

LAND USE ORDINANCE 2008-04

CHAPTER 4

SUPPLEMENTARY AND QUALIFYING REGULATIONS

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.