

LAND USE ORDINANCE 2008-04

CHAPTER 11

MOBILE HOME PARK, MOBILE HOME SUBDIVISION AND RECREATIONAL VEHICLE PARK DEVELOPMENT STANDARDS

Amended by Ordinance 2012-03

11.1. INTERPRETATION AND PURPOSE.

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum regulations required for the protection of the public health, safety, and welfare. To protect the public and residents, among other purposes, such provisions are intended to provide for permanently wholesome community environments, adequate municipal services, and safe streets.

11.2. INTENT.

To permit variety and flexibility in land development for residential purposes by allowing the use of mobile homes in certain zones within the Town of Leeds.

11.2.1. To require that mobile home and recreational vehicle developments will be of such character as to promote the objectives and purposes of the Land Use Ordinance; to protect the integrity and characteristics of the districts contiguous to those in which mobile home parks are located; and to protect other land use values contiguous to or near mobile home or recreation vehicle developments.

11.3. LOCATION.

11.3.1. Recreational Vehicles on private property.

No occupied mobile home shall be located anywhere within the Town of Leeds except in a licensed mobile home park or approved mobile home subdivision. Guests visiting a Leeds resident on a short term may park and use a Recreational Vehicle on the property of the resident they are visiting for a period not to exceed thirty (30) days in any one-year period. During this time the Recreational Vehicle may be used as living quarters providing that no waste water is allowed to leak or run onto the ground (i.e. the holding tanks must be sufficient to accommodate all waste material). The Recreational Vehicle must be parked on private property in a residential zone. The parking and using of a Recreational Vehicle for any purpose in a Commercial zone is not allowed except in an established RV Park. An RV that is for sale may be parked on a lot authorized to sell RV's but may not be used as living quarters. An exception to

this is if a property owner is building his home on his property in a residential zone, he may live in an RV on the property being built on during construction. The RV must be self-contained or the proper utility hookups must be utilized. In no case shall any waste from holding tanks be allowed to drip or run onto the ground. The exception is for a one-year period providing progress is being made on the home construction. If the construction is not completed within the one-year period and progress is judged to be adequate, the property owner may request a six (6) month extension from the Planning Commission. Overnight camping on any Leeds street is not allowed.

- 11.3.2.** Recreational vehicles which do not include facilities necessary to be self-contained, shall not be used at any place within the Town of Leeds for living quarters except in designated camping areas or recreational vehicle parks.

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).
- 11.4.4. The Planning Commission shall not recommend or the Town Council approve of any application for mobile home park, recreational vehicle park or mobile home subdivision if the developer can not provide an approved source of culinary water for service, a health department approved septic system or other

sewer system, and storm drainage facilities, plus access or improvements; if the developer can not assure the planned development will be completed in a reasonable time; if the Planning Commission determines there would be a danger of flood, fire or other hazard; or if the proposed development would be of such character or in such a location that it would:

- 11.4.4.1. Create excessive costs for public services and facilities.
- 11.4.4.2. Unreasonably hurt or destroy the environment.
- 11.4.4.3. Endanger the health or safety of the public.
- 11.4.4.4. Cause excessive air/water pollution, or soil erosion.
- 11.4.4.5. Be inconsistent with any adopted general or specific plan of the area in which it is to be placed.
- 11.4.4.6. Will severely devalue adjoining property.

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:

- 11.5.1.1. Name, address, telephone number of applicant.
- 11.5.1.2. Interest of applicant in the proposed development.
- 11.5.1.3. Location and legal description of the property.
- 11.5.1.4. Proof of ownership of the property.
- 11.5.1.5. A complete site development plan pursuant to the requirements of the Commercial Site Development Plan Chapter (Chapter 26).
- 11.5.1.6. An overall development plan, prepared by a person or persons qualified to prepare such plans. The plan scale shall not be smaller than one (1) inch to fifty (50) feet. At least four (4) copies of the plan shall be submitted, and shall show:
 - 11.5.1.6.1. The area of the tract, drawn to scale, with dimensions and the approximate total acreage.
 - 11.5.1.6.2. Number, location, and size of lots, vehicle spaces, or subdivision lots, and open spaces for the entire area clearly designated.

- 11.5.1.6.3.** The location and width or size of roadways and walkways, parking areas, and access to the public thoroughfares.
 - 11.5.1.6.4.** The location of service buildings and all other proposed structures.
 - 11.5.1.6.5.** The location and size of natural features, as wetlands, streams, lakes, drains, wooded areas, and any anticipated change in these features, together with topography at two-foot (2) contours, unless another interval is recommended by the Planning Commission and approved by the Town Council.
 - 11.5.1.6.6.** The size, location, and design of recreational facilities.
 - 11.5.1.6.7.** Detailed landscaping and utility plans, including location of TV system, fire hydrants, water and sewer lines, and gas, power and telephone service.
 - 11.5.1.6.8.** Property ownership, if other than applicant.
- 11.5.2.** The applicant for approval of plans for a mobile home park, recreational vehicle park, or a mobile home subdivision shall pay to the Town of Leeds, at the time of application an inspection fee and impact fee, in addition to building, plumbing, and electrical permits, or any other required license, or other fee. The fee shall be in accordance with the current Leeds Ordinance regarding impact fees or the approved Leeds Standard Fee Schedule.
- 11.5.3.** Applications for approval shall be submitted to the Planning Commission in accordance with the rules established by the Planning Commission for submittal of items to be reviewed at the next Planning Commission meeting. The Planning Commission recommendation shall be forwarded to the Town Council unless it is determined that the applicant needs to provide additional information. When forwarded to the Town Council it will be placed on the next Town Council meeting schedule, which complies with all timing requirements.

11.6. STANDARDS AND REQUIREMENTS.

- 11.6.1.** For all mobile home parks, recreational vehicle parks, and mobile home subdivisions, the Planning Commission shall review the proposed development plan to determine its compliance with all portions of the General Plan or Master Plan, and, among other things shall make sure that such development will constitute a residential environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding area. Standards

higher than the minimum standards contained in this Ordinance may be required if necessary for local conditions of health, safety, and protection of property, and to ensure that the development will mix harmoniously with contiguous or nearby existing and planned uses.

- 11.6.2.** The development of a mobile home park and a mobile home subdivision shall conform to the following standards and requirements:
- 11.6.2.1.** The area shall be in one ownership, or if in several, the application for approval of the development shall be filed jointly by all owners of the property included in the plan.
 - 11.6.2.2.** The plans for a mobile home park and mobile home subdivision shall be prepared by a licensed architect or licensed engineer. In all cases, it is recommended that professional design and other assistance be obtained early in the program. It is the intent of the Leeds government that the developer solves any problems before approval is given and construction begins. Determination of qualifications of required professional individuals or firms shall be made by the Planning Commission and approved by the Town Council.
 - 11.6.2.3.** All mobile home parks and mobile home subdivision shall include an approved source of culinary water; a health department approved septic or sewer system, and an approved storm drainage facility.
 - 11.6.2.4.** In all mobile home parks and mobile home subdivision a strip of land at least ten (10) feet wide surrounding the entire park shall be left unoccupied by mobile homes, and shall be planted and maintained in Xeriscaping, with indigenous vegetation, with an approved wall or fence, designed to afford privacy to the development.
 - 11.6.2.5.** Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.
 - 11.6.2.6.** All storage and solid waste receptacles outside the confines of any mobile home must be housed in a closed structure compatible in design and construction to the mobile homes, and to any service building within the development; all patios, carports, garages, and other add-ons must be compatible in design and construction with the mobile home. The service building shall be constructed in accordance with standard commercial practices and kept in good repair as approved by the Planning Commission.

- 11.6.2.7.** A security compound for storage of vehicles, boats, and other large items, is recommended, equivalent to a minimum of three hundred (300) square feet of paved area per mobile home space in mobile home parks.
- 11.6.2.8.** In all mobile home parks and mobile home subdivision, within forty-five (45) days of occupancy, each such home shall be skirted and they are to be fireproof, well-painted, otherwise preserved.
- 11.6.2.9.** In mobile home parks and mobile home subdivision, not less than ten (10) percent of the gross land shall be set aside for the joint use and enjoyment of occupants. The land covered by vehicular roadways, sidewalks, and off-street parking shall not be considered as part of this ten (10) percent common area required; provided however, that in initial stages of development or in special smaller developments the minimum area shall not be less than one-half (1/2) acre or ten (10) percent, whichever is greater.
- 11.6.2.10.** Yard lighting with a minimum of two-tenths (0.2) foot candles of light shall be required for protective yard lighting the full length of all driveways and walkways in mobile home parks. All lighting must comply with the Leeds Lighting Ordinance.
- 11.6.2.11.** In mobile home parks all areas not covered by mobile homes, hard-surfacing, or buildings, shall be landscaped as recommended by the Planning Commission and approved by the Town Council and such landscaping shall be permanently maintained.
- 11.6.2.12.** In mobile home parks and mobile home subdivision, all off-street parking spaces and driveways shall be hard surfaced before the adjacent mobile home space may be occupied.
- 11.6.2.13.** In mobile home parks and mobile home subdivision, the roadways shall be designed to accommodate anticipated traffic, including the following standards:
- 11.6.2.13.1. One-way traffic.** A minimum of fifteen (15) feet in width plus extra width as necessary for maneuvering mobile homes.
- 11.6.2.13.2. Two-way traffic.** A minimum of twenty-four (24) feet in width.
- 11.6.2.13.3. Entrance roadway.** A minimum of thirty (30) feet in width.

11.6.2.13.4. Roadways. All shall be hard surfaced and bordered by twenty-four (24) inch rolled gutters or an approved equivalent.

11.6.2.13.5. Sidewalks. Thirty-six (36) inch minimum width sidewalks shall be installed on all main roadways within the development.

11.6.2.13.6. Access. Each mobile home park and mobile home subdivision shall have at least two (2) accesses to public streets.

11.6.2.13.7. Signing. All applicable signs associated with the property shall comply with the Leeds Sign Ordinance. Street name and traffic control signs shall be installed at locations determined by the Planning Commission and approved by the Town Council.

11.6.2.14. In a mobile home park and mobile home subdivision the number of mobile homes shall be limited to four (4) units per acre if not connected to a public sewer, and a total of eight (8) if connected to a public sewer, and may be limited to fewer units, depending on the mobile home size, topography, and other factors of the particular site. The mobile homes may be clustered, provided that the total number of units does not exceed the number permitted on one acre, multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads, or parking shall be set aside and developed as parks, playgrounds, and service areas for the common use and enjoyment of occupants of the development and the visitors thereto.

11.6.2.15. In a mobile home park and mobile home subdivision, no home or add-on shall be located closer than twenty (20) feet from the nearest portion of any other home or add-on. All such homes and add-ons shall be set back at least ten (10) feet from road curbs and walks. If the mobile home tongue remains attached, it shall be set back a minimum of six (6) feet from road curbs or walls. All mobile homes shall be set back at least ten (10) feet from any boundary of the mobile home park.

11.6.2.16. Off-street parking shall be provided at the rate of two (2) parking spaces per mobile home space, and each such parking space shall have a minimum width of ten (10) feet and minimum depth of twenty (20) feet. In no case shall the parking space be located

further than one hundred (100) feet from the mobile home space it is designed to serve.

- 11.6.2.17.** Space shall be provided for bulk storage areas within a mobile home park and mobile home subdivision, equivalent to sixty (60) square feet per mobile home space. The area designated for said bulk storage shall be improved, landscaped, and screened in such manner as the Planning Commission recommends and is approved by the Town Council.
 - 11.6.2.18.** A launderette primarily for convenience of park or subdivision occupants, but may be used by the general public, may be included in mobile home parks and mobile home subdivision if the Planning Commission recommends and it is approved by the Town Council.
 - 11.6.2.19.** In a mobile home park, no mobile home space shall be rented for a period of less than thirty (30) days, and occupancy shall be by written lease. In a mobile home subdivision, no mobile home or mobile home lot shall be rented for a period of less than ninety (90) days. Leases shall be made available through the mobile home operators, for inspection by the officials of the Town of Leeds upon demand.
 - 11.6.2.20.** In a mobile home park and mobile home subdivision, access shall be provided to each mobile home stand for maneuvering mobile homes into position. The access way shall be kept free from trees and other immovable obstructions. Paving under mobile homes will not be required if adequate support is provided as required by State regulations. Use of planks, steel mats, or other means to support the mobile home during placement shall be allowed so long as the same are removed upon completion of placement.
- 11.6.3.** The development of a recreational vehicle/travel trailer park shall conform to the following standards and requirements:
- 11.6.3.1.** The area shall be in one ownership, or if in several, the application for approval of the development shall be filed jointly by all owners of the property included in the plan.
 - 11.6.3.2.** Recreational vehicle parks shall generally be located adjacent to or in close proximity to a major traffic artery or highway.
 - 11.6.3.3.** Recreational vehicle parks shall contain not more than ten (10) units per acre. The spaces may be clustered, provided that the total number of units does not exceed the number permitted on one (1) acre, multiplied by the number of acres in the development. The

remaining land not contained in individual lots, roads, or parking shall be set aside and developed as parks, playgrounds, and service areas for the common use and enjoyment of occupants of the park and the visitors thereto.

- 11.6.3.4.** The plans for a recreational vehicle park shall be prepared by a licensed architect or licensed engineer. In all cases, it is recommended that professional design and other assistance be obtained early in the program. It is the intent of the Leeds government that the developer solves his problems before approval is given and construction begins. Determination of qualifications of required professional individuals or firms shall be made by the Planning Commission and approved by the Town Council.
- 11.6.3.5.** In all recreational vehicle parks, a strip of land at least ten (10) feet wide surrounding the entire park shall be left unoccupied by recreational vehicles, and shall be planted and maintained in lawn, shrubs, and trees, rocks or other ground cover, with an approved wall or fence, designed to afford privacy to the development.
- 11.6.3.6.** In recreational vehicle parks, not less than ten (10) percent of the gross land shall be set aside for the joint use and enjoyment of occupants. The land covered by vehicular roadways, sidewalks, and off-street parking shall not be considered as part of this ten (10) percent common area required for parks, playgrounds and service areas for the occupants. Provided however, that in initial stages of development or special smaller developments the minimum area shall not be less than one-half (1/2) acre or ten (10) percent, whichever is greater.
- 11.6.3.7.** All recreational vehicle parks shall include an approved source of culinary water, a health department approved septic or sewer system, and an approved storm drainage facility.
- 11.6.3.8.** Yard lighting with a minimum of two-tenths (0.2) foot candles of light shall be required for protective yard lighting and shall light the full length of all driveways and walkways in recreational vehicle parks. All lighting must comply with the Leeds Lighting Ordinance.
- 11.6.3.9.** In recreational vehicle parks all areas not covered by recreational vehicles, hard-surfacing, or buildings, shall be landscaped as recommended by the Planning Commission, and approved by the Town Council and such landscaping shall be permanently maintained.

- 11.6.3.10.** In recreational vehicle parks, the roadways shall be designed to accommodate anticipated traffic, including the following standards:
- 11.6.3.10.1. One-way traffic.** A minimum of fifteen (15) feet in width plus extra width as necessary for maneuvering recreational vehicle.
 - 11.6.3.10.2. Two-way traffic.** A minimum of twenty-four (24) feet in width.
 - 11.6.3.10.3. Entrance roadways.** A minimum of thirty (30) feet in width.
 - 11.6.3.10.4. Roadways.** All shall be hard surfaced and bordered by twenty-four (24) inch rolled gutters or an approved equivalent.
 - 11.6.3.10.5. Sidewalks.** Thirty-six (36) inch minimum width sidewalks shall be installed on all main roadways within the development.
 - 11.6.3.10.6. Access.** Each mobile home park shall have at least two (2) accesses to public streets.
 - 11.6.3.10.7. Signing.** Street name and traffic control signs shall be installed at locations determined by the Planning Commission and approved by the Town Council.
- 11.6.3.11.** Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.
- 11.6.3.12.** All storage and solid waste receptacles outside the confines of any recreational vehicle must be housed in a closed structure compatible in design and construction to any service building within the development. The service building shall be constructed in accordance with standard commercial practices and kept in good repair as monitored by the Planning Commission.
- 11.6.3.13.** Recreational vehicle parks shall designate no less than ten percent (10%) of their total spaces to short term guests of one month or less. Fifty percent (50% of the total spaces may be full time rentals/lease.

- 11.6.3.14.** Recreational vehicles may be stored where permitted but not used for permanent living quarters.
- 11.6.3.15.** A launderette primarily for convenience of park occupants, but may be used by the general public, may be included in the recreational vehicle park.
- 11.6.3.16.** Recreational vehicles in the park may be stored, displayed, sold, and serviced.
- 11.6.3.17.** Recreational vehicles may be accommodated in an approved and licensed mobile home park provided that:
 - 11.6.3.17.1.** The recreational vehicle park portion of the development is separated by barriers, screens, or otherwise from the area of mobile homes.
 - 11.6.3.17.2.** The recreational vehicle use area shall have direct access to a collector or arterial street.
 - 11.6.3.17.3.** Separate ingress and egress may be provided for recreational vehicles when recommended by the Planning Commission and approved by the Town Council.

11.6.4. In addition to meeting the above requirements and conditions and conforming to the other laws of the local jurisdiction:

- 11.6.4.1.** All mobile home parks, recreational vehicle parks, and mobile home subdivisions shall also conform to all applicable State regulations. In the event of any conflict between said codes and this Chapter, this Chapter shall take precedence where its regulations are stricter, and the provisions of the Codes shall take precedence where their regulations are stricter.
- 11.6.4.2.** Permits are required for mobile home hook-ups to be performed by licensed plumbers and electricians.

11.7. INSPECTIONS.

Mobile homes are considered by the Town of Leeds to be less durable and less resistant to deterioration than are conventional home; therefore all mobile homes which are used for human habitation, whether conforming or non-conforming, and whether located in mobile home parks or in mobile home subdivisions shall be subject to the following special regulations:

- 11.7.1. A permit is required for each plumbing and electrical hook-up with a fee in accordance with the Town of Leeds Standard Fee Schedule.
- 11.7.2. A Certificate of Compliance is required for all mobile homes within the Town whether occupied or awaiting occupancy; and may be obtained from the Leeds Building Inspector for a fee in accordance with the Town of Leeds Standard Fee Schedule, following an inspection wherein the mobile home is found to meet safety, sanitary and structural standards and is substantial, compared to a new or original construction. The State inspection fee will be honored in lieu of the Leeds fee, for a Certificate of Compliance.
- 11.7.3. Each mobile home may be inspected upon evidence of need, by the Leeds Building Inspector, to determine whether the structure is sound and being kept in a safe and sanitary condition for human habitation. During the inspection, the Building Inspector may revoke the Certificate of Compliance for cause, including but not limited to violation of the fire or sanitary codes, substantial deterioration of structure so as to adversely affect the health or safety of the occupants, or deterioration in appearance so as to be unsightly and adversely affect the value of the neighboring properties.
- 11.7.4. Upon the revoking of a Certificate of Compliance, or a finding of non-compliance, the Leeds Building Inspector shall order the deficiencies corrected and a Certificate of Compliance obtained within thirty (30) days.
- 11.7.5. If such deficiencies are not corrected, or cannot be corrected, the mobile homes shall be ordered vacated and removed from the premises upon which located, and shall not thereafter be used for human habitation within Leeds unless all deficiencies are corrected and a Certificate of Compliance obtained.

11.8. NON-CONFORMING UNITS.

- 11.8.1. If such removal was upon order of the Building Inspector for corrections of deficiencies or by decision of the owner for the purpose of correcting deficiencies, the mobile home may be replaced upon the premises upon correction of such deficiencies within sixty (60) days, or a new mobile home may be established on the premise provided the following requirements are met:
 - 11.8.1.1. Accomplished within sixty (60) days.
 - 11.8.1.2. The restored or new mobile home is owned by the same owner as the mobile home removed.
 - 11.8.1.3. Said mobile home is to be occupied for a continuous period of at least six (6) months by the same occupant(s) of the mobile home removed.

11.9. PREMISES.

The premises on which any mobile home is located, used, or occupied shall be maintained in a clean, orderly, and sanitary condition. The accumulation of any rubbish, waste, weeds, or other unsightly material thereon shall constitute a nuisance and a violation of this Ordinance.

11.10. UTILITIES.

Each mobile home park, recreational vehicle park, and mobile home subdivision shall provide underground utility service to every mobile home stand or lot as required by Leeds Town Ordinances, and as recommended by the Planning Commission and approved by the Town Council, including but not limited to water, sewer, power, and TV.

11.11. GUARANTEES.

11.11.1. For mobile home parks and recreational vehicle parks, adequate and reasonable guarantees may be required as recommended by the Planning Commission and approved by the Town Council for permanent retention of open spaces and for the maintenance of roadways, storage facilities, service facilities, and landscaping resulting from the application of these regulations. Guarantees may be in the form of a bond, or a mortgage on real estate, in the sum to be determined by the Planning Commission, which must be approved by the Town Attorney and the Town Council.

11.11.2. In any case, when a mobile home park or recreational vehicle park, which is not within a mobile home park, is owned by more than one person, the developer shall establish and appoint a park manager. The manager shall be authorized to receive, process, and represent fully the interests of the owners in respect to continuing management and maintenance of the park.

11.11.3. Prerequisite to the operation of any mobile home park or recreational vehicle park in the local jurisdiction shall be the obtaining of an annual business license from the local jurisdiction.

11.11.4. In the event a mobile home or recreational vehicle park is not completed according to approved plans, the annual business license shall be denied, the mobile homes or recreational vehicles and associated property and facilities removed, and all services discontinued before any part of the land within the development planning area may be used for any other purpose, or be subdivided.

11.12. COMPLIANCE WITH OTHER REGULATIONS.

Any mobile home or recreational vehicle located in any permitted area shall comply with and conform to all other zoning laws, rules, regulations, and building, plumbing,

electrical, fire prevention, and all other codes and requirements applicable to a structure or building erected within the zone in which said mobile home or recreational vehicle is located.

11.13. PENALTY.

The violation of any part of this Ordinance shall constitute a separate Offense for each day it continues, and shall be punishable as provided in the Leeds Town Ordinances, as a Class B misdemeanors. In addition, the Town of Leeds may enjoin by civil action the violation hereof and may remove any mobile home from a location violating the provisions hereof and assess the expenses thereof as a cost of the action.

11.14. SEVERABILITY CLAUSE.

11.14.1. It is hereby declared to be the legislative intent that the provision of this Ordinance shall be severable in accordance with the provisions set forth below:

11.14.1.1. If any provision of this Ordinance is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

11.14.1.1.1. The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid.

11.14.1.1.2. Such decisions shall not affect, impair or nullify this Ordinance as a whole or any part thereof, but the rest of this Ordinance shall continue in full force and effect.

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.

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

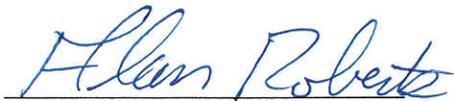
17.4.4. Site Plan

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>	<u> </u>	<u> </u>
COUNCILMAN FRANK LOJKO	<u> X </u>	<u> </u>	<u> </u>
COUNCILMAN ANGELA ROHR	<u> X </u>	<u> </u>	<u> </u>
COUNCILMAN JOE ALLEN	<u> X </u>	<u> </u>	<u> </u>
COUNCILMAN NATE BLAKE	<u> X </u>	<u> </u>	<u> </u>

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

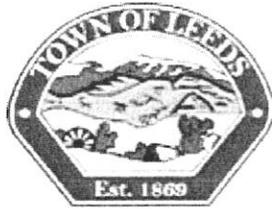


Alan Roberts, Mayor
Town of Leeds

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