

LAND USE ORDINANCE 2008-04

CHAPTER 15

MULTI-FAMILY RESIDENTIAL DISTRICTS (R-M-7)

Amended by Ordinance 2013-03

15.1. PURPOSE.

To provide and protect areas for medium density residential use while permitting limited establishment of the public and quasi-public uses which serve the requirements of the neighborhood. Up to five (5) one-family residences per acre may be possible based on number and type of structures, and approval of a conditional use permit.

15.2. PERMITTED USES.

15.2.1. Single family dwelling.

15.2.2. Two-family dwelling.

15.2.3. Household pets.

15.2.4. Accessory uses and buildings customarily incidental to permitted uses.

15.2.5. Park or playground either public or private.

15.2.6. Home Garden.

15.3. CONDITIONAL USES.

15.3.1. Dwellings.

15.3.1.1. Three-family dwellings.

15.3.1.2. Four-family dwellings.

15.3.1.3. Five-family dwellings.

15.3.2. Planned unit development.

15.3.3. Home occupation.

15.3.4. School.

15.3.5. Church.

15.3.6. Public utilities, essential services.

15.3.7. Private recreation ground and facilities.

15.3.8. Accessory uses and buildings customarily incidental to conditional uses.

15.3.9. Unlawful uses.

All uses other than those set forth as permitted or conditional uses above are unlawful.

15.4. DEVELOPMENT STANDARDS.

15.4.1. Height regulations. No main building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is less. No dwelling structure shall be less than one (1) story. Accessory buildings and structures shall not exceed one (1) story in height, and will not exceed twenty-five feet in height.

15.4.2. Lot size. Minimum lot sizes are listed in the following table. The remaining area for each acre shall be used as open space, playground or for an accessory building which will benefit the residents. When two (2) or more acres are adjoining the remaining areas may be combined. One single family dwelling shall be built on a lot no smaller than 10,000 square feet. If the dwelling houses two families (duplex) then the minimum lot size is 20,000 square feet. If a conditional use permit is asked for and granted, then the dwelling structure may contain individual family residences for up to five (5) families. The additional lot sizes required are displayed in the table below.

Number of Family Residents	Total area needed for number of residences listed
One Family Residence	10,000 sq. ft.
Second Family Residence	20,000 sq. ft.
* Third Family Residence	28,000 sq. ft.
* Fourth Family Residence	36,000 sq. ft.
Fifth Family Residence*	43,560 sq ft.

* Requires conditional use permit.

15.4.3. Width, and Yard Requirements.

District	Width	Front Setback	Side Setback	Rear Setback
R-M-7	100 feet	25 feet	10 feet	10 feet

15.4.4. Modifying Regulations.

15.4.4.1. Area.

The minimum lot area shall be ten thousand (10,000) square feet for each one-family dwelling, with an additional ten thousand (10,000) square feet for the second unit and eight thousand (8,000) square feet for the third unit, an additional eight thousand (8,000) square feet for the fourth unit., a fifth unit will require the remaining square footage to make one acre. If two acres are adjoining, the same calculation for lot size starts over for the second acre and starts over for each additional acre in the complex. The maximum number of family units per acre is five (5) even with the conditional use permit.

15.4.4.2. Side Setbacks.

Side yard setback on a street side yard of a corner lot shall be the same as the front yard setback required for the district.

15.4.4.3. Where three (3), four (4) or five (5) residences are built on one acre, private garages and accessory buildings located at least ten (10) feet behind the main building may have a side yard of two (2) feet provided that all corner lots maintain a setback of twenty-five (25) feet on the street side. If garages or parking spaces are placed to the rear of the main building then the side yard must be wide enough for cars to pass along side. When one (1) or two(2) residences are built on one acre, private garages and accessory buildings shall be located in accordance with setbacks stated in the table above.

15.4.4.4. Rear setback.

Where three (3), four (4) or five (5) residences are built on one acre, private garages and accessory buildings located at least ten (10) feet behind the main building may have a rear yard of two (2) feet, provided that on corner lots rearing the side of another lot the minimum rear yard for all buildings shall be the same as the minimum side yard requirement of the zoning district. If garages or parking spaces are placed to the rear of the main building then the side yard must be wide enough for cars to pass along side. The property must have sufficient clearance for fire trucks to access the rear of the building.

15.4.4.5. Accessory buildings.

Accessory buildings shall be a minimum of ten (10) feet from any other building. All accessory buildings shall be in the rear yard and be less than twenty-five percent (25%) of the rear yard.

15.4.4.6. Sewers.

More than one dwelling on a one (1) acre lot will require a sewer system.

15.4.4.7 Site Plan

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

15.5. CONDITIONAL USE EVALUATION CRITERIA.

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 applies.

15.6. SIGNS.

See Details in the Leeds Sign Ordinance.

15.7. PROCEDURE TO OBTAIN CONDITIONAL USES AUTHORIZATION.

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

15.8. OTHER PROVISIONS.

15.8.1. Soil analysis.

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

Ordinance Number 2012-03

AN ORDINANCE OF THE TOWN COUNCIL OF LEEDS, UTAH, ADOPTING AMENDMENTS, REVISIONS AND MODIFICAITONS TO SPECIFIED PROVISIONS OF THE LEEDS LAND USE ORDINANCE TO MAKE SUCH PROVISIONS CONSISTENT WITH THE NEWLY ADOPTED COMMERCIAL SITE DEVELOPMENT PLAN ORDINANCE AND THE AMENDED AND RESTATED SUBDIVISIONS ORDINANCE

WHEREAS, the Town has adopted a Commercial Site Development Plan Ordinance which has been added to the Leeds Land Use Ordinance; and

WHEREAS, the Town has also adopted an Amended and Restated Subdivisions Ordinance which has superseded and replaced the prior Subdivisions Chapter of the Leeds Land Use Ordinance (Chapter 21); and

WHEREAS, when considering the Commercial Site Development Plan Ordinance during its meetings on April 6, 2011 and June 1, 2011, the Planning Commission recommended that changes and revisions be made to specified sections of Chapters 3, 7, 8, 11, 15 and 17 of the Leeds Land Use Ordinance to make such sections consistent with the provisions of the Commercial Site Development Plan Ordinance; and

WHEREAS, the Town Council desires to make the changes and revisions to Chapters 3, 7, 8, 11, 15 and 17 suggested by the Planning Commission, or similar changes and revisions, to make such sections consistent with the provisions of the Commercial Site Development Plan Ordinance; and

WHEREAS, the Town Council also desires to amend and change certain definitions in the Leeds Land Use Ordinance which are used in the Commercial Site Development Plan Ordinance or Amended and Restated Subdivisions Ordinance; and

WHEREAS, Utah State Code Sections 10-9a-501 through 10-9a-520, set forth procedures for the adoption and content of a Land Use Ordinance; and

WHEREAS, the Town Council of Leeds Town held a duly advertised and noticed public hearing for the purpose of receiving public comment regarding the content of the proposed ordinance to change and revise specified sections of the Leeds Land Use Ordinance;

WHEREAS, a public hearing was held on February 22, 2012 with appropriate notice being properly posted for the public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, UTAH AS FOLLOWS:

1. Section 1.6 of Chapter 1 (General Provisions) of the Leeds Land Use Ordinance 2008-04 is hereby amended to change or add the following definitions:

Final Map/Plat.

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

Preliminary Map/Plat.

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

2. Section 3.9. of Chapter 3 (Board of Adjustments) of the Leeds Land Use Ordinance 2008-04 is hereby replaced in its entirety with the following:

3.9. APPEAL PROCESS.

3.9.1. As a condition precedent to judicial review, each adversely affected applicant shall timely and specifically challenge a land use authority's decision by the following process. Only those decisions in which a land use authority had applied a Land Use Ordinance to a particular application, person, or parcel may be appealed to an Appeal Authority.

3.9.1.1. The appeal shall be presented in writing within thirty (30) days of when the land use decision was made. The appeal shall include a detailed description of the land use being appealed, along with references to all Ordinances that the applicant feels applies to this decision. The appeal should include the justification that the applicant feels has not been interpreted properly. The minutes of the Planning Commission and/or Town Council meetings, as applicable, shall establish the date the land use decision was made.

3.9.1.2. The affected applicant is required to present to the Appeal Authority every theory of relief that he/she can raise in district court.

3.9.1.3. The affected applicant shall attend all hearings and meetings associated with his/her appeal.

3.9.1.4. The Appeal Authority shall not require an adversely affected applicant to pursue duplicate or successive appeals before the same or separate appeal authorities as a

condition of the adversely affected applicant's duty to exhaust administrative remedies.

3.9.1.5. The decision of the Appeal Authority takes effect on the date when the appeal authority issues a written decision and this written decision constitutes a final decision.

3. Section 7.6. of Chapter 7 (Conditional Uses) of the Leeds Land Use Ordinance 2008-04 is hereby replaced in its entirety with the following:

7.6. DEVELOPMENT PLAN.

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

4. Section 8.6. of Chapter 8 (Planned Unit Development) of the Leeds Land Use Ordinance 2008-04 is hereby replaced in its entirety with the following:

8.6. COMMERCIAL SITE DEVELOPMENT PLAN.

Applications for a Planned Unit Development shall satisfy the requirements of the Commercial Site Development Plan Chapter (Chapter 26).

5. Subsections 11.4.1., 11.4.2. and 11.4.3. of Section 11.4. of Chapter 11 (Mobile Home Park, Mobile Home Subdivision and Recreational Vehicle Park Development Standards) of the Leeds Land Use Ordinance 2008-04 is hereby replaced in its entirety with the following:

11.4. APPROVAL.

11.4.1. Mobile home parks may be approved by the Town Council in locations permitting such use in the Land Use Ordinance. Before approval is granted, a report to the Town Council by the Planning Commission shall find that the proposed development will:

11.4.1.1. Be in keeping with the general character of the district in which it is to be located.

11.4.1.2. Be located on a parcel of land of not less than three (3) acres, or on two or more Parcels separated by a street or alley only and totaling no less than five (5) acres.

11.4.1.3. Have at least twelve (12) spaces completed, ready for occupancy, or an approved financing plan for construction and phase completion, together with approved security to assure compliance, before first occupancy is permitted.

- 11.4.1.4. Meet all standards and requirements of Chapter 16 – Mobile Home District of the Town of Leeds Land Use Ordinance and all other requirements of applicable Ordinances.
 - 11.4.1.5. Have the written approval of the State Department of Health.
 - 11.4.1.6. Meet the requirements of the Commercial Site Development Plan Chapter (Chapter 26).
- 11.4.2.** Mobile home subdivisions may be approved by the Town Council in locations permitting such use in the Land Use Ordinance. Before such approval may be granted, a report to the Town Council by the Planning Commission shall find that the proposed development will:
- 11.4.2.1. Be located on a parcel of land containing not less than three (3) acres.
 - 11.4.2.2. Have lot sizes that shall conform in size to the zoning district in which it is located.
 - 11.4.2.3. Meet all applicable requirements of the Leeds Subdivision Ordinance.
 - 11.4.2.4. Meet all standards and requirements of Chapter 16 – Mobile Home District of the Land Use Ordinance and all other requirements of applicable Ordinances.
 - 11.4.2.5. Meet the requirements of the Commercial Site Development Plan Chapter (Chapter 26).
- 11.4.3.** Recreational vehicle/travel trailer parks may be approved by the Town Council in locations permitting such use in the Land Use Ordinance. Before such approval is given, a report to the Town Council by the Planning Commission shall find that the proposed development will:
- 11.4.3.1. Be in keeping with the general character of the zone within which it is to be located.
 - 11.4.3.2. Be placed on a parcel of land of not less than three (3) acres, or within a mobile home park.
 - 11.4.3.3. Before first occupancy, have at least twelve (12) spaces completed (eight if in a mobile home park), or an approved

schedule of financing, construction and phase completion, and approved security, to assure compliance.

- 11.4.3.4. Meet all standards and requirements of Chapter 16 – Mobile Home District of the Town of Leeds Land Use Ordinance and all other requirements of applicable Ordinances.
- 11.4.3.5. Have written approval of State Department of Health.
- 11.4.3.6. Meet the requirements of the Commercial Site Development Plan Chapter (Chapter 26).

- 6. Subsection 11.5.1. of Section 11.5. of Chapter 11 (Mobile Home Park, Mobile Home Subdivision and Recreational Vehicle Park Development Standards) of the Leeds Land Use Ordinance 2008-04 is hereby replaced in its entirety with the following:

11.5. APPLICATION.

- 11.5.1. The application for a mobile home park, recreational vehicle park, or mobile home subdivision permit shall contain as a minimum the following information:

- 11.5.1. Name, address, telephone number of applicant.
- 11.5.2. Interest of applicant in the proposed development.
- 11.5.3. Location and legal description of the property.
- 11.5.4. Proof of ownership of the property.
- 11.5.5. A complete site development plan pursuant to the requirements of the Commercial Site Development Plan Chapter (Chapter 26).

- 7. Subsection 15.4.4. of Section 15.4. of Chapter 15 (Multi-Family Residential Districts) of the Leeds Land Use Ordinance 2008-04 is hereby amended to add and include a new Subsection 15.4.4.7. as follows:

15.4. DEVELOPMENT STANDARDS

15.4.4. Modifying Regulations.

15.4.4.7. Site Plan

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

8. Section 17.4. of Chapter 17 (Commercial District) of the Leeds Land Use Ordinance 2008-04 is hereby amended to add and include a new Subsection 17.4.4. as follows:

17.4. DEVELOPMENT STANDARDS


17.4.4. Site Plan

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

9. Savings Clause. If any section, subsection, paragraph, item, provision, regulation, sentence, clause or phrase of this Ordinance is declared by a court of competent jurisdiction to be invalid, such findings shall not affect the validity of the Ordinance as a whole or any part thereof other than the part found invalid.
10. Repealer. All provisions of the Leeds, Utah Land Use Ordinance which are in conflict with the terms of this Ordinance are hereby repealed.

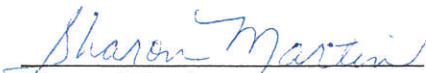
BY VOTE:	YEA	NAY	ABSENT
MAYOR ALAN ROBERTS	<u> X </u>	_____	_____
COUNCILMAN FRANK LOJKO	<u> X </u>	_____	_____
COUNCILMAN ANGELA ROHR	<u> X </u>	_____	_____
COUNCILMAN JOE ALLEN	<u> X </u>	_____	_____
COUNCILMAN NATE BLAKE	<u> X </u>	_____	_____

This Ordinance was Adopted on February 22, 2012 and becomes effective on Feb. 22, 2012.

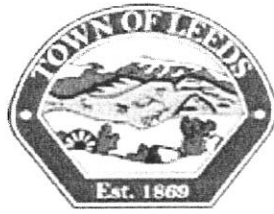


Alan Roberts, Mayor
Town of Leeds

Attest:



Sharon Martin
Town Clerk/Recorder



TOWN OF LEEDS

218 NORTH MAIN STREET
PO BOX 460879
LEEDS, UT 84746-0879
PHONE: 435-879-2447 FAX: 435-879-6905
E-mail: clerk@leedstown.org
Website: www.leedstown.org

CERTIFICATE OF POSTING

I, Sharon Martin, duly appointed and acting Clerk/Recorder for the Town of Leeds, hereby
certify that the forgoing ordinance 2012-03
was passed by the Leeds Town Council on the 22 day of February, 2012,
and that copies of the foregoing ordinance were posted at four public places within the Town
this 22 day of March 2012, which public places were:

Leeds Town Hall
Leeds Town Website
Leeds Post Office
Leeds Market

Dated this 22 day of March 2012.

Sharon Martin, Clerk/Recorder