logo. The sign may identify products sold or produced by the business. Brand names and logos shall not be allowed in a sign unless they are specifically part of the name/trademark of the business in that tenant space.

4. Address Numbers: Address numbers shall be a maximum of six inches (6") in vertical dimension but may be larger if required by the city. The location of the address sign shall be in close proximity to the main entrance to the business/tenant space.

5. Sign Lighting:

1. Light may be cast directly onto the face of the sign by an external light source. In such instances, the light must be focused on the sign face.

2. Halo signs are permitted.

3. Backlighting through routed letters/copy or through the material that comprises the letters/copy in the sign face is permitted as long as the light source is screened from direct view.

4. Exposed neon tubing and/or individual light bulbs forming the sign copy shall not be permitted on any sign. Exposed neon signs shall be permitted inside a business/tenant space but shall not be placed within ten feet (10') of the inside surface of the storefront window.

6. Number: Number of signs permitted per business/tenant space shall be as follows:

1. Highway orientation: Up to two (2) of the six (6) sign types permitted.

2. Parking lot orientation: Up to two (2) of the six (6) sign types permitted.
3. Pedestrian area orientation: Up to three (3) of the six (6) sign types permitted.
7. Prohibited Signs: Handwritten and taped signs to storefronts are prohibited.
8. Temporary Or Promotional Signs: Individual business temporary event, sale or promotional signs are permitted for the duration of the sales event not to exceed thirty (30) days per sales event and four (4) times per year or alternatively in conjunction with planned sales events carried out by a retail business through its system of stores. Such signs shall be located in a window display area and shall not exceed fifteen (15) square feet.

9. Restaurants And Food Service Tenants: Restaurants and food service tenants shall be permitted one freestanding A-frame, signboard, which can be placed on the sidewalk, provided the sign does not interfere with pedestrian movement. The sign shall not exceed two feet (2') in width and three feet (3') in height.

10. Awnings, Canopies: Awnings and canopies are permitted without signs. Once letters and/or graphics are attached, it must comply with the provisions of this regulation.

11. Sign Types:

1. Facade Mounted Signs:

1. Up to two (2) facade mounted signs are permitted per tenant space with a maximum of one per twenty (20) linear feet of frontage.

2. Restaurants may have one additional facade mounted menu sign, which shall be a maximum of three (3) square feet in area.

2. Projecting Signs:

1. One pedestrian oriented projecting sign (shingle) may be attached to a building perpendicular to the facade facing a pedestrian sidewalk.

2. A projecting sign may extend up to four feet (4') from the facade.

3. Projecting signs shall not exceed twelve (12) square feet in size.

4. Projecting signs shall be a minimum of eight feet (8') above any pedestrian walkway.

3. Suspended Or Supported Signs:

1. One pedestrian area oriented suspended sign or more supported sign may be placed so as to be supported by building canopies or other elements near the entrance to the business/tenant space.

2. Signs shall be limited in size to one square foot of sign area for each four (4) linear feet of business/tenant space frontage, not to exceed twenty-five (25) square feet in size. Letters will not exceed twelve inches (12") in height.

4. Window Signs:

1. A window sign may be up to eighteen inches (18") in height and four feet (4') wide.

2. A window sign may be stenciled on two (2) windows of the facade on which the sign will be located.

3. Storefront windows and doors shall be limited to a maximum of two (2) square feet of coverage with stickers, credit card decals, hours of operation, etc.

4. There may be one window sign listing the names of tenants of the second-floor commercial space near the entrance to the elevator/stairs to the second floor. This sign shall not exceed six (6) square feet in size.

5. A second-floor tenant may have two (2) stenciled window signs not to exceed six (6) square feet, one with a parking lot orientation and one with a pedestrian area orientation.

5. Awning/Canopy Signs:

1. The vertical drip of an awning or canopy may be stenciled with letters that are up to seven inches (7") in vertical dimension by any length. When the vertical drip of an awning exceeds the vertical dimension of the slope, then it may be stenciled with letters that are up to nine inches (9") in height.

2. The sloped portion of an awning may be stenciled with business logo or graphic

representation of nine (9) square feet.

3. All awning or canopy signs shall be constructed of a canvas like material or architectural metal. Primary colors and glossy finishes on the fabric are not permitted.

6. Entry Arch Sign: An entry arch sign may be permitted for a Multi-Use planned development project, depending on the character and proximity of existing uses in the vicinity of the MU zone area.

7. Directional And Street Name Signs: Street name identification signs may be provided at key intersections. The street name signs shall be of a design that is compatible with the neighborhood.

23.1.14 Site Furniture / Artwork. The scale of the MU zone is established with the pedestrian in mind. Places to sit, gather, enjoy artwork and the outdoors should be provided to encourage people out of their automobiles.

1. Placement Of Benches: Benches should be provided at locations where they are most likely to be used, rather than at regular intervals along the sidewalk. They should be within view of the action, but out of the way of the pedestrian traffic.

2. Grouping Of Benches: Benches should not be lined up in a row but may be grouped in pairs, generally set at ninety (90) to one hundred twenty degrees (120°) from each other. Where possible, benches should be positioned to allow space for a wheelchair to be accommodated at one side.

3. Common Theme: Benches should be placed together with other street amenities such as light poles, kiosks, waste receptacles, planters, etc. All street amenities should share a common theme in their design that is representative of the development.

4. Public Art: Public art may be provided at key locations in an MU zone area.

5. Mailboxes: Mailboxes should be grouped together where possible, away from public view, and in accordance with U.S. postal service requirements.

23.1.15 Outdoor Lighting. Outdoor lighting shall meet the requirements of Section 4.1.18C.

23.1.16 Storm Drainage and Natural Springs.

1. Engineering; Landscaping: Storm drainage shall be engineered to Town standards and may include detention in parking areas and designated detention ponds. All detention pond areas shall be landscaped and stabilized as approved by the city engineer. Where detention is near drainage from natural springs, the streambed shall be reestablished with a streambed appearance approved by the Town's engineer.

2. Maintenance Of Drainage: Natural spring drainage shall be maintained above grade where possible.

23.1.17 Fencing and Retaining Walls.

1. Between Residential, Commercial Areas: Fencing between primarily residential areas and commercial areas may be constructed up to seventy-two inches (72") in height. Appropriate materials include stone, precast molded concrete panels embossed and stained with a stone pattern (both sides of wall), wrought iron or colored masonry. Solid wood or solid vinyl fencing is not permitted. Fencing should be augmented by a substantial landscape buffer.

2. Perimeter Of Multi-Use Planned Development Project: Fencing around the perimeter of a Multi-Use planned development project may be constructed up to forty-two inches (42") in height. Appropriate materials would include stone, rail fencing or combinations of those materials.

3. Two-Family, Three-Family, and Four-Family Areas: Fencing within two-family, three-family, and four-family areas within an MU zone between buildings or along streets is not permitted. Private patio areas may be screened with fencing not to exceed sixty inches (60") in height and not enclosing more than one hundred fifty (150) square feet in area. Generous

landscaping should be provided around any such enclosures.

4. Single-Family Residential Areas: Fencing within single-family residential areas within an MU zone shall be governed by the residential sections of this code.

5. Retaining Walls Over Thirty Inches: If necessary, within an MU zone area, retaining walls over thirty inches (30") in height shall be constructed of landscape boulders, stone or concrete faced with stone or cultured stone. Walls should generally not exceed four feet (4') in height unless terraced with a planting area at least three feet (3') wide between tiers.

23.1.18 Project Review and Approval.

1. All projects proposed within the MU zone shall be reviewed and approved as a Multi-Use Planned Development through a development agreement approved by the Town Council. The development agreement shall set forth the baseline for development. The development agreement shall be recorded against the property and shall be the governing authority for compliance and the interpretation of this chapter.

2. If a MU zoned property is in proximity to property that is also part of a mixed-use development approved by Washington County, the development agreement may take into account the density, configuration, open space, road connections, etc. of the property in the County as part of the approval of the Multi-Use Planned Development.

26.1.3 Requirements

1. **Applicant.** A property owner, or the owner's agent, may initiate a request for approval of a site development plan as provided in this Chapter.

2. **Uses.** A site development plan shall be required for all development on a site or property for:

1. Any public or civic use.

2. Any commercial use in the commercial zone (for multi-use commercial complexes see additional requirements outlined in this Chapter in section 5.4); or

3. Any multi-family use governed by the International Building Code (Chapter 15).

26.1.4 Approval Procedures

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2. PLANNING COMMISSION REVIEW AND TOWN COUNCIL APPROVAL.

1. **Planning Commission Review.** The Planning Commission shall review the Site Analysis for compliance with the Leeds Land Use Ordinance, General Plan, Town Staff's recommendations and reports, and the Standards for approval outlined in this Chapter.

2. **Public Hearing.** The Planning Commission shall schedule a public hearing to hear discussion on the proposed development and Site Analysis for any commercial use in the commercial zone or multi-family project which involves new construction of a building of 10,000 sq. feet or more. This provision is not applicable to projects in the MU Zone.