

Town of Leeds

Agenda Town of Leeds Planning Commission Wednesday, July 6, 2016

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission will hold a **PUBLIC MEETING** on Wednesday, July 6, 2016 at 7:00 P.M. The Planning Commission will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

Regular Meeting 7:00 p.m.

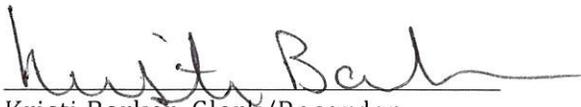
1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting minutes from June 1, 2016.
6. Announcements:
7. Public Hearings:
 - a. Amendments to the Land Use Ordinance 2015-04, Chapter 17, Commercial District
8. Action Items:
 - a. Discussion and possible action on amendments to the Land Use Ordinance 2015-04, Chapter 17, Commercial District
 - b. Planning Commission Chairman for 2016-2017
9. Discussion Items:
 - a. Amendments to Land Use Ordinance 2008-04, Chapter 4, Supplementary and Qualifying Regulations
 - b. Code Enforcement
10. Staff Reports
11. Adjournment

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2947 at *least* 24 hours prior to the meeting.

The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting;

The undersigned Clerk/Recorder does hereby certify that the above notice was posted July 5, 2016 at these public places being at **Leeds Town Hall, Leeds Post Office**, the **Utah Public Meeting Notice website** <http://pmmutah.gov> and the **Town of Leeds website** www.leedstown.org



Kristi Barker, Clerk/Recorder

Town of Leeds

Planning Commission Meeting for June 1, 2016

1. Call to order:

Chairman Nelson called to order the regular meeting of the Planning Commission at 7:00pm on June 1, 2016, at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
CHAIRMAN: DARRELL NELSON	<u>x</u>	<u> </u>
COMMISSIONER: DARRYL LEWIS	<u> </u>	<u>x</u>
COMMISSIONER: DANIELLE STIRLING	<u>x</u>	<u> </u>
COMMISSIONER: JOHN POAST	<u>x</u>	<u> </u>
COMMISSIONER: DANNY SWENSON	<u>x</u>	<u> </u>

2. Invocation by Commissioner Swenson.

3. Pledge of Allegiance by Commissioner Nelson.

4. Declaration of Abstentions or Conflicts: None.

5. Approval of Agenda:

Commissioner Poast moved to approve meeting minutes of May 4, 2016. 2nd by Commissioner Stirling. All voted "Aye". Motion Passed.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
CHAIRMAN: DARRELL NELSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: DARRYL LEWIS	<u> </u>	<u> </u>	<u> </u>	<u>x</u>
COMMISSIONER: DANIELLE STIRLING	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: JOHN POAST	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: DANNY SWENSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>

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

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
CHAIRMAN: DARRELL NELSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: DARRYL LEWIS	<u> </u>	<u> </u>	<u> </u>	<u>x</u>
COMMISSIONER: DANIELLE STIRLING	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: JOHN POAST	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COMMISSIONER: DANNY SWENSON	<u>x</u>	<u> </u>	<u> </u>	<u> </u>

6. Announcements:

Chairman Nelson, next week Planning Commissioners have been request to attend a work session with the Town Council for the General Plan and process. That will be followed by a budget meeting from the Council.

7. Public Hearings:

- a. Zone Change on Parcel L-3-1-7-250 for Research & Results Engineering INC from Open Space (OS) to Commercial District (C) on approximately .06 acre.

Chairman Nelson, this is behind their building and would be for storage of raw materials. The land has been purchased and the fee has been paid.

Commissioner Stirling made a motion to open the public hearing. 2nd by Commissioner Poast. Motion Passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DARRELL NELSON	x			
COMMISSIONER: DARRYL LEWIS				x
COMMISSIONER: DANIELLE STIRLING	x			
COMMISSIONER: JOHN POAST	x			
COMMISSIONER: DANNY SWENSON	x			

Roger Watt, I have purchased .06 acres from Alberta Pace, which is directly behind my building. I have a disadvantage, a lot of people in Town know me but I know almost no one, I live in Toquerville. What it looks like I have asked to do is change zoning on open space because on paper, that is what it is, but if you went up there, what you would see is I actually purchased the road that goes to the top of the mountain. I am going to build right up to the edge of the road.

Roger Watt and Commissioners discussed the zone change further. Commissioner Swenson read the purchase agreement on the .06 acres. It indicates the existing access road behind R&R Engineering will remain open for use by Alberta Pace and/or her successors.

Commissioner Stirling made a motion to close the public hearing. 2nd by Commissioner Poast. Motion Passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DARRELL NELSON	x			
COMMISSIONER: DARRYL LEWIS				x
COMMISSIONER: DANIELLE STIRLING	x			
COMMISSIONER: JOHN POAST	x			
COMMISSIONER: DANNY SWENSON	x			

8. Action Items:

- a. Zone Change on Parcel L-3-1-7-250 for Research & Results Engineering INC from Open Space (OS) to Commercial District (C) on approximately .06 acre.

Commissioner Stirling made a motion to approve the Zone change on parcel L-3-1-7-250 for Research & Results Engineering INC from Open Space to Commercial District. 2nd by Commissioner Poast. Motion Passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DARRELL NELSON	x	_____	_____	_____
COMMISSIONER: DARRYL LEWIS	_____	_____	_____	x
COMMISSIONER: DANIELLE STIRLING	x	_____	_____	_____
COMMISSIONER: JOHN POAST	x	_____	_____	_____
COMMISSIONER: DANNY SWENSON	x	_____	_____	_____

Roger Watt and Doug Rogers discussed the operation of the business.

9. Discussion Items:

- a. Proposed amendments to the Land Use Ordinance 2015-04, Chapter 17, Commercial District. Commissioners discussed the amendments to the Land Use Ordinance 2015-04 and made the following additional amendments:
 1. After section 17.2.34 the following paragraph was amended to read:
Other uses recommended by the Planning Commission to the Town Council to be a use that is in harmony with the intent and purpose of the zone, and therefore should be allowed in the Commercial zone.
 2. On section 17.3, the following was added after Conditional Uses:
See also section 17.7
 3. After section 17.3.13 the following paragraph was added:
Other uses similar to the above uses and recommended by the Planning Commission to the Town Council to be a use that is in harmony with the intent and purpose of the zone, and therefore should be considered as a conditional use in the Commercial zone.

Commissioners and Bob Nicholson discussed the Town’s Code Enforcement. It will be on next month’s agenda.

Bob Nicholson and Commissioners discussed the process of reviewing the General Plan.

10. Staff Reports:

11. Adjournment:

Commissioner Stirling adjourned the meeting.
Time: 8:15pm.

APPROVED ON THIS _____ DAY OF _____, 2016

Darrell Nelson, Chair

ATTEST:

Kristi Barker, Clerk/Recorder

DRAFT



TOWN OF LEEDS

Planning Commission Meeting PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will occur at the
Planning Commission Meeting on

Wednesday, July 6, 2016 at 7:00 p.m.

At the Leeds Town Hall 218 North Main Street, Leeds, Utah.

The Leeds Planning Commission will hold a public hearing on the above-mentioned date to consider the following proposed item:

Consider amendments to the Land Use Ordinance 2015-04, Chapter 17, Commercial District

Copies of the proposed amendments to the Land Use Ordinance 2015-04, Chapter 17, Commercial District will be available for review at the Leeds Town Hall during regular business hours (9:00 a.m. to 4:00 p.m. Monday – Thursday)

Interested persons are encouraged to attend the public hearing to be held in the Leeds Town Hall at 218 North Main Street, or present their views in writing to the Leeds Town Clerk/Recorder prior to the meeting.

Certificate of Posting

The undersigned Deputy Clerk/Recorder does hereby certify that the above notice was posted June 21, 2016. The public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, the Town of Leeds Website www.leadstown.org, also published in the Spectrum Newspaper.

Kristi Barker
Clerk/Recorder

LAND USE ORDINANCE 2008-04

CHAPTER 17

COMMERCIAL DISTRICT (C)

Amended by Ordinance 2012-03, 2015-04

(draft #3, 6-2-16 by BN to reflect PC input from 6-1-16)
(new portion underlined)

2016-08

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.

Other uses recommended by the Planning Commission to the Town Council to be a use that is in harmony with the intent and purpose of the zone, and therefore should be allowed in the Commercial zone.

17.3. CONDITIONAL USES. See also section 17.7

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

17.3.2 ATV Rentals

17.3.3. 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.

17.3.4. Gunsmith.

17.3.5. Hotels and motels.

17.3.6. Limited non-polluting manufacturing.

17.3.7. Rental agency for home and garden tools.

17.3.8. Second-hand store.

17.3.9. Storage rental units.

17.3.10. Propane station at service station only.

17.3.11. Public utilities.

17.3.12. Hospital.

17.3.13. Service station.

17.3.14. 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.

Other uses similar to the above uses and recommended by the Planning Commission to the Town Council to be a use that is in harmony with the intent and purpose of the zone, and therefore should be considered as a conditional use in the Commercial zone.

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.

LAND USE ORDINANCE 2008-04

CHAPTER 4

SUPPLEMENTARY AND QUALIFYING REGULATIONS

Amended by Ordinance 201x-xx

4.1. EFFECT OF CHAPTER.

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this Ordinance.

4.2. SUBSTANDARD LOTS AT TIME OF ORDINANCE PASSAGE.

Any lot legally held in separate ownership, and complying with previous Town Ordinances, at the time of passage of this Ordinance, which lot is below the requirements for lot area or lot width for the District in which it is located, may be used for a single-family dwelling if a variance is granted by the Leeds Board of Adjustment. The width of each of the side yards for such a dwelling may be reduced. The reduction shall not be less than the same percentage of the lot width as the required side yard would be of the required lot width. However, in no case shall the smaller of the two (2) side yards be less than five (5) feet or the total width of the two (2) side yards be less than thirteen (13) feet.

4.3. LOTS.

4.3.1. Standard Lot.

4.3.1.1. Except as provided in this Ordinance and existing non-conforming lots or lots intended to be created, shall have such area, frontage, width and depth as is required by the Ordinance for the district in which said lot is located and shall have frontage upon a dedicated or publicly approved street or upon a private street or right-of way approved by the Leeds Planning Commission, before a building permit may be issued

4.3.2. Flag Lot.

4.3.2.1. The use of flag lots should be avoided, if at all possible, and never included in a new development. New developments should be laid out in a manner where flag lots are not included.

4.3.2.2. The existing lots within Leeds, at the time this Ordinance went into effect, are the only lots that will be considered for flag lots. These existing lots can be subdivided to create a flag lot only after determination by the Planning Commission that a standard lot is not

feasible. The Planning Commission may, in order to encourage more efficient use of land, recommend a flag lot to be developed subject to the following conditions:

- 4.3.2.2.1. Property cannot be subdivided with typical public street frontage either at the present time or in the foreseeable future.
- 4.3.2.2.2. The staff portion of said lot shall front on a dedicated public street. The minimum width of the staff shall be 12 (twelve) feet with 2 (two) feet unobstructed width on each side. The staff portion shall provide access only to a single family dwelling. If under unusual conditions, the staff portion provides access to two (2) single-family dwellings then the staff portion must be twenty-five (25) feet wide.
- 4.3.2.2.3. No building or construction except for driveway shall be allowed on the staff portion of said lot.
- 4.3.2.2.4. All lot area and setback requirements shall be the same as are required by the zone in which the lot is located. The staff portion of the lot shall not be used to calculate the minimum lot size. The lot must be of such shape that all setback requirements shall be complied with if a structure were to be built on said lot.

4.4. EVERY DWELLING TO BE ON A LOT – EXCEPTIONS.

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth, and frontage required by this ordinance for the District in which the dwelling structure is located. In zones allowing multiple dwelling units the lot must meet or exceed the required area to accommodate the number of dwelling units to be placed on a lot within the zone.

Except for group dwellings, not more than one (1) dwelling structure shall occupy any one (1) lot unless a casita is authorized in specific zoning districts. If a casita is authorized it cannot be rented or used for a business and can only be occupied by family members within the third degree of consanguinity or on a short-term guest basis.

4.5. SOIL ANALYSIS.

A soil feasibility analysis shall be submitted to and approved by the Southwest Utah Health Department, prior to installation of a sewage system.

4.6. YARD SPACE FOR ONE BUILDING ONLY.

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

4.7. TWO CAR GARAGE.

All new homes including modular and pre-built shall have a two (2)-car garage.

4.8. PRIVATE GARAGE WITH SIDE YARD – REDUCED YARDS.

On any interior lot where a private garage, containing a sufficient number of parking spaces to meet the requirements of this Ordinance, has a side yard equal to the minimum side yard required for a dwelling in the same district, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard; and on any lot where such garage has such side yard, the rear yard of the dwelling may be reduced to fifteen (15) feet, providing the garage also has a rear yard of a least fifteen (15) feet.

4.9. SALE OR LEASE OF REQUIRED SPACE.

No space needed to meet the width, yard, area, coverage, parking or other requirements of this Ordinance for lot or building may be sold or leased away from such lot or building.

4.10. SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS.

No parcel of land which has less than the minimum width and area requirements for the District in which it is located may be severed from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

4.11. YARDS TO BE UNOBSTRUCTED – EXCEPTIONS.

Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a yard not more than four (4) feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projection into a yard not more than five (5) feet.

4.12. AREA OF ACCESSORY BUILDINGS.

No accessory building or group of accessory buildings in any residential or rural residential district shall cover more than twenty-five (25) percent of the rear yard, not to exceed the square footage of the main house or a maximum of eight thousand (8,000) square feet or the amount shown in the zone in which the property is located, whichever

is less. Accessory buildings cannot be constructed prior to the construction of the primary residence.

4.13. ADDITIONAL HEIGHT ALLOWED.

Public and quasi-public utility buildings, when authorized in any zone, may be erected to a height greater than the zone height limit by conditional use permit, but in no case shall the height be higher than forty-five (45) feet. Where the additional height is granted, the front, side and rear setbacks for the lot are to be double those required in the zone.

4.14. EXCEPTIONS TO HEIGHT LIMITATIONS.

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space. All front, side and rear yard setbacks shall be increased equal to the height addition of any of the above.

4.15. MINIMUM HEIGHT OF MAIN BUILDING.

No dwelling shall be erected to a height less than one (1) story above grade.

4.16. MAXIMUM HEIGHT OF ACCESSORY BUILDINGS.

No building which is accessory to a one-family, two-family, or multi family dwelling shall be erected to a height greater than one (1) story or twenty-five (25) feet, or the main building, whichever is less.

4.17. CLEAR VIEW OF INTERSECTING STREETS.

In all districts that require a front yard, clear view allowances must be made as follows:

4.17.1. If within a triangular area formed by the street property lines and a line connecting them at forty (40) feet from the intersection of the street lines,

4.17.1.1. No visual obstructions may exceed twenty-eight (28) inches in height; this includes signs of all types.

4.17.1.2. No transparent material may exceed four (4) feet in height.

4.17.2. A reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers, pedestal-type identification signs, and pumps at gasoline service stations may be allowed.

4.18. MAXIMUM HEIGHT OF FENCES, WALLS, AND HEDGES.

- 4.18.1.** Fences, walls and hedges shall not exceed four (4) feet in height within any required front yard or side street side yard. Any terraced area in the front yard or side street side yard including a combination of walls shall not exceed four (4) feet in height. The maximum total height of all walls in the front yard and side street side yard is four (4) feet. The maximum height of a wall in the front yard set back area will be four (4) feet. Where animals are being contained and require a higher fence, or where an open fence, such as wrought iron, is to be utilized, the Planning Commission may allow the fence to be up to six (6) feet high.
- 4.18.2.** Fences, walls, terraces and hedges or any combination thereof shall not exceed six (6) feet in height within any required rear yard or interior side yard.
- 4.18.3.** For purposes of this Section, single shrub planting shall not constitute hedge if the closest distance between the foliage of any two (2) plants is and remains at least five (5) feet.
- 4.18.4.** Where a fence, wall, terrace, or hedge is located along a property line separating two (2) lots and there is a difference in the grade of the properties on the two (2) sides of the property line, the fence, wall, terrace or hedge may be erected or allowed to the maximum height permitted on either side of the property line. In the front yard setback area, the maximum height of four (4) feet will be measured from the lower of the two yards.

4.18.5. Subdivision boundary.

To maintain open appearances of neighborhoods, walls and fences on perimeter boundary of projects are discouraged. If the boundary of a residential subdivision boundary is adjacent to a commercial zone then a wall will be required to separate the two.

4.18.6. Lot boundary.

To maintain open appearances of neighborhoods, walls and fences around the perimeter boundary of a lot is discouraged. If a fence is required by law (i.e. swimming pools) then an open non-wire fence (wrought iron) is encouraged. If a fence is required to contain animals, fence selection is encouraged to follow the intent of maintaining the open space appearance without having unsightly fencing.

4.19. WATER AND SEWAGE REQUIREMENT.

All proposed building or proposed use shall be connected to a public or approved private water system within the Town limits of Leeds. Sewer systems, including septic tanks, must be approved by the State Department of Environmental Health.

4.20. CURBS, GUTTERS, AND SIDEWALKS.

- 4.20.1.** The installation of curb, gutters, and sidewalks of a type approved by the Leeds Town Council may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or on which a new use is to be established. The installation of curb, gutter and sidewalk may be required where such improvements are not already in existence or where existing improvements are damaged or broken. Said installation may be required as a condition of obtaining a building permit and shall be completed as a part of the building contract prior to occupancy.
- 4.20.2.** The Town, upon examination, may determine that it is not in its best interest to install full improvements at the time of land development. In this event, the applicants shall be required to sign a letter of non-opposition to a future special improvement district created by the Town at such time as it is determined to be in the best interest of the Town to do so. The letter of non-opposition shall be recorded against the property and the validity thereof shall run with the land.
- 4.20.3.** All sidewalks adjoining private property are to be maintained by the home owner whose property is adjacent to the sidewalk. Any cracks, holes, abrupt changes in level, damaged, broken or any other condition that would make the sidewalk unsafe, as judged by the Town's Public Works Director, must be corrected by the home owner, at his expense, within thirty (30) days of written notice to the home owner of the said condition.
- 4.20.4.** All lots less than one half (1/2) acre in size shall be installed with curb, gutter and sidewalk. The Town Council may, where installation of curb, gutter and sidewalk at this time would create a problem, authorize this requirement to be met with a special improvement district waiver as part of the recorded plat or with a non-opposition letter as described above.
- 4.20.5.** Any construction on Main Street shall include curb, gutter, and sidewalk.

4.21. EFFECT OF OFFICIAL MAP.

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped street line adjacent to the property provided by the Town of Leeds Official Map.

4.22. LOTS AND DWELLINGS ON PRIVATE STREETS – SPECIAL PROVISIONS.

Lots with frontage on private streets shall only be allowed by conditional use permit or Planned Unit Development procedure only, and subject to all applicable requirements of this Ordinance and the Subdivision Ordinance.

4.23. APPROVAL TIME LIMITS.

Approvals made by the Town Council are conditional upon the approved action starting within twelve (12) months of the approval date. If the approval action has not started, the applicant may request an extension for an additional six (6) months. When the time period has expired without work starting the approval action is void and can not be reestablished without going through the appropriate approval process again. At the end of the time period, the result is the same, as the approval was never granted. Annexation of land into the Town of Leeds is exempt from this time limit.

4.24. TABLED ACTIONS.

Any action tabled by the Planning Commission three (3) times is considered denied and automatically passed to the Town Council for consideration. Any action tabled three times by the Town Council is automatically denied.

4.25. MAINTAIN NATURAL ENVIRONMENT.

During any construction in all residential and commercial zones, all efforts shall be made by all parties involved with the construction to keep the lot in an as natural condition as possible.

4.26. CLEAN CONSTRUCTION SITE.

All construction within the Town of Leeds will maintain a clean construction site with an on site dumpster and bathroom facilities, both of which are to be properly cleaned on a frequent basis. Construction debris on site shall be picked-up and not allowed to be wind blown on neighboring property. At the end of construction, left over material shall be removed within thirty (30) days.

4.27. APPEARANCE OF PROPERTY.

No trash, rubbish, weeds, or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential or commercial zone. No junk, debris, abandoned items, abandoned or dismantled automobiles or similar material shall be stored or allowed to remain on any lot in any residential zone. Violations are subject to the provisions of Section 1.15 penalties of Chapter 1 of this Ordinance.

4.28. MINOR TELECOMMUNICATIONS FACILITY.

This section applies to both commercial and private low-power radio services and facilities, such as “cellular” or “PCS” (personal communications systems) communications and paging systems. Each application for a telecommunication facility shall comply with the following.

4.28.1. Wall-Mounted Antenna.

Wall-mounted antennas may not extend above the wall line of the building or extend more than four (4) feet horizontally from the face of the building.

- 4.28.1.1. Antennas, equipment and the supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structures on buildings shall be architecturally compatible with the building. Whip antennas are not allowed on a wall-mounted antenna structure.
- 4.28.1.2. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered a wall-mounted antenna if no portion of the antenna extends above the roofline of those building structures.
- 4.28.1.3. Stealth wall-mounted antennas are encouraged and may be allowed to vary from the provisions of this section upon demonstrated mitigation of impact.

4.28.2. Roof-Mounted Antenna.

Roof-mounted antennas are allowed only on flat roofs and shall be screened, constructed, and painted to match the structure to which they are attached. The Planning Commission may recommend, and with the approval of the Town Council, a roof-mounted stealth antenna may be placed on a pitched roof if the antenna does not extend above the peak of the roof.

- 4.28.2.1. Antennas shall be mounted at least five (5) feet behind any parapet wall. The maximum height of an antenna mounted between five (5) and ten (10) feet behind a parapet wall shall be directly proportional to the setback distance, and may not exceed a height of ten (10) feet above the top of the parapet wall. An antenna may not extend more than fifteen (15) feet above the roofline of the building unless the adverse impacts of the additional height are fully mitigated.
- 4.28.2.2. Roof-mounted antennas may be mounted on existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view. The screening structures may not extend more than eight (8) feet above the existing roofline of the penthouse or mechanical equipment room.
- 4.28.2.3. Antennas not mounted on a penthouse or mechanical equipment room shall be mounted at least five (5) feet back from the exterior wall of the building. The maximum height of an antenna mounted

between five (5) and ten (10) feet back from the exterior wall shall be directly proportional to the setback distance, and may not exceed ten (10) feet above the roof line of the building. Similarly, a roof-mounted antenna may not extend above the roofline of the penthouse or mechanical equipment room except as allowed as a conditional use.

4.28.3. Power lines.

All power lines on the lot leading to the accessory building and antenna structure of the telecommunications facility shall be installed underground.

4.28.4. Area limitations.

Combinations of both roof and wall-mounted antennas are allowed on a building. The total area for all wall and roof-mounted antennas and supporting structures combined shall not exceed forty (40) square feet for each exterior wall of the building or a total of one hundred sixty (160) square feet per building. Cellular antennas may occupy a maximum of four (4) walls. The visible portion of the supporting structure as viewed when looking directly at the face of the building. The total area for a roof-mounted antenna shall apply to the closest exterior wall.

4.28.5. Review Criteria.

Each applicant for a telecommunication facility must demonstrate:

- 4.28.5.1.** Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures.
- 4.28.5.2.** Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, utility poles and similar structures is possible without significantly affecting antenna transmission or reception.
- 4.28.5.3.** The location of the antenna in relation to existing vegetation, topography, and building to optimize visual screening.
- 4.28.5.4.** Whether the spacing between monopoles creates detrimental impact upon adjacent properties.
- 4.28.5.5.** The location of the pole in relation to noteworthy structures, landmarks and pedestrian or automotive transportation view corridors.

4.28.5.6. Location and zoning compliance of accessory buildings associated with the telecommunication facility.

4.28.5.7. Monopole.

A conditional use permit for monopole may be granted in a residential zone district only if the Planning Commission recommends and the Town Council finds:

4.28.5.7.1. The monopole antenna does not exceed thirty five (35) feet in height.

4.28.5.7.2. Monopole with antennae and the antennae supports structure does not exceed two (2) feet in width.

4.28.5.7.3. The antenna tower will be placed on a parcel, which is not occupied by a residential use, such as a school church, or other nonresidential use, which is otherwise legally located in that residential zone.

4.28.5.7.4. The antenna tower will be located no closer than two hundred (200) feet from the nearest residential structure.

4.28.5.7.5. The monopole will be disguised as, or otherwise integrated with, a light pole or similar utility structure located on the parcel to minimize and mitigate the visual impact of the antenna. Monopoles shall be fenced with a six (6) foot chain-link fence and the climbing pegs removed from the lower twenty (20) of the monopole. In circumstances where the accessory building and fence may be viewable from any public road or public space, the Planning Commission may recommend and the Town Council require alternative building and fencing materials such as masonry, wrought iron, or chain-link with colored vinyl coating and landscaping depending on the location.

4.28.5.7.6. No monopole or lattice tower may be located within one thousand (1,000) feet of another monopole or lattice tower unless it is for the bona fide public services of a public transit district as defined in Section 17A-2 1001 et seq. of the Utah Code Annotated and as certified by said public transit district.

4.28.6. Co-location.

Co-location is both permitted and encouraged if all setbacks, design and landscape requirements are met for each telecommunication facility. The application shall include any existing or approved, but un-built, telecommunications facility within the telecommunications area that may meet the needs of the applicant. The documentation supplied shall evaluate the following factors:

- 4.28.6.1. Structural capacity of the antenna towers.
- 4.28.6.2. Geographic telecommunications area requirements.
- 4.28.6.3. Mechanical or electrical incompatibilities.
- 4.28.6.4. Inability or ability to locate equipment on existing antenna towers.
- 4.28.6.5. Any restriction or limitations of the Federal Communication Commission that would preclude the shared use of the antenna tower.

4.28.7. Classification/installation.

Low power radio service facilities are characterized by the type or location of the antenna structure.

4.29. RESIDENTIAL PRIVATE STREETS.

- 4.29.1. In the event private streets are used, they shall conform to the Town of Leeds Standard Specification for Design and Construction as to the quality of construction. Private streets shall include curb, gutter, sidewalks or adequate pedestrian facilities. Street width may be adjusted based upon traffic needs and information provided in a traffic impact study when required. In no case shall a private street right-of-way be less than twenty-eight (28) feet and the paved surface less than twenty-four (24) feet with an unobstructed shoulder of two (2) feet on each side. If it is determined that the private street may become a public street in the future then the appropriate street requirements and dimensions contained in the Leeds Standard Design and Construction Specification shall apply.
- 4.29.2. The Town may observe the construction of private streets. However, in all cases, the developer shall retain the services of his professional engineer and testing firm to provide adequate inspection services and to submit the proper reports and certifications to the Town. All private developments shall be required to submit to the Town the private development improvements certification on the approved form prior to certificate of occupancy and acceptance of the development.

- 4.29.3. No turn around or cul-de-sac shall be required on dead end private streets one hundred fifty (150) feet or less in length measured from the centerline of the intersecting road with only one unit.

4.30. CONTINUATION OF PRINCIPAL STREETS.

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and where such continuation is in accordance with the transportation element of the Town’s General Plan and Master Road Plan. If the adjacent property is undeveloped and the street must be a dead end street temporarily, the right of way shall be extended to the property line and a temporary turnaround shall be provided.

4.31. Short Term Leases of Residential Properties. (Proposed new section)

- 4.31.1. Purpose: The purpose of this section is to promote the health, safety and general welfare of the residents of the Town by establishing zoning regulations for short term leases of residential property to ensure;

- 4.31.1.1 Protection of neighborhoods and the community, including compatibility with existing residences.

- 4.31.1.2 Promote the peace and quiet of residential neighborhoods, and preservation of property values.

- 4.31.2 Definitions: Short term Residential Rental Properties, also referred to as Vacation Rental Property is residential property which is used by any person or entity, for hostel, hotel, inn, boarding house, or other transient lodging use where the term of occupancy, possession, or tenancy of the property is for twenty-nine (29) consecutive days or less, for direct or indirect compensation. For this section, compensation means money, rent or other consideration given in return for occupancy, or use of the property.

- 4.31.3. Short term Residential Rental Properties (also known as Vacation Rental Properties) are prohibited in all residential zones, and agricultural zones unless the property satisfies one of the following requirements;

- 4.31.3.1 Meets the requirements for a Bed & Breakfast Inn, and has obtained approval of a Conditional Use Permit from the Town Council, or

- 4.31.3.2 A single-family owner-occupied dwelling which is part of a Home Exchange where the owners are trading rights to use each other’s home for a short- term period. The exchange must be only between two home owners, and the total number of home exchanges shall not exceed six home exchanges per year, unless a

Conditional Use Permit is approved for more than six exchanges per year.

- 4.31.4.** Business Licenses and Transient Room Tax Required. All approved Short term Residential Rental Properties shall obtain a Business License from Leeds Town for each Short term Residential Rental Property within Leeds Town limits, and shall be subject to the collection of the Municipality Transient Room Tax as allowed under Utah Code.