Town of Leeds

Agenda
Town of Leeds Planning Commission
Wednesday, June 3, 2015

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission will hold a **PUBLIC MEETING** on Wednesday, June 3, 2015 at 7:00 P.M. The Planning Commission will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

Regular Meeting 7:00 p.m.

1. Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
   a. Tonight's Agenda
   b. Meeting minutes from May 6, 2015.
6. Announcements:
7. Public Hearings:
   a. Land Use Ordinance 2012-03, Chapter 17, Commercial District
   b. Land Use Ordinance 2012-02, Chapter 26, Commercial Site Development Plan
   c. Land Use Ordinance 2012-03, Chapter 7, Conditional Uses
8. Action Items:
   a. Discussion and possible action on Land Use Ordinance 2012-03, Chapter 17, Commercial District
   b. Discussion and possible action on Land Use Ordinance 2012-02, Chapter 26, Commercial Site Development Plan
   c. Discussion and possible action on Land Use Ordinance 2012-03, Chapter 7, Conditional Uses
9. Discussion Items:
   a. Alberta Pace, 11 lot Subdivision
10. Staff Reports
11. Adjournment

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2947 at *least* 24 hours prior to the meeting.
The Town of Leeds is an equal opportunity provider and employer.
Certificate of Posting;
The undersigned Deputy Clerk/Recorder does hereby certify that the above notice was posted June 2, 2015 at these public places being at **Leeds Town Hall, Leeds Post Office,** the **Utah Public Meeting Notice website** http://pmmutah.gov and the **Town of Leeds website** www.leedstown.org

Kristi Barker, Deputy Clerk/Recorder

Town of Leeds

Planning Commission Meeting for May 6, 2015

1. Call to order:
   Chairman Peters called to order the regular meeting of the Planning Commission at 7:04pm on May 6, 2015, at Leeds Town Hall, 218 N Main.

2. Roll Call:

ROLL CALL:

	Present	Absent
CHAIRMAN: NORM PETERS	x	
COMMISSIONER: ELLIOTT SHELTMAN	x	
COMMISSIONER: DARRELL NELSON	x	
COMMISSIONER: REED BRAITHWAITE		x
COMMISSIONER: STEVE LEWIS	x	

3. Invocation by Commissioner Nelson.

4. Pledge of Allegiance by Commissioner Lewis.

5. Declaration of Abstentions or Conflicts: None.

6. Approval of Agenda:
   Commissioner Sheltman moved to approve the meeting minutes of April 1, 2015. 2nd by Commissioner Nelson. Motion Passed.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: NORM PETERS	x			
COMMISSIONER: ELLIOTT SHELTMAN	x			
COMMISSIONER: DARRELL NELSON	x			
COMMISSIONER: REED BRAITHWAITE				x
COMMISSIONER: STEVE LEWIS			x	

   Commissioner Nelson moved to approve tonight's agenda. 2nd by Commissioner Lewis. All voted "Aye". Motion Passed.

7. Announcements: None.

8. Public Hearings: None.

9. Action Items: None

10. Discussion Items:

a. Conditional Use Permit Application, Leeds RV Park
Chair Peters, Bob as you looked at this, did you see any problems with the application?
Bob Nicholson, Leeds RV Park is in a Commercial Zone and under the listed uses, an RV Park and Campground is a permitted use. For the Site Plan, the Ordinance indicates a Public Hearing is required.
Bob discussed the application further and read the following Land Use Ordinances;
Chapter 17, Commercial District, 17.3;
All new or modifications to the exterior of a structure will require a conditional use permit even if the intended use is authorized.
Chapter 26, Site Development Plans, 4.2.2;
The Planning Commission shall schedule a public hearing to hear discussion on the proposed development and Site Analysis.
Commissioners, Bob Nicholson, Neil Glauser and Larry Davis discussed the project and application process further. Neil indicated they might not pursue a new building because of the cost and might remodel the existing building or use a trailer instead. Neil and Larry will get back with the Town on whether or not they will proceed with the applications.

b. Site Plan Review Application, Leeds RV Park
Commissioners and Bob Nicholson discussed the Site Plan application process and the Land Use Ordinance, Chapter 26, Site Development Plans.

c. Leeds General Plan
Commissioners and Bob Nicholson discussed the goals and polices out of the General Plan to decide if they have already been completed or if they are still needed. The discussion will continue at next month's meeting.

11. Staff Reports: None

12. Adjournment:
Commissioner Lewis moved to adjourn the meeting. 2nd by Commissioner Sheltman. All voted "Aye". Motion Passed.
Time: 8:17pm.

APPROVED ON THIS _____DAY OF _____, 2015

_____
Norm Peters, Chair

ATTEST:

_____
Kristi Barker, Deputy Clerk/Recorder

Proposed Amendment to Leeds Zoning Ordinance

Proposed amendment to the following three chapters;

1. Chapter 7 Conditional Uses, section 7.5.3.4 delete. (~~All construction in a Commercial zone including alteration, modification, new, structural and non-structural.~~)
2. Chapter 17 Commercial Zone, section 17.3 Conditional Uses, delete first sentence. (~~All new or modifications to the exterior of a structure will require a conditional use permit even if the intended use is authorized.~~)
3. Chapter 26 Site Development Plan, section 4.2.2 Public Hearing, to modify the public hearing requirement as follows, "For major projects, the Planning Commission shall schedule a public hearing to hear discussion on the proposed development and site analysis. For purposes of this chapter, a major project is defined as a commercial, mixed-use, or multi-family project which involves new construction of a 10,000 sq. feet or larger building.

LAND USE ORDINANCE 2008-04

CHAPTER 17

COMMERCIAL DISTRICT
(C)

Amended by Ordinance 2012-03, 2015-XX

17.1. PURPOSE.

To provide an area within the Town of Leeds where a wide variety of goods and services can be provided.

17.2. PERMITTED USES.

17.2.1. Bakery.

17.2.2. Auto parts store where new and rebuilt auto parts can be purchased.

17.2.3. Automobile, new, and used sales.

17.2.4. Barber shop and/or beauty shop.

17.2.5. Professional offices.

17.2.6. Clinics, medical and/or dental.

17.2.7. Greenhouse and/or nursery; soil and lawn service.

17.2.8. Hobby and/or craft store.

17.2.9. Sporting goods and recreational items store.

17.2.10. Laundry and/or dry cleaners, laundromat.

17.2.11. Mobile homes and/or recreational vehicles sales and service.

17.2.12. Motor boats new and used sales and service.

17.2.13. Post office.

17.2.14. Recreational vehicle park and campground.

17.2.15. Automotive repair garage

17.2.16. Tire sales and service.

17.2.17. Grocery store.

17.2.18. Pharmacy.

17.2.19. Restaurant and/or cafe.

17.2.20. Ice cream store.

17.2.21. Variety store.

17.2.22. Hardware store.

17.2.23. Office supply.

17.2.24. Shoe store.

17.2.25. Sign Sales.

17.2.26. Florist Shop.

17.2.27. Furniture sales and repair.

17.2.28. Fruit and/or vegetable stand.

17.2.29. Electric and or plumbing shop.

17.2.30. Clothing and accessories store.

17.2.31. Bank or financial institution.

17.2.32. Travel agency.

17.2.33. New and used book store.

17.2.34. Manufacturing and sale of confectionary goods.

17.3. CONDITIONAL USES.

~~All new or modifications to the exterior of a structure will require a conditional use permit even if the intended use is authorized.~~

Comment [KB1]: Deleted PC meeting 5-6-2015

17.3.1. Animal hospital, small animals only, providing that all activity be conducted within a completely enclosed building.

17.3.2. Automobile repair and storage including paint, body and fender, brake, muffler, transmission work provided it all be conducted within an enclosed building. The storage is only on a temporary basis not to exceed six (6) months.

~~17.3.3 Automobile Impound Yard, provided that such yard does not exceed 10,000 sq ft, and that the yard is fully enclosed by a sight-obscuring 6' (or higher if required by the Town Council) fence or wall, (also note special requirements in Section 17.4 and 17.10 of this chapter). The Impound lot must comply with the Utah State Standards R873-22M-17, Section 41-1a-1101.~~

Comment [KB2]: Town council rejected 17.3.3 at 9-25-2013 meeting all other amendments to be looked at in a future meeting.

17.3.3. Gunsmith.

17.3.4. Hotels and motels.

17.3.5. Limited non polluting manufacturing.

17.3.6. Rental agency for home and garden tools.

17.3.7. Second hand store.

17.3.8. Storage rental units.

17.3.9. Propane station at service station only.

17.3.10. Public utilities.

17.3.11. Hospital.

17.3.12. Service station.

17.3.13. Uninhabited accessory building.

This building is not to be used to store retail merchandise, hazardous chemicals and must be less than five hundred (500) square feet in area and not more than twelve feet in height.

17.4. DEVELOPMENT STANDARDS.

17.4.1. Height Requirements.

No building or structure shall be erected to a height greater than thirty-five (35) feet without a conditional use permit and only then if the structure is more than 100 ft from the nearest residential zone.

17.4.2. Minimum area, width, and yard setback regulations.

District	Area	Width	Front	Side	Rear
C	10,000 sq. ft.	*	25 feet	10 feet	10 feet

* The width requirement varies depending on the placement of the buildings. In a mall type setting, the minimum width is zero, as many of the buildings will not be facing the street. In a single business, setting the minimum width requirement is 85 feet.

17.4.3. Several of the businesses listed as permitted uses and/or those listed as conditional uses (providing the use is approved) may be combined into a mall type setting. Only compatible businesses can be grouped together into a mall setting. In a mall setting, the setback requirements may change based on the number of business units, size of lot, available parking, and location.

17.4.4 Site Plan: Must meet the requirements of the Commercial Site Development Plan Chapter 26 (Chapter 26).

17.4.5 Landscape Standards: Leeds Town encourages water-wise landscaping (xeriscaping) and the following landscape requirement is intended to promote town beautification and water conservation. The minimum landscape requirement consists of a landscape strip outside of the street right-of-way along the front of the property. The landscape strip shall have an average width of 10', but no less than 6' at the narrowest point. The driveway area may be excluded from the landscape area calculation for the purpose of determining the minimum required landscape area. The Town Council may approve an alternate landscape location if the applicant can demonstrate that the front of the property is not feasible to be landscaped. Also, along Main Street the Town Council may allow up to one-half of the landscape area to be located within the street right-of-way, provided that written permission for such is obtained from the Utah Dept. of Transportation (UDOT).

17.4.5.1 At least one-half (50%) of the required landscape area shall be covered with live foliage consisting of shrubs, trees, or ground cover. Landscape areas shall be provided with a permanent automatic irrigation system. The landscape area and irrigations system shall be maintained in good condition.

17.4.5.2 The landscape requirement applies to all new development within the commercial zone, and the remodeling or expansion of existing development where there is an increase in the building's floor area by 50% or more.

17.4.5.3 Landscape definition: Any combination of living plants, such as trees, shrubs, ~~ground covers~~, flowers, grass, or other plants that are generally not considered to be weeds or noxious plants, along with non-vegetative ground cover such as rock or stone.

17.5. CONDITIONAL USE EVALUATION CRITERIA.

17.5.1. Conditional use evaluation criteria are contained in various Leeds Ordinances depending on the subject, and general criteria relating to a specific use can be found in Chapter 7 of this Ordinance. All criteria must be complied with to obtain a conditional use permit plus any additional conditions the Planning Commission or Town Council apply.

17.5.2. Businesses that produce heavy passenger car or truck traffic shall be required to have a complete traffic study performed by a professional specializing in traffic studies to determine if the amount and time of the heavy traffic would have a detrimental effect to the health , safety, and welfare of the Leeds residents, the Town or the neighborhood in general.

17.6. SIGNS.

See Sign Ordinance, Chapter 22.

17.7. PROCEDURE TO OBTAIN CONDITIONAL USE AUTHORIZATION.

See Chapter 7, Conditional Uses for requirements, criteria, and procedures.

17.8. LIGHTING.

All lighting must comply with the Leeds Lighting Ordinance.

17.9. PARKING.

Compliance with parking requirements in Chapter 6 is mandatory.

17.10. SPECIAL PROVISIONS.

17.10.1. All material and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight-obscuring fence or wall of not less than six (6) feet in height and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall. ~~The fence or wall if adjacent to residential property may not exceed six (6) feet in height without a conditional use permit. The fence or wall must not be closer than fifty (50) feet to any street.~~ Where commercial development abuts residential property the commercial property developer shall provide a 6' tall solid masonry wall along the property line separating the commercial and residential properties. Within a front setback area along a public street the Town Council may require a wall up to 4 feet in height.

17.10.2. No trash, rubbish, weeds or other combustible materials shall be allowed to remain on any lot outside of approved containers in any commercial district. No

junk, debris, abandoned or dismantled automobile or automobile parts or any other items that appear to be abandoned, or similar material shall be stored or allowed to remain on any lot in this district.

17.10.3. All solid waste storage facilities shall be located at the rear of the main building or else behind a sight-obscuring fence or wall that will prevent the facility from being seen from a public street, parking lot, or residential housing.

EXHIBIT A

CHAPTER 26

SITE DEVELOPMENT PLANS

Amended by Ordinance 2015-xx

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1. PURPOSE.

This Chapter sets forth requirements and procedures for site development plans for development to commercial, public, civic, mixed-use and multi-family sites or properties. These requirements are established to encourage adequate advanced planning and assure a good quality environment for the Town. The procedures are intended to provide for orderly, harmonious, safe, and functionally efficient development consistent with priorities, values, and guidelines stated in the various elements of the Leeds General Plan, this title, and the general welfare of the community.

2. AUTHORITY.

The Planning Commission, with the subsequent approval of the Joint Utility Committee, is authorized to approve site development plans for development as provided in this Chapter.

3. REQUIREMENTS.

3.1. 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.

3.2. Uses.

A site development plan shall be required for all development on a site or property for:

3.2.1. Any public or civic use.

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

3.2.3. Any mixed use (Chapter 23), or multi-family use governed by the International Building Code (Chapter 15).

3.3 Plan Components.

A complete site development plan consists of a three major components: 1) Site Development Plan Application and required fees approved by Town Staff, 2) Site Analysis

approved by the Planning Commission, and 3) construction drawings and requirements approved by the Joint Utility Committee. The individual component requirements are:

3.3.1. APPLICATION.

Site Development Plan Application and required fees (ask Town Staff for Application and Fee Schedule);

3.3.2. SITE ANALYSIS.

Consists of a Development Plan, Preliminary Utility Plan, Preliminary Grading and Drainage Plan, Preliminary Landscaping Plan, and Preliminary Building Elevations for all Buildings and/or Dwellings. A Site Analysis is intended to merely represent how the property or site could be developed, if and when approved. The Site Analysis does not require complete engineering, but shall consist of the following minimum components:

3.3.2.1. DEVELOPMENT PLAN

On a minimum of 22" x 34" paper and electronic .pdf version:

3.3.2.1.1. Containing the proposed name of the development together with the name, address and telephone number of the owner and the owner applicant agent if different than the owner;

3.3.2.1.2. Drawn to scale and illustrating a realistic layout of how property reasonably will be developed considering existing and envisioned conditions on the subject property and adjoining properties, and the development standards of the zone in which the property is located;

3.3.2.1.3. Oriented with a north arrow and tie to a section monument;

3.3.2.1.4. Identifying the current zoning classification of the property on which the site development plan is located and the uses for which site development plan approval is requested;

3.3.2.1.5. Illustrating the existing topography showing two foot (2') contours, identification of twenty percent (20%) or greater slopes as shown in different colors corresponding to increments of ten percent (10%) slope, and layout of proposed uses including all facilities related to the project both on and off site;

3.3.2.1.6. Designating the locations and dimensions of proposed features such as bicycle racks, dumpsters, trash cans, fences, benches, tables, mechanical equipment, etc.;

3.3.2.1.7. Depicting the location of open space(s);

3.3.2.1.8. Identifying the proposed access to the property, and to the development within the property, including traffic circulation patterns within and to the site and parking lot layouts;

3.3.2.1.9. Identifying the layout, dimensions and names of existing and future road rights of way;

3.3.2.1.10. Identifying setback lines as required by Leeds Land Use Ordinances;

3.3.2.1.11. Identifying proposed parks, playgrounds, schools, and other public facility sites, if any;

3.3.2.1.12. Identifying the property located within the same ownership parcel not proposed as part of the same site development plan, if any; and the adjoining property uses and ownership;

3.3.2.1.13. Containing a summary table of the number of acres in the proposed site development and proposed use(s); showing total gross acreage, square footage of street rights of way, square footage of building footprints, square footage of total building floor area, square footage of landscaping, number of parking spaces, and the number and type of buildings and/or dwellings, if any, in addition to the percentage devoted to each building and/or dwelling type and overall building and/or dwelling unit density; and

3.3.2.1.14. Containing a phased development plan, if applicable, including the proposed sequences of development.

3.3.2.1.15. Identify proposed signage to meet the requirements of Sign Chapter (Chapter 22)

3.3.2.2. PRELIMINARY UTILITY PLAN

On a minimum of 22" x 34" paper and electronic .pdf version showing:

3.3.2.2.1. North arrow, scale, and site development plan underlay;

3.3.2.2.2. All existing and proposed utilities including, but not limited to: sewer, culinary water, secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, communications lines, cable television lines, and streetlights;

3.3.2.2.3. Minimum fire flow required by the uniform fire code for the proposed buildings, and <u>fire flow calculations</u> at all hydrant locations;

3.3.2.2.4. Location and dimensions of all utility easements; and

3.3.2.2.5. A letter from utility providers, addressing the feasibility and their requirements to serve the project.

3.3.2.3. PRELIMINARY GRADING AND DRAINAGE PLAN

On a minimum of 22" x 34" paper and electronic .pdf version showing:

3.3.2.3.1. North arrow, scale, and site development plan underlay;

3.3.2.3.2. Existing and proposed topography contours at two foot (2') intervals;

3.3.2.3.3. Areas of substantial earth moving;

3.3.2.3.4. Location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains, and proposed method of dealing with all irrigation and waste water;

3.3.2.3.5. Location of any designated floodplain and/or wetland boundaries and designated flood zones;

3.3.2.3.6. Direction of storm water flows, catch basins, inlets, outlets, waterways, culverts, detention basins, outlets to offsite facilities, and off site drainage facilities when necessary based on adopted town requirements;

3.3.2.4. PRELIMINARY BUILDING ELEVATIONS

For all buildings and/or dwellings on the property or site on a minimum of 22" x 34" paper and electronic .pdf version showing:

3.3.2.4.1. Accurate front, rear, and side elevations drawn to scale;

3.3.2.4.2. Exterior surfacing materials and colors, including roofing material and color;

3.3.2.4.3. Outdoor lighting, furnishings and architectural accents; and

3.3.2.4.4. Location and dimensions of signs proposed to be attached to the building or structure. Signs must conform to Chapter 22 of the Leeds Land Use Ordinance.

AND

3.3.3. CONSTRUCTION DRAWINGS in accordance with the Leeds Design and Construction Standards and Specifications, the approved Site Analysis will be required as one of the final components of the site development plan, but are not required until after approval of the Site Analysis. Construction Drawing requirements are discussed in more detail in section 4.3 of this Chapter.

3.4. COMPLETE APPROVAL REQUIRED BEFORE PERMITS ISSUED AND WORK COMMENCING.

When site development plan approval is required under this Chapter, no building permit for the construction of any building, structure, or other improvements to the site shall be issued without prior approval of a site development plan. Additionally, it shall be unlawful to

undertake cleaning, grubbing, drainage work, parking lot construction, or other site improvements without prior approval of a site development plan. In addition to the penalties outlined in the Leeds Land Use Ordinance, the Town of Leeds may enter legal proceedings to require any person who violates this section to return a site to the condition found prior to any disturbance.

4. APPROVAL PROCEDURES.

4.1. TOWN STAFF REVIEW AND APPROVAL.

4.1.1. Submittal.

Applicant shall submit to Town Staff:

(1) The Site Development Plan Application (3.3.1. above),

(2) The required fees (3.3.1. above), and

(3) A complete Site Analysis (3.3.2.1 through 3.3.2.5 above) (on a minimum of 22" x 34" paper and electronic .pdf versions for each component of the Site Analysis).

4.1.2. Town Staff Review.

Town Staff shall:

(1) Determine the completeness of the submitted Site Development Plan Application and Site Analysis and whether it conforms to the Leeds Land Use Ordinance;

(2) Identify potential challenges of the development of the subject property as proposed in the Site Analysis;

(3) If necessary, Town Staff shall request a meeting with the applicant to discuss the Site Analysis.

(4) Place the Site Analysis plan item on the next Planning Commission review agenda and report findings and/or recommendations to the Planning Commission to consider during its review process.

4.1.3. Effect of Town Staff Approval.

Submittal, review, and initial approval of required components of a Site Analysis by Town Staff shall <u>not</u> create any vested rights to development as submitted by the applicant.

4.2. PLANNING COMMISSION REVIEW AND APPROVAL.

4.2.1. 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.

4.2.2. Public Hearing.

For major projects, the Planning Commission shall schedule a public hearing to hear discussion on the proposed development and Site Analysis. For purposes of this chapter, a major project is defined as a commercial, mixed-use, or multi-family project which involves new construction of a 10,000 sq. feet or larger building.

4.2.3. Planning Commission Approval.

After the public hearing, the Planning Commission shall either approve, approve with conditions, or deny, the Site Development Plan Application and Site Analysis pursuant to the standards set forth in Sections 3.3.1. and 3.3.2. of this Chapter. Any conditions of approval shall be limited to conditions needed to modify the Site Analysis and site development plan so as to conform to approval standards set forth in the Leeds Land Use Ordinance and the standards set forth in this Chapter.

4.2.4. Nonconformance to Standards:

If the Planning Commission finds the proposed Site Analysis component of the site development plan fails to conform to the standards referenced in this Chapter, the Planning Commission shall direct the applicant to redesign the project with specific direction regarding the nonconforming elements of the project. The applicant will revise the Site Analysis based on the Planning Commission's direction and submit the revised Site Analysis to Town Staff. Town Staff shall review the revised Site Analysis for completeness with the nonconforming elements outlined by the Planning Commission, and schedule the item for the next available Planning Commission meeting for re-review and approval. This process will be repeated until the proposed Site Analysis component of the site development plan conforms to applicable standards.

4.2.5. Effect of Planning Commission Approval.

A conditional approval of a Site Analysis by the Planning Commission is not considered approval and shall not create any vested rights to development. Review and approval of a Site Analysis component of a site development plan by the Planning Commission also shall not create any vested rights to development until such time as the Joint Utility Committee signs off on a complete set of engineered Construction Drawings (the final approval phase of the site development plan process).

4.3. JOINT UTILITY COMMITTEE REVIEW AND APPROVAL.

4.3.1. Submittal of Construction Documents.

Upon approval of the Site Analysis by the Planning Commission, the applicant shall submit to Town Staff eight (8) sets of complete construction drawings and one (1) electronic version in .pdf format prepared by a licensed engineer for all onsite and required offsite improvements in accordance with the following:

4.3.1.1. Leeds Design and Construction Standards and Specifications; including but not limited to:

4.3.1.1.1. Engineering data shall show the proposed finished grade of each parcel, the preliminary design of all grading, numeric estimate of grading activity relating to excavation and fill, the elevation of proposed building pads, the top and the toe of cut and fill slopes to scale, the number of each parcel, the elevation of adjacent parcels; and an erosion control plan.

4.3.1.1.2. The location and size of proposed and existing wells, septic tanks, sanitary sewers, fire hydrants, water mains, and proposed storm drains including orifice plates, existing active or abandoned storm drains, and of all reservoirs within the tract and to a distance of at least four hundred (400) feet beyond the site boundaries. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated. All water and wastewater disposal systems are required to have project feasibility approval from the Utah Department of Environmental Quality Division of Drinking Water prior to submittal. Final approvals are subject to the Planning Commission, the Town Engineer and Town Council.

4.3.1.1.3. All street grades shall be noted on the construction drawings.

4.3.1.2. Town of Leeds waste water construction standards;

4.3.1.3. Electric power provider's standards and specifications;

4.3.1.4. Applicable fire code in consultation with the Leeds Area Special Service District;

4.3.1.5. Natural gas provider's and telecommunication providers' standards and specifications, if applicable.

4.3.1.6. Culinary water authority design and construction standards and specifications.

4.3.1.7. Irrigation water authority design and construction standards and specifications.

4.3.1.8. Specific geotechnical and drainage recommendations established by the soils report, if required.

4.3.1.9. Construction drawings shall be a minimum of twenty-two inches by thirty-four inches (a minimum of 22" x 34") and must contain a signature block for all Joint Utility Committee members, including:

4.3.1.9.1. Town Engineer

4.3.1.9.2. Town Public Works Director

4.3.1.9.3. Culinary Water Authority

4.3.1.9.4. Irrigation Water Authority

4.3.1.9.5. Leeds Area Special Service District

4.3.1.9.6. Sewer Authority

4.3.1.9.7. Electric Power Provider

4.3.1.9.8. Natural Gas Provider

4.3.1.9.9. Telecommunications Provider(s)

4.3.2. Joint Utility Committee Agenda and Meeting.

4.3.2.1. Town Staff will review and determine if the construction drawing requirements are complete and Town Staff shall request placement on a Joint Utility Committee agenda for initial review of the plans and drawings submitted.

4.3.2.2. Applicant or applicant's authorized representative shall attend the Joint Utility Committee meeting when the plan item is on the agenda.

4.3.3. Joint Utility Committee Review.

4.3.3.1. Each Joint Utility Committee member will receive copies of the construction drawings to review and redline. Each member will return the redlined copies of plans to Town Staff within fourteen (14) days following the Joint Utility Committee meeting date.

4.3.3.2. Town Staff shall return a complete redlined set of plans to applicant for corrections and keep the original redlined set of drawings for Town record.

4.3.4. Joint Utility Committee Approval.

4.3.4.1. Applicant shall submit one (1) copy of corrected construction drawings, addressing all redlined items, to the Town Engineer for re-review and approval. When the Town Engineer approves the corrected drawings and all redlined items have been addressed, the Town Engineer shall sign the construction drawings acknowledging his/her approval and return the original drawings with the approval signature to applicant.

4.3.4.2. Applicant must then obtain all required Joint Utility Committee member signatures on the construction drawings for the approval to be valid.

4.3.4.3. The applicant must provide eight (8) copies of the approved site development plan with all signatures, in addition to one (1) electronic copy in .pdf format, to Town Staff.

4.3.5. Effect of Joint Utility Committee Approval.

Approval of a site development plan by the Joint Utility Committee Members signatures on the construction drawings shall create vested rights to development by granting the authority to applicant to commence clearing, grubbing, and other earthwork, as well as connecting to utilities (after required permits are secured, if any are required). However, no other construction is authorized until such time as a building permit is issued, including but not limited to installation of building footings and foundations.

4.4 APPROVED SITE DEVELOPMENT PLAN.

Planning Commission approval of the Site Analysis and Joint Committee Utility members approval with all signatures on construction drawings becomes the approved site development plan.

4.4.1 Effect of Approval of Site Development Plan:

Every site for which a site development plan has been fully approved shall conform to the plan as approved.

4.4.2. Permits.

Applicant shall apply for all required building permits after approval of the site development plan. Permits shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure until the provisions of this Chapter have been met. Under no circumstances shall structures or improvements be constructed with a permit, unless shown on an approved site development plan or if required by law.

4.4.3. Approval is Not a Permit.

Approval of a site development plan shall not be deemed an approval of any conditional use permit or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this title. However, the Town Staff may allow the application for a conditional use permit to be considered concurrently with the site development plan application.

5. STANDARDS OF APPROVAL.

The following standards shall apply to the approval of a site development plan and all of its components, including the Site Analysis:

5.1. Condition Precedent to Approval in Overlay Zone.

In the case of a Site Analysis for an area within an overlay zone (e.g., Planned Development Overlay Zone), Planning Commission approval shall not be granted (even as a condition) unless and until a corresponding overlay zone has already been approved by the Town Council.

5.2. Entire Site Developed:

The entire site shall be included in the site development plan presented and must be developed at one time, unless a phased site development plan is submitted and approved.

5.3. Special Conditions:

The Town Staff, Planning Commission, and/or Joint Utility Committee may require additional information as a condition of approval. This additional information includes, but is not limited to:

5.3.1. Where one or more conditions of unsuitable soil, vegetation, geology or slope exist, resulting in increased fire, flood or erosion hazards, traffic circulation problems, sewage disposal problems and potential property damage from extensive soil slippage and subsidence, an applicant shall, upon request of the Town Staff, Town Engineer, or Planning Commission, provide contour and drainage plans and/or reports, cut and fill specifications, and soil and geologic reports, or any other reports identified in the Land Use Ordinance. The required details of such reports and plans may vary depending on the severity of the unusual conditions, but in any event such plans and reports shall be reviewed and approved by the Town Staff prior to final approval of a site development plan.

5.3.2. Any necessary agreements with adjacent property owners regarding storm drainage or other pertinent matters.

5.3.3. Evidence of compliance with applicable federal, state, and local laws and regulations.

5.3.4. A traffic impact analysis.

5.3.5. Warranty deed or preliminary title report or other document showing the applicant has control of the property.

5.3.6. Parcel map(s) from the county recorder's office showing the subject property and all property located within four hundred feet (400') thereof.

5.3.7. Agreements and/or Letter Of Credit: In order to assure that the development will be constructed to completion in an acceptable manner, the applicant may be required to enter into an agreement and provide a satisfactory letter of credit or escrow deposit. The agreement and letter of credit or escrow deposit shall assure timely construction and installation of improvements required by a site development plan approval.

5.4. Multi-Use Commercial Complex:

If an applicant desires to combine multiple, compatible commercial uses on one parcel with the intent to retain ownership ("Multi-Use Complex"), individual uses shall be subject to the following additional requirements:

5.4.1. The overall multi-use complex shall first have been approved as a conditional use pursuant to Chapters 7 and 17 of Leeds Land Use Ordinance which shall include an overall site development plan, development guidelines and a list of uses allowed in the complex.

5.4.2. Development guidelines for a multi-use complex shall, at a minimum, address the following topics:

5.4.2.1 General site engineering (e.g., storm drainage, provision of utilities, erosion control, etc.);

5.4.2.2. Architectural guidelines, including building elevations, setbacks, height, massing and scale, site coverage by buildings, materials, and colors;

5.4.2.3. Landscaping and open space standards;

5.4.2.4. Signage;

5.4.2.5. Exterior lighting;

5.4.2.6. Parking, pedestrian and vehicular circulation, and access to the site;

5.4.2.7. Rights of access within the center, if applicable (use of cross easements, etc.);

5.4.2.8. Development phasing and improvements/amenities to be completed with each phase;

5.4.2.9. Outdoor sales, storage and equipment;

5.4.2.10. Fencing and walls; and

5.4.2.11. Maintenance standards and responsibilities.

5.4.3. After approval of a multi-use complex, each use (as established by the Leeds Land Use Ordinance) therein may be approved pursuant to a building permit. Building permits for individual uses with an approved multi-use complex shall be reviewed by the Town Staff for compliance of the proposed use to the overall site development plan, development guidelines and approved use list for the multi-use complex. The Town Staff shall approve, approve with conditions, or deny the permit based on compliance with applicable conditions of the site development plan and provisions of this title.

5.5. Historic District Development:

If the proposed site or property is located within a Leeds Historic District as designated by the Leeds Historical Preservation Ordinance 1991-01, the site development plan shall also conform to the requirements in the Leeds Historical Preservation Ordinance 1991-01.

5.6 Compliance with Standards:

A Site Analysis and site development plan shall conform to applicable standards set forth in this title and other applicable provisions of the Leeds Land Use Ordinance. Conditions may be imposed as necessary to achieve compliance with applicable requirements set forth in the Leeds Land Use Ordinance.

6. APPEAL OF DECISION.

Any adversely affected applicant may appeal a decision of the Planning Commission regarding the site analysis to the Appeal Authority in accordance with the provisions of Chapter 3 of the Leeds Land Use Ordinance within 30 days of the land use decision. After the Appeal Authority issues a decision on the Appeal, the site development plan process may commence in accordance with this Chapter.

7. AMENDMENTS TO APPROVED SITE DEVELOPMENT PLAN.

Except as provided for elsewhere in this title, no element of an approved site development plan shall be changed or modified in any way without first obtaining written approval of an amended site development plan as follows:

7.1. Alteration of an approved site development plan may be approved by the Town Staff if Town Staff can make the following findings:

7.1.1. Any proposed use is consistent with uses already permitted on the site;

7.1.2. Existing uses were permitted when the site development plan was approved or a conditional use permit has been issued for the site in accordance with the site development plan;

7.1.3. The proposed use and site will conform to applicable requirements of the Leeds Land Use Ordinance;

7.1.4. The proposed alteration meets the approval standards of Section 5 of this Chapter in effect at the time of amendment submission;

7.1.5. The architecture of the proposed alteration, landscaping, site design, and parking layout are compatible with structures existing on the site; and

7.1.6. The site can accommodate any change in the number of employees on the site or any change in impact on surrounding infrastructure.

7.2. If the Town Staff cannot make the findings required in the foregoing paragraph, a conditional use permit or amended site development plan, as the case may be, shall be applied for and approved before any alterations or modifications occur.

7.3. The procedure for approval of an amended site development plan shall be the same as the procedure for approval of an original site development plan as set forth in this Chapter.

7.4. The amendment process for site development plans shall cease to apply upon the issuance of all applicable occupancy certificates and construction completion approval. After applicable

certificates are issued, all additions and/or modifications to the site are considered new which require a new site development plan, which shall be applied for in accordance with the provisions of this Chapter.

8. REVOCATION OF APPROVAL.

If applicant or any other party in interest fails to comply with approved site development plan or a condition upon which plan approval was subject, the Town may, after notice to the applicant and other parties in interest (including any holders of building permits affected) and after an administrative hearing of the Town Council (or Planning Commission):

8.1. Revoke the site development plan or other approval, or

8.2. Condition the site development plan continuance on strict compliance, the provision of security, or such other conditions as the Town may reasonably impose.

9. EXPIRATION.

A site development plan approval shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the approval is not commenced within one year of the date of the site plan approval. The date is determined by the date on which the Joint Utility Committee members sign off on the approved construction drawings.

10. APPLICABILITY.

All requirements referencing the submittal of a "site development plan" in all chapters of the Leeds Land Use Ordinance shall invoke the provisions of this Chapter, unless exempted from the requirements of this Chapter pursuant to Section 3.2 herein or another provision of the Leeds Land Use Ordinance.

LAND USE ORDINANCE 2008-04

CHAPTER 7

CONDITIONAL USES

Amended by Ordinance 2009-19, 2012-03, 2015-XX

7.1. PURPOSE OF CONDITIONAL USE PROVISIONS.

Certain uses, which may be harmonious under special conditions and in specific locations within a zone, but be improper under general conditions and in other locations, are classed as conditional uses within the various zones and require conditional use permits for approval

7.2. PERMIT REQUIRED.

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this Ordinance. Conditional use permits are subject to review at any time and may be revoked upon failure to comply with conditions precedent to the original approval of the certificate. No building permit or other permit or license shall be issued for a use requiring conditional use permit without first being reviewed and recommended by the Leeds Planning Commission and approved by the Leeds Town Council. A conditional use permit once granted stays with the property unless it is revoked upon failure to comply with conditions precedent to the original approval of the certificate or if the use has been abandoned.

7.3. APPLICATION.

A conditional use permit application shall be made to the Leeds Planning Commission as provided in this Ordinance. Applications for a conditional use permit shall be accompanied by maps, drawings, statements, and other documents as required by the Leeds Planning Commission. The Conditional Use application may be obtained from the Leeds Town Clerk during normal business hours.

7.4. FEE.

The application fee for any conditional use permit shall be according to the Town of Leeds Consolidated Fee Schedule.

7.5. CATEGORIES.

There are four categories of conditional use permits. The categories are as follows:

7.5.1. Category I.

7.5.1.1. Home Occupation business that specifically requires a Conditional Use Permit under Chapter 24 of this Land Use Ordinance.

7.5.2. Category II.

7.5.2.1. Accessory buildings in residential zone required or requested due to a Conditional Use.

7.5.2.2. Limited farming as defined in the Land Use Ordinance meaning a specific number and type of farm animals.

7.5.3. Category III.

7.5.3.1. Businesses that require a license other than a business license.

7.5.3.2. Conditional Use for kennel, animal hospital/clinic.

7.5.3.3. Private recreation facility.

~~**7.5.3.4.** All construction in a Commercial zone including alteration, modification, new, structural, and non-structural.~~

7.5.3.4. All retail sales including but not limited restaurants, food stores.

7.5.3.5. All other requests for a Conditional Use Permit will be Category III unless judged by the Town Council as belonging in either Category I, II, or IV. If it is determined that the Conditional Use requested fits into either of these categories the applicant may decide whether or not they wish to proceed with the request.

7.5.4. Category IV.

7.5.4.1. Any Conditional Use associated with a residential, commercial or industrial development, including temporary rock crushing operations associated with an approved development plan.

7.5.4.2. Any business that has a potential hazard including but not limited to service station, propane station, gun dealer, and any store that handles flammable chemicals.

7.5.4.3. Mobile Home Park or Recreational Vehicle Park in the M-H zone.

7.5.4.4. Planned Unit Development.

7.5.4.5. Multi family dwelling (3 or more) in the R-M-7 zone or any Planned Unit Development.

7.5.4.6. Any sexual oriented business.

7.6. DEVELOPMENT PLAN.

The application for a conditional use permit shall meet the requirements of the Commercial Site Development Plan Chapter (Chapter 26).

7.7. PLANNING COMMISSION ACTION.

The Leeds Planning Commission shall recommend approval or denial of the conditional use permit. In recommending approval of any conditional use, the Leeds Planning Commission shall suggest regulations and conditions, which are necessary to protect the public health, safety, and welfare. In recommending approval of a conditional use permit, the Leeds Planning Commission shall find all of the following:

7.7.1. That the proposed use is necessary or desirable and will contribute to the general well-being of the community or that the use will not be detrimental to the health, safety, or welfare of persons residing, or working in the vicinity, or injurious to property of improvements in the vicinity.

7.7.2. That proposed use will comply with the regulations of this Ordinance.

7.7.3. That the proposed use is in harmony with the intent and purpose of the Leeds General Plan.

7.7.4. That the request satisfies all evaluation criteria for the district in which the request is being made.

7.8. TOWN COUNCIL ACTION.

All conditional use permits must be voted on by the Leeds Town Council after recommendation by the Leeds Planning Commission. The Leeds Town Council may approve, modify and approve, or deny the conditional use application. In approving any conditional use, the Leeds Town Council shall impose written regulations and conditions as are necessary to protect the public health, safety, and welfare of the Town and its citizens.

7.9. CONDITIONAL USE EVALUATION CRITERIA.

When an application for a specific conditional use in a zone in which the requested use is listed under "conditional use" in the Zoning Chapters and applies to the property to be used, the application will be evaluated based on the following criteria. The criteria listed below are a minimum of what is required. Additional criteria may be used depending on the location, environment, circumstances involved, and proximity to other residential areas or land uses. In addition, all conditional use requests must comply with all Ordinances for the Town of Leeds. Conditional uses are to be granted only under unusual conditions and then only with strict conditions placed on the person applying for the permit that will allow the requested conditional use to fit harmoniously into the neighborhood. Because the possibility of a conditional use permit may be authorized under unusual conditions it does not imply that conditional uses permits are granted automatically. If the conditional use being requested is not listed for the property in the zone in which the property is located, the use is automatically denied.

7.9.1. GENERAL REVIEW CRITERIA.

An applicant for a conditional use in the zone must demonstrate all of the following:

7.9.1.1. The application complies with all applicable provisions of this chapter, state, and federal law.

7.9.1.2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass, and circulation.

7.9.1.3. The use is not detrimental to the public health, safety, and welfare.

7.9.1.4. The use is consistent with the Leeds General Plan.

7.9.1.5. Traffic conditions are not adversely affected by the proposed use including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets.

7.9.1.6. There is sufficient utility capacity.

7.9.1.7. There is sufficient emergency vehicle access.

7.9.1.8. The location and design of off street parking as well as compliance with off street parking standards.

7.9.1.9. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses.

7.9.1.10. Exterior lighting complies with the Leeds Lighting Ordinance.

7.9.1.11. Within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site.

7.9.2. Specific review criteria for certain conditional uses. In addition to the foregoing, the Planning Commission must recommend and the Town Council must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny, or conditionally approve an application for the following conditional use(s):

7.9.2.1. Adult Oriented business.
The purpose and objective of the section is to establish reasonable and uniform regulations to prevent the concentration of adult-oriented business or their location in areas deleterious to the health, safety, and welfare of the Town, and to prevent inappropriate exposure of such businesses to the community. This section regulates the time, place, and manner of the operation of sexually-oriented businesses, consistent with the United States and Utah State Constitutions.

7.9.2.1.1. No adult-oriented business may be located within the distance specified for each following category:

7.9.2.1.1.1. Religious institution, school, school bus stop, day care facility, boys club, girls club, or similar existing youth organization, cemetery, public park or public building. Minimum separation distance is two thousand six hundred and forty (2,640) feet.

7.9.2.1.1.2. Residential zoning boundary or properties actually used for residential use. This would include Mobile Home Zones, Recreational Vehicle Parks, Mobile Home Parks, and Open Space Zones that have residential homes on the property. Minimum separation distance is two thousand six hundred and forty (2,640) feet.

7.9.2.1.1.3. Liquor store. Minimum separation distance is one thousand (1,000) feet.

7.9.2.1.1.4. Other adult-oriented business. Minimum separation distance is one thousand (1,000) feet.

7.9.2.1.2. For the purpose of this section, distance is measured in a straight line, without regard to intervening structures or objects, from the closest property line of the adult-oriented business to the closest property line of any of the above categories.

7.9.2.1.2.1. The closest exterior wall of another adult-oriented business.

7.9.2.1.2.2. The closest property line of any school, day care facility, public park, library, cemetery, or religious institution.

7.9.2.1.2.3. The nearest property line of any residential zone

7.9.2.2. Temporary Rock-Crushing Associated with an Approved Development Plan

7.9.2.2.1. The operation of a rock crusher and associated equipment in any Zoning District within the Town is only permitted under the following conditions:

7.9.2.2.1.1. Applicant completes and submits Temporary Rock Crushing permit application to Town Clerk with required fee and obtains conditional use approval.

7.9.2.2.1.2. Development approval, including approval of construction drawings and associated grading plan(s) has been granted by Town Council in the form of an approved Final Plat or site plan for at least one phase of development in which rock crushing and related activities are to be conducted.

7.9.2.2.1.3. A grading and site plan for additional land included in future phases must accompany the permit application.

7.9.2.2.1.4. All environmental and other regulatory requirements of the State of Utah and the United States of America government must be met in addition to the Town's conditional use permit requirements.

7.9.2.2.2. An applicant for a Temporary Rock Crushing permit must agree to the following conditions and provide the following required information:

7.9.2.2.2.1. A map showing the location of the crusher and any other equipment to be used in the operation. The rock crushing equipment shall be set up as far away as practicable from any existing residence but in no case shall the setback be less than six hundred fifty (650) feet, unless special circumstances can be shown.

7.9.2.2.2.2. The map must also show the location of residences and/or businesses in the area within one thousand (1,000) feet of the operation. Prior to public hearing, applicant shall send a notice via US Postal service to each of the residences and/or business within one thousand (1,000) feet of the operation. Applicant shall provide to the Town evidence of the mailing of such notice. Required notice shall state the date, time and place of the scheduled public hearing; describe the operations; detail hours of operation; detail the duration of the operation; and contain a contact phone number for the operator.

7.9.2.2.2.3. A detailed plan of operations showing the route and frequency of vehicles used in the operation. The plan of operations must also show that road ingress and egress are sufficient to allow safe travel for vehicles and

pedestrians surrounding the conditional use.

7.9.2.2.2.4. The plan of operations must also describe the crusher and other equipment to be used in the operation and indicate the expected highest decibels that will be emitted at the source of operation.

7.9.2.2.2.5. The plan of operations must include a plan for dust control and show the location of water source. Dust pollution shall not negatively impact surrounding uses in existence at the time of the operation.

7.9.2.2.2.6. The plan of operations will also describe the hours of operation for crushing, processing or hauling rock products. Operations shall not begin prior to 7 am or go beyond 7 pm and shall not significantly impact surrounding uses in existence at the time the conditional use is granted.

7.9.2.2.2.7. The Town may restrict the hours of operation and roads available for the conditional use in areas where there are schools or residences in close proximity to the operation.

7.9.2.2.2.8. The plan of operations must also include a plan for reclamation of land that complies with the applicable provisions of Leeds Land Use Ordinances, the Leeds Subdivision Ordinance (2008-04) and all state and federal law.

7.9.2.2.2.9. If the applicant is interested in selling rock, crushed or otherwise, pursuant to Section 7.9.2.2.3. below, the plan of operations must also include a detailed Rock Disposal Plan describing 1) what rock, crushed or otherwise, the

applicant desires to sell; 2) how much rock, crushed or otherwise, the applicant anticipates selling; 3) a plan to dispose of unsold rock, crushed or otherwise.

7.9.2.2.2.10. If deemed necessary at the Town's sole discretion, a letter from the State of Utah Department of Environmental Quality confirming all potential environmental hazards associated with materials to be crushed have been mitigated.

7.9.2.2.2.11. The operation of a rock crusher and associated equipment shall be limited to the crushing of rock and materials extracted from a proposed development for the purpose of leveling it and preparing it for ultimate construction into a residential, commercial or industrial development. A Temporary Rock Crushing permit will not be granted for operation of a rock crusher and associated equipment to be used to crush rock or other materials brought from off-site locations.

7.9.2.2.2.12. The duration of rock crushing operations shall be limited to no longer than thirty (30) days following the completion of development construction of approved phase or grading and site plan, unless the developer obtains prior approval for a longer time period or approval of an extension of time from the Town Council.

7.9.2.2.2.13. Town representative(s) shall inspect rock crushing operations periodically to assure conformance with this ordinance.

7.9.2.2.2.14. A permit for temporary rock crushing shall include a repair and restoration

bond in the amount of $25,000. This repair and restoration bond is in addition to the performance bond required by the Subdivision Ordinance and shall be in a similar form to the performance bond. The Town shall execute the bond when Town infrastructure or property is damaged as a result of the temporary rock crushing operations and the applicant does not repair the damage to the Town's satisfaction.

7.9.2.2.2.15. Any permit for temporary rock crushing granted in accordance with this Ordinance may be revoked if any of the conditions or terms of such permit are violated.

7.9.2.2.3. Selling of Crushed Rock

7.9.2.2.3.1. Excavated crushed material not used for on-site construction or landscaping shall be stockpiled, at the Town's sole discretion, at a Town-approved location within fifteen (15) days of completing the crushing operation.

7.9.2.2.3.2. Developer may sell the rock, crushed or otherwise, only after fulfilling the following conditions:

7.9.2.2.3.2.1. Developer must apply for and pay the appropriate fee to obtain a business permit from the Town of Leeds.

7.9.2.2.3.2.2. All other guidelines set forth in Section 7.9.2.2. of this chapter shall be followed. Under no circumstances shall rock be brought from a location other than that approved for a temporary rock crushing permit pursuant to Section 7.9.2.2. to be crushed.

7.9.2.2.3.2.3. Sale of rock, crushed or otherwise, may not continue for more than two (2) months from time designated in Section 7.9.2.2.2.12. unless the applicant obtains prior approval of a longer time period for sale or approval of a time extension from the Town Council.

7.9.2.2.3.2.4. If applicant does not sell all rock, crushed or otherwise, prior to the deadline established by Section 7.9.2.2.3.2.3., all excess rock, crushed or otherwise must be disposed of according to the approved Rock Disposal Plan referenced in Section 7.9.2.2.2.9. above.

7.9.2.2.3.3. Any business license for temporary rock crushing granted in accordance with the terms of this Ordinance and the business license ordinance may be suspended and/or revoked if any of the terms or conditions of such license is violated.

7.10. EXPANSION OF A CONDITIONAL USE.

No use or structure in which a conditional use is located may expand without first repeating the process shown above in this chapter, including review and recommendation of the Leeds Planning Commission and approval by the Leeds Town Council. Before expanding, the applicant shall present to the Leeds Planning Commission a development plan meeting the requirements of 7.5. above. However the Leeds Planning Commission or Town Council may deem a public hearing necessary.

7.11. INSPECTION.

7.11.1. Following the issuance of a conditional use permit, the Leeds Building Inspector shall approve an application for a building permit, if all required information is included and conditions for a permit are satisfied. The Building Inspector shall also verify that development is undertaken and completed in compliance with said conditional use and building permit.

7.11.2. The Leeds Town Council, to assure that the conditional use requirements are being fully complied with, can at any time request a qualified person to inspect any structure or use that was granted under a conditional use permit. A written finding will be provided to the Town Council. If the findings identify non-compliance, the property owner will be given written notice and a reasonable specified time to bring the use in compliance with the conditions stated in the approval. If compliance is not satisfied in the time period, the Town Council shall revoke the conditional use permit.

7.12. REVOCATION.

A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit and all applicable Leeds Ordinances and the applicant shall be so notified of revocation by the Town of Leeds. The permit may be reinstated upon determination by the Leeds Town Council that the cause for revocation has been corrected and that the applicant intends to proceed according to the plans approved by the Leeds Town Council at the time the permit was originally issued, or as they might have been properly amended by the Leeds Town Council from time to time during the period of the conditional use. The conditional use will be considered rescinded if the conditional use that was permitted was clearly abandoned for a period of one (1) year or longer.

7.13. APPEAL.

The applicant has the option of appealing the decision of the Leeds Town Council by filing an appeal with the Clerk/Recorder to be heard by the Leeds Board of Adjustment, as per Chapter 3 of the Town of Leeds Land Use Ordinance.