

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, June 24, 2015

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, June 24, 2015 at 7:00 P.M. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE RECORDER.

Regular Meeting 7:00 p.m.

1. Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda:
 - a. Tonights Agenda
 - b. Meeting minutes of June 10, 2015
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
 - a. Wild West Days, September 11th & 12th, 2015
7. Public Hearings:
 - a. Resolution 2015-04, Establish a Long-Range Capital Improvement Plan
 - b. Resolution 2015-05, Open and Amend the 2014-2015 Budget
 - c. Resolution 2015-06, Open and Amend the 2015-2016 Budget
8. Action Items:
 - a. Planning Commission Member Appointments, John Poast, July 1, 2015 – June 30, 2019 and Elliott Sheltman, July 1, 2015 – June 30, 2020
 - b. Resolution 2015-04, Establish a Long-Range Capital Improvement Plan
 - c. Resolution 2015-05, Open and Amend the 2014-2015 Budget
 - d. Resolution 2015-06, Open and Amend the 2015-2016 Budget
 - e. Discussion and possible action regarding adoption of Ordinance 2015-03, Land Use Ordinance, Chapter 7, Conditional Uses
 - f. Discussion and possible action regarding adoption of Ordinance 2015-04, Land Use Ordinance, Chapter 17, Commercial District
 - g. Discussion and possible action regarding adoption of Ordinance 2015-05, Land Use Ordinance, Chapter 26. Site Development Plans
9. Discussion Items:
 - a. Leeds Area Special Service District update
 - b. Don Fawson, Leeds Monument Sign lighting and nuisance weeds
 - c. Open Public Meeting Act training
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
11. Staff Reports

Closed Meeting: A Closed Meeting may be held for the discussion of the character, professional competence, or physical or mental health of an individual as allowed by Utah State Law 52-4-205(1)(a); or for the discussion of pending or imminent litigation; as allowed by the Utah State Law 52-4-205(1)(c); or for the discussion of the purchase, sale, exchange, or lease of real property, including any form or a water right or water shares; as allowed by Utah Code 52-4-205(1)(d).

12. 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 879-2447 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 July 23, 2015 at these public places being at **Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town of Leeds website www.leedstown.org.**

A handwritten signature in cursive script, appearing to read "Kristi Barker", is written over a horizontal line. The signature is fluid and extends slightly beyond the line on both sides.

Kristi Barker, Deputy Clerk/Recorder

Town of Leeds

Town Council Meeting for June 10, 2015

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on June 10, 2015, at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	<u>x</u>	<u> </u>
COUNCILMEMBER: RON CUNDICK	<u>x</u>	<u> </u>
COUNCILMEMBER: ANGELA ROHR	<u>x</u>	<u> </u>
COUNCILMEMBER: JOE ALLEN	<u> </u>	<u>x</u>
COUNCILMEMBER: NATE BLAKE	<u>x</u>	<u> </u>

2. Pledge of Allegiance by Councilmember Cundick.

Councilmember Allen arrived to the meeting at 7:01pm.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:

Councilmember Rohr moved to approve tonight's agenda and meeting minutes of May 27, 2015. 2nd by Councilmember Cundick. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: RON CUNDICK	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ANGELA ROHR	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: JOE ALLEN	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: NATE BLAKE	<u>x</u>	<u> </u>	<u> </u>	<u> </u>

5. Citizen Comments: None.

6. Announcements:

- a. Monthly community pot luck barbecues, Last Friday (monthly through September) at 6:30pm in the Town Park

Mayor Peterson, there is a community pot luck barbecue on the last Friday of the month at 6:30pm in the park. Bring what meat you want to cook and a salad to share.

- b. Wild West Days, September 11th and 12th

Mayor Peterson, the Wild West committee, beginning tomorrow morning, will start to meet weekly on Thursdays at 10:00am. Anyone interested in attending is welcome.

7. Public Hearings: None.

8. Action Items:

- a. Resolution 2015-03, Adoption of 2015-2016 Final Budget.

Mayor Peterson asked for a motion to approve Resolution 2015-03, Adoption of the 2015-2016 Budget.

Councilmember Cundick, I so move. 2nd by Councilmember Blake.

Councilmember Rohr, at this point, it looks like we will be having a Municipal Election which we have not had for years. The cost on that will be about \$1,600.00; have we planned for that as part of the budget?

Mayor Peterson, I believe it is not a specific line item that we budgeted for but it is a category into which there is a roll up that does have funds within it. Is it administrative Bob Goldsberry or not?

Bob Goldsberry, the Clerk/Recorder, it is part of administrative. I did call the Clerk's office and asked them to estimate the cost. They called back and indicated about \$1,300.00. We do have some options here, between now and November we could have a Candidate drop out and then it will not cost anything, or we could take funds from another category.

Mayor Peterson, actually I am looking at it and under elections it does show a current year approved appropriation of \$1,048.65 and it is showing that in the roll up item 1.4 on the expense side. It is in the same general category as things such as other professional services, so the other \$250.00 I think we could probably work it out and it will make it appropriate, relative to the budget. Is there any desire to amend that or are we comfortable with it being within \$250.00 of the estimate.

Councilmember Rohr, I am comfortable with that.

Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: RON CUNDICK	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ANGELA ROHR	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: JOE ALLEN	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: NATE BLAKE	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

- b. Discussion and possible action regarding development of Long-Range Capital Improvement Plan.

Mayor Peterson, I shared with the members of Town Council at the last meeting the Impact Fee Ordinances that established the Impact Fees to describe what was included within them. Having looked over the Parks one, it appears that one of the items we were considering including in a Long-Range Capital Improvement Plan was covered by the park Impact Fee; So, that probably should not be overlapped in the Long-Range Capital Improvement Plan. Just as a reminder, we are looking at this because we are likely to have a surplus that will put us slightly above the State Maximum that is permitted by about \$25,000. It could be a little more or a little less; we will be getting the final number on that for our next meeting. We were required to complete our 2015-2016 at this meeting because the 24th would be too late for that; however, we are able to amend the 2014-2015 Budget,

set up the reserve and move the money to it. That will require a Public Hearing, which we would need to advertise. In order to have a firm number, I spoke with Ensign Engineering and they have indicated that for \$1,000.00 they could prepare a budget for the project covering the rest of Main Street, so that we would have curb and gutter on both sides and sidewalk on one side of the street. As a result, I would like to discuss with Council on going ahead with that. Since it is less than \$1,000.00 and we still have engineering fees in the budget, there is no real need for action here; however, I would like Councils agreement on it because if we are going to go down this path, we will need to advertise for the Public Hearing by the end of this week.

Councilmembers were all in agreement to go ahead with the Long-Range Capital Plan.

9. Discussion Items:

a. Discussion on Land Use Ordinance 2012-03, Chapter 7, Conditional Uses.

Mayor Peterson, we have three Land Use Ordinances that at last week's Planning Commission meeting were passed. We have here tonight Bob Nicholson, the Town Planner and I would appreciate it Bob if you could give us a back-ground on why these were updated and for what purpose the updates were done.

Bob Nicholson the Town Planner, I think that what got this started was at our Planning Commission meeting in May. We had a request from the RV Park here in Town to build a new club house. The Contractor and the Park Manager came to the Planning Commission meeting and while looking at the Ordinance, it is a permitted use. It is in a commercial zone and a RV Park is a permitted use. The club house is part of the RV Park and a permitted; however, when we looked into the Ordinance it says that in a commercial zone, all construction regardless of if it is permitted or not has to go through a conditional use process. That didn't seem to make a lot of sense to me or the Planning Commission members. It was less than 1,000 sq. feet and the club house would have been a nice addition to the RV Park and to Leeds. Well that kicked it back and I think it also required a Public Hearing, all for a very minor use that was actually listed as a permitted use in the zone. After the applicants left in frustration, we talked about it and that it was not a very appropriate process. Planning Commission said "well let's make some corrections", so I looked at the code and came up with basically three changes. Let me go over the first one. It is under Chapter 7, Conditional Uses under 7.5.3.4 and it says:

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

We didn't think that was right; in fact, what is listed there "all construction" is not even a use. It is an activity, not a use. It really does not comply with the requirements from the State on how conditional uses are supposed to be administered. That is change number one, to delete that section.

Town Council and Bob Nicholson discussed chapter 7 amendment. No additional changes were made.

b. Discussion on Land Use Ordinance 2012-03, Chapter 17, Commercial District.

Bob Nicholson, the next one is the Commercial chapter and there are a few changes to it. The first change is similar to the one we just talked about, it is under 17.3 and it reads:

~~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.~~

Bob Nicholson, so it seems a little confusing. It's the same thing we just talked about. The proposal there was just to delete that phrase. Under 17.3.3 Impound Yard that was an old issue that has been resolved previously; Council said no to those changes, so they were taken out. The next section was added under 17.4.4 and it says:

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

Bob Nicholson, the following sections were added a couple of years ago at a prior Planning Commission meeting. They revisited it again and recommended approval on the following landscaping standards:

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.

Bob Nicholson, the last change is under 17.10.1 and it says:

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.

Town Council and Bob Nicholson discussed chapter 17 amendments. Mayor Peterson asked Bob Nicholson to work on the language on fencing requirements.

c. Discussion on Land Use Ordinance 2012-02, Chapter 26, Commercial Site Development Plan.

Bob Nicholson the Town Planner, Planning Commission recommended one change under section 4.2.2 and it says:

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.

Town Council and Bob Nicholson discussed Chapter 26 amendments. The following additional amendments were made:

2 Authority

The Town Council upon receiving the recommendation from Planning Commission, with the subsequent approval of the and the Joint Utility Committee, is authorized to may approve a site development plans for development as provided 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 any commercial, mixed-use, or multi-family project which involves new construction of a building of 10,000 sq. feet or more.

10. Citizen Comments: None

11. Staff Reports:

Councilmember Rohr on roads, Daren Cottam was wondering if he could meet with you and I to see if we are going to do anything this year because the timeframe is disappearing for any projects.

Mayor Peterson I am just trying to follow, is this year before June 30th or before December 31st?

Councilmember Rohr, I was thinking before it gets cold.

Mayor Peterson, Ok, I think it makes sense having had that study done, to look and come forward with a proposal for what we are looking to do. I would be happy to meet with you and Darren.

12. Adjournment:

Councilmember Blake moved to adjourn the meeting.
Time: 8:22pm.

APPROVED ON THIS _____ DAY OF _____, 2015

Mayor, Wayne Peterson

ATTEST:

Kristi Barker, Deputy Clerk/Recorder

DRAFT

COPY

TOWN OF LEEDS

RESOLUTION NO. 2015-04

A RESOLUTION OF THE LEEDS TOWN COUNCIL TO ESTABLISH THE LONG-RANGE CAPITAL IMPROVEMENT PLAN FOR THE TOWN OF LEEDS, UTAH

WHEREAS, the Town Council of the Town of Leeds, Utah, has held an open and public hearing on the 24th day of June 2015, to establish the long-range capital improvement plan for the Town of Leeds; and

WHEREAS, the Town Council of the Town of Leeds, Utah, by roll call vote established the long-range capital improvement plan.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, UTAH, THAT the Town of Leeds, Utah, long-range capital improvement plan as attached hereto is approved and adopted

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	_____	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	_____	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	_____	_____	_____	_____
COUNCILMEMBER: JOE ALLEN	_____	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	_____

ADOPTED AND APPROVED THIS 24TH DAY OF JUNE 2015.

Mayor, Wayne Peterson

Attest:

Deputy Clerk/Recorder, Kristi Barker

Town of Leeds Main Street Capital Improvements Plan

Main Street Project Includes

- Reconstruction of Main Street from Vista Avenue to Silver Reef Road (approximately 0.3 miles) . This roadway is a UDOT facility, Highway 228. Right of way (based on aerial photography showing fences, etc) appears to be 66 feet wide. Construction per UDOT specifications to include all improvements typical to a 66 ft right of way
 - o Placement of sidewalks, driveways, curb and gutter , and park strip landscape
- Rock removal and slope stabilization near Silver Reef Road
- Approximately 20 driveways, 3 street intersections
 - o Driveways include commercial drives into strip mall at north end
 - o Intersections with Vista Avenue and Silver Reef Road define beginning and end of project, and E Roundy Mountain Road in the middle

It appears there are no buried utilities, and apparently no plan to install any beneath this road.

Construction quantities:

Description	Quantity	Unit	Unit Price	Cost
Demo existing two-lane roadway	42,000	SF	1.00	\$42,000
Remove rock slope at North End	300	CY	10.00	\$3,000
Asphalt paving 41 ft wide (4" on 12")	65,000	SF	3.00	\$195,000
Curb and Gutter (30 inch)	3,000	LF	15.00	\$45,000
Concrete Sidewalk	15,000	SF	4.00	\$60,000
Driveway tie-ins	20	EA	1,000.00	\$20,000
T-intersection tie-ins	3	EA	1,000.00	\$3,000
Park strip landscape	12,000	SF	0.25	\$3,000
Traffic control	1	LS	5,000.00	\$5,000
Total				\$376,000

Surveying to confirm grades and amount of rock for removal		\$3,000
Engineering to design improvements and to provide contract administration	10%	\$38,000
Total Estimated Cost of Capital Improvements		\$417,000

Town of Leeds
Capital Improvements Plan
Improvements to Main Street
(Utah Highway 228)

Legend
⊕ Right of Way Width (~66 ft)
⊗ Street Improvement Location

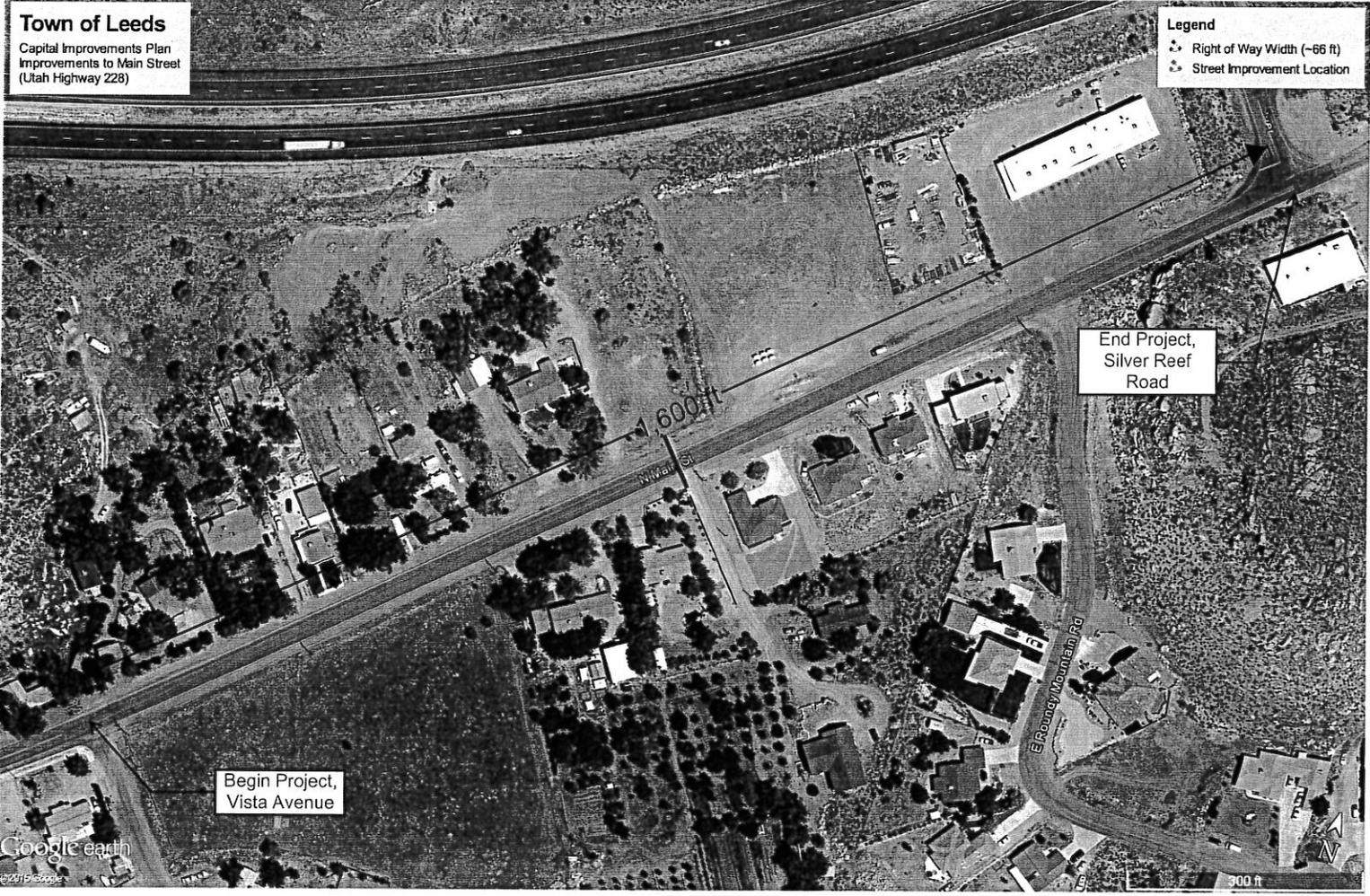
Begin Project,
Vista Avenue

End Project,
Silver Reef
Road

600 ft

300 ft

Google earth
©2015 Google



COPY

TOWN OF LEEDS

RESOLUTION NO. 2015-05

A RESOLUTION OF THE LEEDS TOWN COUNCIL TO OPEN AND AMEND THE 2014-2015 BUDGET FOR THE TOWN OF LEEDS, UTAH

WHEREAS, the Town Council of the Town of Leeds, Utah, has held an open and public hearing on the 24th day of June 2015, to open and amend the 2014-2015 budget for the Town of Leeds; and

WHEREAS, the Town Council of the Town of Leeds, Utah, by roll call vote opened and amended the 2014-2015 budget to reflect a change in fund revenues and expenditures.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, UTAH, THAT the Town of Leeds, Utah, FY 2014-2015 budget is revised and adopted as attached hereto.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	_____	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	_____	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	_____	_____	_____	_____
COUNCILMEMBER: JOE ALLEN	_____	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	_____

ADOPTED AND APPROVED THIS 24TH DAY OF JUNE 2015.

Mayor, Wayne Peterson

Attest:

Deputy Clerk/Recorder, Kristi Barker

Part II	General Fund Revenues	2013-14	2014-15	2014-15	2015-16
	Source of Revenue	Prior Year	Current Year	Current Year	Ensuuing Year
		Actual Rev.	Estimate	Approved	Approved
				Bud. Approp.	Bud. Approp.
	Taxes				
	1.1 General Property Taxes - Current	55634	56244	54000	54638
	1.2 Prior Years' Taxes - Delinquent	7775	3380	6000	3000
	1.3 General Sales and Use Taxes	86556	67631	70000	85362
	1.4 Franchise Taxes	58089	49069	50000	50000
	1.5 Transient Room Tax				
	1.6 Fee-in-Lieu of Property Taxes	6009	4794	5500	4500
	1.7 Interest	90	50	0	0
	1.8 Penalties	382	26	400	400
	Licenses and Permits				
	2.1 Business Licenses and Permits	1900	2035	1800	1800
	2.2 Non-business Licenses and Permits	0	0	1675	850
	2.3 Cemetery - Burial Permits		0	0	0
	2.4 Animal Licenses	10	225	200	250
	2.5 Building Permits	14977	25988	10000	
	2.6				
	Charges for Services				
	3.1 General Government	0	0	75	75
	3.2 Public Safety	6181			
	3.3 Streets and Public Improvements				
	3.4 Street Sanitation Charges				
	3.5 Refuse Collection Charges	48518	50319	50500	50400
	3.6 Parks and Public Property				
	3.7 Cemeteries	3350	1575	2000	2000
	3.8 Miscellaneous Services:	8456		12500	37625
	3.9				
	3.1				
	Fines and Forfeitures				
	4.1 Fines and Forfeitures				
	4.2 Forfeitures				
	4.3 Other: Impact Fees	20480	15360	15360	15360
	4.4 Other:				
	Intergovernmental Revenue				
	5.1 Federal Grants				0
	5.2 State Grants- UDOT		61600	65000	
	5.3 State Shared Revenue				
	5.4 Class "C" Road Fund Allotment	36523	42556	43000	53000
	5.5 Liquor Fund Allotment	0			
	5.6 Grants from Local Units:		5840		
	5.7 Donations and Grants	120	140		0
	5.8				
	Miscellaneous Revenue				
	6.1 Interest Earnings	2104	1346	1800	
	6.2 Rents and Concessions	550	1888	3100	
	6.3 Sale of Fixed Assets - Compensation for Loss				
	6.4 Sale of Materials and Supplies				
	6.5 Sales of Bonds				
	6.6 Other Financing - Capital Lease Obligations				
	6.7 WCSSD Recycle	516			
	6.8				
	Contributions and Transfers				
	7.1 Transfer From:Leeds Area SSD		6181	6181	6181
	7.2 Transfer From:				
	7.3 Transfer From:				
	7.4 Loan From:				
	7.5 Contribution from Private Sources				
	7.6 Beg. Class "C" Road Fund Bal. to be Approp.		131529	126977	159024
	7.7				
	7.8				
	7.9				
	7.1 Beg. General Fund Balance to be Appropriated		20000	120000	0
	TOTAL REVENUES	358220	547776	646068	524465
	Expenditure				
	General Government				
	1.1 Administration	70746	102906.14	131115.19	123549.04
	1.2 Auditor	3964	3594	3500	3500
	1.3 Other Professional Services	36107	49851	69460	58650

1.4 Elections	0	52.43	1048.65	1048.65
1.5 Other Liability Bonds and Ins.	7127	11064	10000	12000
1.6				
1.7				
1.8				
Public Safety				
2.1 Police Department	0			
2.2 Fire Department				
2.3 Animal Control and Regulation				
2.4				
2.5				
2.6				
Public Health				
3.1 Health Services				
3.2 Sanitation	40583	42602	41000	43000
3.3				
3.4				
Highway and Public Improvements				
4.1 Construction	9086	101768.00	220326.00	212413.04
4.2 Repair and Maintenance	2950	2500	4500	4500
4.3 Wages	5542			
4.4 Main Street Project				
4.5 Utilities	5183			
Parks, Rec., and Public Property				
5.1 Park and Park Areas	19016	31693.81	28241.83	49224.10
5.2 Recreation and Culture	3920	15870	30025	9655
5.3 Libraries	0			
5.4 Cemeteries	3127	680.74	669.38	744.16
5.5 Historical	0			
5.6 Wages	0			
5.7 Class C Roads	76686			
Community and Economic Devel.				
6.1 Community Planning				
6.2 Community Development				
6.3 Economic Development and Assistance				
6.4				
6.5				
6.6				
Debt Service				
7.1 Principal and Interest	6181	6181	6181	6181
7.2				
Transfers and Other Uses				
8.1 Transfer To:Capital Projects Fund		100000	100000	
8.2 Transfer To:				
8.3 Other:				
8.4				
Miscellaneous				
9.1 Judgments and Losses				
9.2 FEMA Reimbursement of Flood Costs				
9.3 Other Flood Costs				
9.4				
9.5				
9.6				
9.7 Budgeted Increase in Fund Balance				
TOTAL EXPENDITURES	290218	468763	646068	524465

TOWN OF LEEDS

RESOLUTION NO. 2015-06

COPY

A RESOLUTION OF THE LEEDS TOWN COUNCIL TO OPEN AND AMEND THE 2015-2016 BUDGET FOR THE TOWN OF LEEDS, UTAH

WHEREAS, the Town Council of the Town of Leeds, Utah, has held an open and public hearing on the 24th day of June 2015, to open and amend the 2015-2016 budget for the Town of Leeds; and

WHEREAS, the Town Council of the Town of Leeds, Utah, by roll call vote opened and amended the 2015-2016 budget to reflect changes in fund revenues.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, UTAH, THAT the Town of Leeds, Utah, FY 2015-2016 budget is revised and adopted as attached hereto.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	_____	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	_____	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	_____	_____	_____	_____
COUNCILMEMBER: JOE ALLEN	_____	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	_____

ADOPTED AND APPROVED THIS 24TH DAY OF JUNE 2015.

Mayor, Wayne Peterson

Attest:

Deputy Clerk/Recorder, Kristi Barker

Part II	General Fund Revenues	2013-14	2014-15	2014-15	2015-16
	Source of Revenue	Prior Year	Current Year	Current Year	Ensuing Year
		Actual Rev.	Estimate	Approved	Approved
				Bud. Approp.	Bud. Approp.
	Taxes				
	1.1 General Property Taxes - Current	55634	56244	54000	54638
	1.2 Prior Years' Taxes - Delinquent	7775	3380	6000	3000
	1.3 General Sales and Use Taxes	86556	67631	70000	85362
	1.4 Franchise Taxes	58089	49069	50000	50000
	1.5 Transient Room Tax				
	1.6 Fee-in-Lieu of Property Taxes	6009	4794	5500	4500
	1.7 Interest	90	50	0	0
	1.8 Penalties	382	26	400	400
	Licenses and Permits				
	2.1 Business Licenses and Permits	1900	2035	1800	1800
	2.2 Non-business Licenses and Permits	0	0	1675	850
	2.3 Cemetery - Burial Permits		0	0	0
	2.4 Animal Licenses	10	225	200	250
	2.5 Building Permits	14977	25988	10000	
	2.6				
	Charges for Services				
	3.1 General Government	0	0	75	75
	3.2 Public Safety	6181			
	3.3 Streets and Public Improvements				
	3.4 Street Sanitation Charges				
	3.5 Refuse Collection Charges	48518	50319	50500	50400
	3.6 Parks and Public Property				
	3.7 Cemeteries	3350	1575	2000	2000
	3.8 Miscellaneous Services:	8456		12500	37625
	3.9				
	3.1				
	Fines and Forfeitures				
	4.1 Fines and Forfeitures				
	4.2 Forfeitures				
	4.3 Other: Impact Fees	20480	15360	15360	15360
	4.4 Other:				
	Intergovernmental Revenue				
	5.1 Federal Grants				0
	5.2 State Grants- UDOT		61600	65000	
	5.3 State Shared Revenue				
	5.4 Class "C" Road Fund Allotment	36523	42556	43000	53000
	5.5 Liquor Fund Allotment	0			
	5.6 Grants from Local Units:		5840		
	5.7 Donations and Grants	120	140		0
	5.8				
	Miscellaneous Revenue				
	6.1 Interest Earnings	2104	1346	1800	
	6.2 Rents and Concessions	550	1888	3100	
	6.3 Sale of Fixed Assets - Compensation for Loss				
	6.4 Sale of Materials and Supplies				
	6.5 Sales of Bonds				
	6.6 Other Financing - Capital Lease Obligations				
	6.7 WCSSD Recycle	516			
	6.8				
	Contributions and Transfers				
	7.1 Transfer From:Leeds Area SSD		6181	6181	6181
	7.2 Transfer From:				
	7.3 Transfer From:				
	7.4 Loan From:				
	7.5 Contribution from Private Sources				
	7.6 Beg. Class "C" Road Fund Bal. to be Apprpr.		131529	126977	159024
	7.7				
	7.8				
	7.9				
	7.1 Beg. General Fund Balance to be Appropriated		20000	120000	0
	TOTAL REVENUES	358220	547776	646068	524465
	Expenditure				
	General Government				
	1.1 Administration	70746	102906.14	131115.19	123549.04
	1.2 Auditor	3964	3594	3500	3500
	1.3 Other Professional Services	36107	49851	69460	58650

1.4 Elections	0	52.43	1048.65	1048.65
1.5 Other Liability Bonds and Ins.	7127	11064	10000	12000
1.6				
1.7				
1.8				
Public Safety				
2.1 Police Department	0			
2.2 Fire Department				
2.3 Animal Control and Regulation				
2.4				
2.5				
2.6				
Public Health				
3.1 Health Services				
3.2 Sanitation	40583	42602	41000	43000
3.3				
3.4				
Highway and Public Improvements				
4.1 Construction	9086	101768.00	220326.00	212413.04
4.2 Repair and Maintenance	2950	2500	4500	4500
4.3 Wages	5542			
4.4 Main Street Project				
4.5 Utilities	5183			
Parks, Rec., and Public Property				
5.1 Park and Park Areas	19016	31693.81	28241.83	49224.10
5.2 Recreation and Culture	3920	15870	30025	9655
5.3 Libraries	0			
5.4 Cemeteries	3127	680.74	669.38	744.16
5.5 Historical	0			
5.6 Wages	0			
5.7 Class C Roads	76686			
Community and Economic Devel.				
6.1 Community Planning				
6.2 Community Development				
6.3 Economic Development and Assistance				
6.4				
6.5				
6.6				
Debt Service				
7.1 Principal and Interest	6181	6181	6181	6181
7.2				
Transfers and Other Uses				
8.1 Transfer To:Capital Projects Fund		100000	100000	
8.2 Transfer To:				
8.3 Other:				
8.4				
Miscellaneous				
9.1 Judgments and Losses				
9.2 FEMA Reimbursement of Flood Costs				
9.3 Other Flood Costs				
9.4				
9.5				
9.6				
9.7 Budgeted Increase in Fund Balance				
TOTAL EXPENDITURES	290218	468763	646068	524465

**TOWN OF LEEDS
ORDINANCE NUMBER 2015-03**

**Amended and Restated Conditional Uses
Chapter 7 of the Land Use Ordinance**

**AN ORDINANCE AMENDING CHAPTER 7 OF THE LEEDS, UTAH, LAND USE ORDINANCE
2012-03**

WHEREAS, the Town Council has reviewed Chapter 7 (Conditional Uses) of the Town of Leeds, Utah, Land Use Ordinance 2012-03 and determined that it is advisable, and in the best interests of the Town and its residents, to revise and amend the provision of such chapter of the Leeds, Utah, Land Use Ordinance 2012-03; and

WHEREAS, the Planning Commission of the Town of Leeds has held a Public Hearing on the 3rd day of June, 2015; and discussed the amendments to the Land Use Ordinance, Chapter 7, Conditional Uses; and

WHEREAS, the Planning Commission recommended to the Town Council approval of the amendments to the Land Use Ordinance, Chapter 7, Conditional Uses, on the 3rd day of June, 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, UTAH THAT THE CONDITIONAL USES ORDINANCE, TO BE CODIFIED AS CHAPTER 7 OF THE LAND USE ORDINANCE IS HEREBY AMENDED, THIS _____ DAY OF _____, AS SET FORTH ON THE ATTACHMENT HERETO.

The remaining sections of the Land Use Ordinance, Chapter 7, Conditional Uses not affected by this Ordinance remain unchanged.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	_____	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	_____	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	_____	_____	_____	_____
COUNCILMEMBER: JOE ALLEN	_____	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	_____

ORDINANCE 2015-03- was adopted on _____, 2015 and became effective on _____ day of _____, 2015.

Signed: _____
Mayor, Wayne Peterson

Attest: _____
Deputy Clerk/Recorder, Kristi Barker

LAND USE ORDINANCE 2008-04

CHAPTER 7

CONDITIONAL USES

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

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 retail sales including but not limited to restaurants and 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 Category I, II, or IV. If it is determined that the Conditional Use requested fits into one 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 or 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 are 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 businesses 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 businesses 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 7.9.2.2.12. 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, may 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.

**TOWN OF LEEDS
ORDINANCE NUMBER 2015-04**

**Amended and Restated Commercial District
Chapter 17 of the Land Use Ordinance**

**AN ORDINANCE AMENDING CHAPTER 17 OF THE LEEDS, UTAH, LAND USE ORDINANCE
2012-03**

WHEREAS, the Town Council has reviewed Chapter 17 (Commercial District) of the Town of Leeds, Utah, Land Use Ordinance 2012-03 and determined that it is advisable, and in the best interests of the Town and its residents, to revise and amend the provision of such chapter of the Leeds, Utah, Land Use Ordinance 2012-03; and

WHEREAS, the Planning Commission of the Town of Leeds has held a Public Hearing on the 3rd day of June, 2015; and discussed the amendments to the Land Use Ordinance, Chapter 17, Commercial District; and

WHEREAS, the Planning Commission recommended to the Town Council approval of the amendments to the Land Use Ordinance, Chapter 17, Commercial District, on the 3rd day of June, 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, UTAH THAT THE COMMERCIAL DISTRICT ORDINANCE, TO BE CODIFIED AS CHAPTER 17 OF THE LAND USE ORDINANCE IS HEREBY AMENDED, THIS _____ DAY OF _____, AS SET FORTH ON THE ATTACHMENT HERETO.

The remaining sections of the Land Use Ordinance, Chapter 17, Commercial District not affected by this Ordinance remain unchanged.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	_____	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	_____	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	_____	_____	_____	_____
COUNCILMEMBER: JOE ALLEN	_____	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	_____

ORDINANCE 2015-04- was adopted on _____, 2015 and became effective on _____ day of _____, 2015.

Signed: _____
Mayor, Wayne Peterson

Attest: _____
Deputy Clerk/Recorder, Kristi Barker

LAND USE ORDINANCE 2008-04

CHAPTER 17

COMMERCIAL DISTRICT

(C)

Amended by Ordinance 2012-03, 2015-04

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. Automobiles, 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.

- 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 and 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. 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 or 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 feet 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 (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 irrigation 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, 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. 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. Where the elevation of the property changes significantly, the Town Council may approve or require a fence taller than six feet (6') to provide a visual screen or buffer for lights, noise, or related impacts. 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.

**TOWN OF LEEDS
ORDINANCE NUMBER 2015-05**

**Amended and Restated Site Development Plans
Chapter 26 of the Land Use Ordinance**

**AN ORDINANCE AMENDING CHAPTER 26 OF THE LEEDS, UTAH, LAND USE ORDINANCE
2012-02**

WHEREAS, the Town Council has reviewed Chapter 26 (Site Development Plans) of the Town of Leeds, Utah, Land Use Ordinance 2012-02 and determined that it is advisable, and in the best interests of the Town and its residents, to revise and amend the provision of such chapter of the Leeds, Utah, Land Use Ordinance 2012-02; and

WHEREAS, the Planning Commission of the Town of Leeds has held a Public Hearing on the 3rd day of June, 2015; and discussed the amendments to the Land Use Ordinance, Chapter 26, Site Development Plans; and

WHEREAS, the Planning Commission recommended to the Town Council approval of the amendments to the Land Use Ordinance, Chapter 26, Site Development Plans, on the 3rd day of June, 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, UTAH THAT THE SITE DEVELOPMENT PLANS ORDINANCE, TO BE CODIFIED AS CHAPTER 26 OF THE LAND USE ORDINANCE IS HEREBY AMENDED, THIS _____ DAY OF _____, AS SET FORTH ON THE ATTACHMENT HERETO.

The remaining sections of the Land Use Ordinance, Chapter 26, Site Development Plans not affected by this Ordinance remain unchanged.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	_____	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	_____	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	_____	_____	_____	_____
COUNCILMEMBER: JOE ALLEN	_____	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	_____

ORDINANCE 2015-05- was adopted on _____, 2015 and became effective on _____ day of _____, 2015.

Signed: _____
Mayor, Wayne Peterson

Attest: _____
Deputy Clerk/Recorder, Kristi Barker

LAND USE ORDINANCE 2012-02

CHAPTER 26

SITE DEVELOPMENT PLANS

Amended by Ordinance 2015-05

26.1. 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.

26.2. AUTHORITY.

The Town Council upon receiving the recommendation from Planning Commission and the Joint Utility Committee, may approve a site development plan for development as provided in this Chapter.

26.3. REQUIREMENTS.

26.3.1. 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.

26.3.2. Uses.

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

26.3.2.1. Any public or civic use.

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

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

26.3.3. 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 Town Council, and 3) construction drawings and requirements approved by the Joint Utility Committee. The individual component requirements are:

26.3.3.1. APPLICATION.

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

26.3.3.2. 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:

26.3.3.2.1. DEVELOPMENT PLAN.

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

- 26.3.3.2.1.1.** 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;
- 26.3.3.2.1.2.** 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;
- 26.3.3.2.1.3.** Oriented with a north arrow and tie to a section monument;
- 26.3.3.2.1.4.** 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;
- 26.3.3.2.1.5.** 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;

- 26.3.3.2.1.6. Designating the locations and dimensions of proposed features such as bicycle racks, dumpsters, trash cans, fences, benches, tables, mechanical equipment, etc.;
- 26.3.3.2.1.7. Depicting the location of open space(s);
- 26.3.3.2.1.8. 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;
- 26.3.3.2.1.9. Identifying the layout, dimensions and names of existing and future road rights of way;
- 26.3.3.2.1.10. Identifying setback lines as required by Leeds Land Use Ordinances;
- 26.3.3.2.1.11. Identifying proposed parks, playgrounds, schools, and other public facility sites, if any;
- 26.3.3.2.1.12. 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;
- 26.3.3.2.1.13. 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
- 26.3.3.2.1.14. Containing a phased development plan, if applicable, including the proposed sequences of development.
- 26.3.3.2.1.15. Identify proposed signage to meet the requirements of Sign Chapter (Chapter 22)

26.3.3.2.2. PRELIMINARY UTILITY PLAN.

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

- 26.3.3.2.2.1. North arrow, scale, and site development plan underlay;
- 26.3.3.2.2.2. 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;

26.3.3.2.2.3. Minimum fire flow required by the uniform fire code for the proposed buildings, and fire flow calculations at all hydrant locations;

26.3.3.2.2.4. Location and dimensions of all utility easements; and

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

26.3.3.2.3. PRELIMINARY GRADING AND DRAINAGE PLAN.

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

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

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

26.3.3.2.3.3. Areas of substantial earth moving;

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

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

26.3.3.2.3.6. 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;

26.3.3.2.4. 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:

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

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

26.3.3.2.4.3. Outdoor lighting, furnishings and architectural accents; and

26.3.3.2.4.4. 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

26.3.3.3. 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.

26.3.4. 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.

26.4. APPROVAL PROCEDURES.

26.4.1. TOWN STAFF REVIEW AND APPROVAL.

26.4.1.1. 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).

26.4.1.2. 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.

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

26.4.2. PLANNING COMMISSION REVIEW AND TOWN COUNCIL APPROVAL.

26.4.2.1. 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.

26.4.2.2. Public Hearing.

The Planning Commission shall schedule a public hearing to hear discussion on the proposed development and Site Analysis for any commercial, mixed-use, or multi-family project which involves new construction of a building of 10,000 sq. feet or more.

26.4.2.3. Town Council Approval.

After the public hearing, the Planning Commission shall make a recommendation to Town Council at its next scheduled meeting, 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.

26.4.2.4. Nonconformance to Standards.

If the Town Council finds the proposed Site Analysis component of the site development plan fails to conform to the standards referenced in this Chapter, the Town Council 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 Town Council'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 Town Council, and schedule the item for the next available Town Council 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.

26.4.2.5. Effect of Town Council Approval.

A conditional approval of a Site Analysis by the Town Council 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 Town Council 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).

26.4.3. JOINT UTILITY COMMITTEE REVIEW AND APPROVAL.

26.4.3.1. Submittal of Construction Documents.

Upon approval of the Site Analysis by the Town Council, 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:

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

26.4.3.1.1.1. 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.

26.4.3.1.1.2. 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.

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

26.4.3.1.2. Town of Leeds waste water construction standards;

26.4.3.1.3. Electric power provider's standards and specifications;

- 26.4.3.1.4. Applicable fire code in consultation with the Leeds Area Special Service District;
- 26.4.3.1.5. Natural gas provider's and telecommunication providers' standards and specifications, if applicable.
- 26.4.3.1.6. Culinary water authority design and construction standards and specifications.
- 26.4.3.1.7. Irrigation water authority design and construction standards and specifications.
- 26.4.3.1.8. Specific geotechnical and drainage recommendations established by the soils report, if required.
- 26.4.3.1.9. 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:
 - 26.4.3.1.9.1. Town Engineer
 - 26.4.3.1.9.2. Town Public Works Director
 - 26.4.3.1.9.3. Culinary Water Authority
 - 26.4.3.1.9.4. Irrigation Water Authority
 - 26.4.3.1.9.5. Leeds Area Special Service District
 - 26.4.3.1.9.6. Sewer Authority
 - 26.4.3.1.9.7. Electric Power Provider
 - 26.4.3.1.9.8. Natural Gas Provider
 - 26.4.3.1.9.9. Telecommunications Provider(s)

26.4.3.2. Joint Utility Committee Agenda and Meeting.

- 26.4.3.2.1. 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.
- 26.4.3.2.2. Applicant or applicant's authorized representative shall attend the Joint Utility Committee meeting when the plan item is on the agenda.

26.4.3.3. Joint Utility Committee Review.

26.4.3.3.1. 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.

26.4.3.3.2. 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.

26.4.3.4. Joint Utility Committee Approval.

26.4.3.4.1. 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.

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

26.4.3.4.3. 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.

26.4.3.5. 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.

26.4.4. APPROVED SITE DEVELOPMENT PLAN.

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

26.4.4.1. 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.

26.4.4.2. 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.

26.4.4.3. 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.

26.5. 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:

26.5.1. 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), Town Council approval shall not be granted (even as a condition) unless and until a corresponding overlay zone has already been approved by the Town Council.

26.5.2. 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.

26.5.3. Special Conditions.

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

26.5.3.1. 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.

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

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

- 26.5.3.4. A traffic impact analysis.
- 26.5.3.5. Warranty deed or preliminary title report or other document showing the applicant has control of the property.
- 26.5.3.6. Parcel map(s) from the county recorder's office showing the subject property and all property located within four hundred feet (400') thereof.
- 26.5.3.7. 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.

26.5.4. 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:

- 26.5.4.1. 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.
- 26.5.4.2. Development guidelines for a multi-use complex shall, at a minimum, address the following topics:
 - 26.5.4.2.1. General site engineering (e.g., storm drainage, provision of utilities, erosion control, etc.);
 - 26.5.4.2.2. Architectural guidelines, including building elevations, setbacks, height, massing and scale, site coverage by buildings, materials, and colors;
 - 26.5.4.2.3. Landscaping and open space standards;
 - 26.5.4.2.4. Signage;
 - 26.5.4.2.5. Exterior lighting;
 - 26.5.4.2.6. Parking, pedestrian and vehicular circulation, and access to the site;
 - 26.5.4.2.7. Rights of access within the center, if applicable (use of cross easements, etc.);
 - 26.5.4.2.8. Development phasing and improvements/amenities to be completed with each phase;
 - 26.5.4.2.9. Outdoor sales, storage and equipment;
 - 26.5.4.2.10. Fencing and walls; and

26.5.4.2.11. Maintenance standards and responsibilities.

26.5.4.3. 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.

26.5.5. 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.

26.5.6. 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.

26.6. APPEAL OF DECISION.

Any adversely affected applicant may appeal a decision of the Town Council 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.

26.7. 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:

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

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

26.7.1.2. 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;

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

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

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

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

26.7.2. 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.

26.7.3. 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.

26.7.4. 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.

26.8. 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):

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

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

26.9. 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.

26.10. 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.

Open and Public Meetings Act* Title 52, Chapter 4, Utah Code

What is a public body?

Why conduct business in an open meeting?

What are the penalties?

What is a meeting?



What if an emergency meeting is needed?

What is the 24-hour requirement?

Open Meetings

When can a closed meeting be held?

What must be included in a public notice?

What minutes and recordings must be kept?

*This briefing is provided for the convenience of the Legislature, other public bodies, and citizens. Users should consult the Utah Code for definitive provisions of the Open and Public Meetings Act.

 **OLRGC**
Office of Legislative Research and General Counsel

May 2009

Open and Public Meetings Act

Training

“The presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of this chapter.”

Source: Section 52-4-104 Utah Code
May 2009



Open and Public Meeting Act

Purpose

The Legislature finds and declares that...

- § State agencies and political subdivisions:
- < exist to aid in the conduct of the people's business
 - < must take their actions openly
 - < must conduct their deliberations openly

Source: Section 52-4-102 Utah Code

May 2009



Key Definitions

Ç “Meeting” = the convening of a public body

- < With a quorum present
- < To discuss, receive comments, or act on a matter over which it has jurisdiction or advisory power

Ç “Convening” = calling of a meeting of a public body,

- < by an authorized person,
- < to discuss a subject over which it has jurisdiction or advisory power

Ç “Public body” = any administrative, advisory, executive, or legislative body that:

- < Is created by Utah Constitution, statute, rule, ordinance, or resolution;
- < Consists of two or more persons;
- < Expends, disburses, or is supported in whole or in part by tax revenue; and
- < Is vested with the authority to make decisions regarding the public’s business

Source: Section 52-4-103 Utah Code

May 2009



Key Definitions ! Continued

Ç “Meeting” Ö

- < A chance meeting
- < A social meeting; or
- < A convening solely for discussion or implementation of administrative or operational matters if:
 - ! no formal action is taken or
 - ! the matters would not come before the body for discussion or action

Ç “Public body” Ö

- < Political party, political group or political caucus or
- < Conference committee, rules committee, or sifting committee of the Legislature

Source: Section 52-4-103 Utah Code

May 2009



Meetings are Open

A meeting is open to the public unless closed in accordance with the act

Ç Open meetings include:

- < Regular meetings
- < Special meetings
- < Workshops
- < Executive sessions
- < Site visits
- < Traveling tours

Ç Closed meetings have specific restrictions

Source: Section 52-4-103, 52-4-201 Utah Code

May 2009



Closed Meetings

A meeting is open to the public unless...

- Ç A closed meeting may be held if:
 - < a quorum is present
 - < 2/3 of the members present vote, at an open meeting, to approve closing the meeting
- Ç The reasons and location of the closed meeting shall be announced and entered into the minutes of the open meeting
- Ç Only certain matters may be discussed in a closed meeting

Closed Meeting ! Permitted Purposes

A closed meeting may only be held for:

- Ç Discussion of the character, competence or health of an individual
- Ç Strategy sessions for:
 - < Collective bargaining
 - < Pending or imminent litigation
 - < Purchase, exchange, or lease of real property
 - < Sale of real property
- Ç Discussion of security
- Ç Investigations regarding allegations of criminal conduct
- Ç Discussion by a county legislative body of certain commercial taxpayer information

Source: Section 52-4-204 Utah Code

May 2009



Public Notice

“A public body shall give not less than 24 hours public notice of each meeting”

Ç The public notice must include:

- < the agenda (providing reasonable specificity to notify the public as to the topics to be considered - listed as agenda items)
- < the date, time, and place

Ç The public notice must be:

- < posted at the principal office of the public body, or if none exists, at the building where the meeting is to be held
- < posted on the Utah Public Notice Website (with exceptions for certain small entities)
- < provided to:
 - ! at least one newspaper of general circulation within the jurisdiction; or
 - ! a local media correspondent

Ç Public notice of an annual meeting schedule must be provided if the public body holds regular meetings

Source: Section 52-4-202, 63F-1-701 Utah Code

May 2009



Topics Not Listed on the Agenda

A topic raised by the public may be discussed during an open meeting, but the public body may not take final action on the topic at the meeting, unless it is an emergency meeting

Source: Section 52-4-202 Utah Code

May 2009



Minutes and Recordings

Ç Open meetings:

- < written minutes and a recording shall be kept of all open meetings, except a recording is not required to be kept of:
 - ! a site visit if no action is taken; and
 - ! a meeting of a small local districts (\$50,000 budget or less)

Ç Closed meetings:

- < a recording must be made of the closed meeting, unless:
 - ! the closed meeting is exclusively for:
 - ! discussion of the character, competence or health of an individual; or
 - ! discussion of security; and
 - ! the person presiding signs a sworn statement that the closed meeting was solely for the purposes outlined above

Source: Section 52-4-203, 52-4-206 Utah Code

May 2009



Minutes and Recordings ! continued

- Ç **For open meetings**, the written minutes are the official record of action taken and must include:
 - < the date, time, place, and the names of all members present and absent
 - < the substance of all matters discussed which may include a summary of comments made by the members
 - < a record of each vote of each member
 - < the name of each person who, after being recognized, provided comments and the substance in brief of each person's comments
 - < other information that is a record of the proceedings that a member requests to be entered in the minutes
- Ç A recording shall be complete and unedited from start to finish of the meeting **open or closed** and be properly labeled
- Ç **For closed meetings**, the recording and any minutes must include:
 - < The date, time, and place and names of all members present and absent
 - < The names of all other present except where the disclosure would infringe on necessary confidentiality to fulfill the purpose of the closed meeting

Source: Section 52-4-203, 52-4-206 Utah Code

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Minutes and Recordings ! continued

- Ç Written minutes and recordings of **open meetings** are public records under GRAMA
- Ç A public body must establish procedures for approval of written minutes
- Ç Written minutes prepared in a form awaiting only formal approval are a public record
- Ç Written minutes shall be available with a reasonable time after the meeting
- Ç A recording of an open meeting shall be available to the public for listening within three business days after the meeting
- Ç **Closed meetings** minutes and recordings are protected records under GRAMA

Source: Section 52-4-203, 52-4-206 Utah Code

May 2009



Emergency Meetings

- Ç An emergency meeting may not be held unless:
 - < an attempt has been made to notify all members of the public body; and
 - < a majority of the members vote to approve the meeting
- Ç The 24 hour public notice requirements may be disregarded if:
 - < unforeseen circumstance cause a need to hold an emergency meeting to consider emergency or urgent matters; and
 - < the best notice practicable is given of the time, place and topics to be considered

Electronic Meetings

A public body may not hold an electronic meeting unless it has adopted procedures for conducting it
(the Utah Legislature has not adopted procedures)

- Ç “Electronic meeting means a public meeting convened or conducted by means of a conference using electronic communications”
- Ç Adopted procedures may include consideration of budget, logistics, presence of a quorum at an anchor location, vote to establish an electronic meeting, notice requirements, etc.

Source: Section 52-4-103, 52-4-207 Utah Code

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Penalties

The attorney general and the county attorneys shall enforce this chapter

§ Any final action taken in violation of the act is voidable by a court

< A suit to void a final action must be commenced within 90 days after the action (30 days for bonding instruments)

§ A closed meeting violation is a class B misdemeanor

§ If closed meeting is challenged, a court shall review the recording or minutes (in private) and determine whether a violation occurred

< If the judge determines a violation occurred, the judge shall publicly disclose all information about the portion of the meeting that was illegally closed

Source: Section 52-4-302, 52-4-303, 52-4-304, 52-4-305 Utah Code

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