

# TOWN OF LEEDS

## ORDINANCE 2011-03

### MIXED USE ZONING ORDINANCE Chapter 23 of the Land Use Ordinance

#### AN ORDINANCE AMENDING CHAPTER 23 – MIXED USE ZONING OF THE LEEDS 2008-04 LAND-USE ORDINANCE INCLUDING REPLACING ALL PREVIOUS AMENDMENTS THERETO.

**WHEREAS**, the purposes of Chapter 23 (Mixed Use Zone) of the Leeds Land Use and Zoning Ordinance (hereinafter, referred to as “Mixed Use Zone”), include 1) establishing areas that are safe, comfortable, and attractive to pedestrians; 2) providing flexibility in the setting and design of new developments and redevelopment; 3) reinforcing streets as public places that encourage pedestrian and bicycle travel; and 4) encouraging efficient land use by facilitating more compact development and minimizing the amount of land that is needed for surface parking; among other purposes, and

**WHEREAS**, the Leeds Standard Specifications for Design and Construction adopted by the Leeds Town Council pursuant to Ordinance 2005-04 sets forth, among other things, roadway designs for development within the Town of Leeds, and

**WHEREAS**, the purposes of the Mixed Use Zone may not be met by strict adherence to the Leeds Standard Specifications for Design and Construction, and

**WHEREAS**, the Leeds Planning Commission held a Public Hearing on October 19, 2011, to seek public input regarding the amendment of the Mixed Use Zone, and

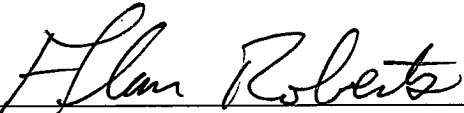
**WHEREAS**, following the public hearing, the Planning Commission recommended an amendment to the Mixed Use Zone, and

**WHEREAS**, the Town Council met on October 26, 2011 to consider the recommended amendment to the Mixed Use Zone, and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS TO AMEND THE LEEDS LAND USE ORDINANCE THIS 14<sup>th</sup> DAY OF December, 2011, AS ATTACHED.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR ALAN ROBERTS	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
COUNCILMEMBER PETER AURIGEMMA	<u>      </u>	<u>X</u>	<u>      </u>	<u>      </u>
COUNCIL MEMBER ANGELA ROHR	<u>      </u>	<u>      </u>	<u>X</u>	<u>      </u>
COUNCIL MEMBER KEITH SULLIVAN	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
COUNCIL MEMBER FRANK LOJKO	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>



Alan Roberts, Mayor  
Town Of Leeds

ATTEST:



Francene Rex, Town Clerk/Recorder

This Ordinance was Adopted on December 14<sup>th</sup>, 2011 and becomes effective on December 15<sup>th</sup>, 2011.

Alan Roberts, Mayor  
Town of Leeds

Attest:

Francene Rex  
Town Clerk/Recorder

# LAND USE ORDINANCE 2008-12

## CHAPTER 23 AMENDED

### MIXED-USE ZONE (MXD)

Amended by Ordinance 2011-03

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#### 23.1 Purpose

This chapter applies to all development in the Town of Leeds under the Mixed-Use Zone. The purpose of the Mixed-Use Zone is to:

1. Allow a mixture of complimentary and compatible land uses that may include housing, retail, offices, commercial services, and civic uses, to create economic and social vitality and to encourage the linking of trips;
2. Develop mixed-use areas that are safe, comfortable, and attractive to pedestrians;
3. Provide flexibility in the setting and design of new developments and redevelopment;
4. Reinforce streets as public places that encourage pedestrian and bicycle travel;
5. Provide roadway and pedestrian connections to residential areas;
6. Encourage efficient land use by facilitating more compact development and minimizing the amount of land that is needed for surface parking;
7. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

#### 23.2 Zone/Project Evaluation

All proposals to include a property within an MXD zone, and all development proposals within an existing MXD zone, shall at a minimum be evaluated based on their compatibility with:

1. The Town of Leeds General Plan
2. The Town of Leeds Land Use Ordinance
3. The purpose and characteristics of the MXD Zone
4. Sound planning practices
5. Surrounding land-uses
6. All other Town-approved studies

#### 23.3 Permitted Uses

Underlined uses may not be located on individual pad sites or parcels. They must be part of a larger building or physically connected and integrated into the complex.

**Residential Units as part of a MXD development shall be approved in accordance with the Land Use Ordinance, the General Plan, and the intent of this ordinance.**

**Office**

Professional offices  
Banks and credit unions  
Medical clinics  
Artist studios

**Commercial**

Convenience Stores  
Grocery stores  
Retail

**Institutional/Public**

Medical clinics  
Assisted Living facilities  
Colleges/educational services  
Museums  
Open space/park  
Government offices  
Places of worship

**Entertainment**

Restaurants and private clubs  
Movie Theaters – Indoor  
Health clubs

**23.4 Prohibited Uses**

Motor lodges (drive-up motel units)  
Pawn shops  
Check cashing/Title loan stores  
Sexually oriented businesses  
Tattoo parlors  
Self storage units  
Group Homes (other than assisted living facilities)

**23.5 Development Plan**

**23.5.1.** The property owner (or his agent) shall prepare and submit a proposed Development Plan for the subject property. The Development Plan shall be submitted to Town Staff for review and forwarded to the Planning Commission for recommendation to the Town Council.

**23.5.2.** The Development Plan guides all development within a mixed-use project and at a minimum shall include a site plan, a pedestrian connection/trails plan, conceptual building elevations

and design schemes, streetscape and building setback diagrams, a current survey and legal description, plus any other information typically required for site plan approval.

**23.5.3.** The general categories and uses to be established within a mixed-use project shall be specified and enumerated in the Development Plan. The approved Development Plan shall be considered an integral part of the zoning regulations for the area represented. Substantial variation between the Development Plan and the Final Site Plan would require review and recommendation from the Planning Commission and approval from the Town Council. Any change in the Development Plan shall be reviewed by Staff, and upon recommendation, reviewed by the Planning Commission and the Town Council.

**23.5.4.** The Town Council may approve a Development Agreement that incorporates the Development Plan and sets forth other provisions such as the future development process; the building, density, infrastructure, and other criteria; and, vested rights. The Development Agreement shall be recorded against the property. The Development Agreement may be part of an Annexation Agreement.

### **23.6. Setbacks**

1. The entire building façade must abut front and street side property lines or be located within 15 feet of the public walkway.
2. The minimum rear setback is 10 feet from the property line.
3. No interior side setbacks are required in the MXD district, except when MXD-zoned property abuts a Residential zoned property, in which case the minimum side setback required in the MXD district shall be the same as required for a residential use on the abutting residential-zoned lot.

**23.7. Building Height.** The maximum building height shall be 35 (thirty-five) feet.

### **23.8. Commercial Establishment Size Limits**

The gross floor area of commercial establishments in the MXD district shall not exceed 2000 (two-thousand) square feet.

### **23.9. Development Characteristics**

1. Uses may be mixed within a building or within an overall development, or both. However, the Town encourages mixing uses within a building as much as possible. Furthermore, unless it is part of a large, integrated mixed-use development, the subdividing of land for stand alone parcels is discouraged, and the Town may deny the subdivision of land within the MXD zone if the Planning Commission or Town Council determines that the subdivision is contrary to the purpose and intent of this ordinance.
2. Developments within an MXD zone shall exhibit characteristics such as:
  - A. Wide sidewalks
  - B. Street trees and street furniture

- C. Community gathering spaces
  - D. Shared parking
  - E. Integrated public transit (where available and/or anticipated)
  - F. Diverse and distinctive design features that are in harmony with Leeds's Sense of Place
3. All developments shall provide at least 15 percent of the gross floor area or 15 percent of the gross site area, whichever is greater, as open space. Open space shall typically include the following elements: cultivated landscaping, plazas, parks, trails, wetlands/indigenous landscaping, and community recreation space. A maximum of 50 percent of all open space may be hard surfaced. Streets, parking lots, driveways, and private yards are not considered open space.
  4. All lighting and signs shall be in accordance with the Town of Leeds Sign Ordinance and Lighting Ordinance. Lights or signs on building facades may be higher.
  5. Parking requirements shall be determined per existing Town standards for each use. However, parking requirements may be reduced if it can be shown that shared parking is a viable alternative. The Town reserves the right to dictate the amount of parking and/or the location of parking spaces within a project to achieve the objectives of this ordinance.
  6. Site plans shall clearly indicate the mixture of land uses within the project area and the percentage of the overall site that each use occupies. No one use may exceed 66% of the gross area. Furthermore, site plans shall indicate the amount of parking prorated to each use and shall illustrate how public transit, (where available and/or anticipated), is to be integrated into the site.
  7. An additional site plan shall illustrate pedestrian and bicycle movement throughout the project area, with trail hierarchies established based on levels of pedestrian use. The purpose of this plan is to demonstrate how effectively uses are mixed, and to determine the efficiency of the site layout. The plan shall provide convenient and attractive pedestrian connections through the mixing of land uses and quality design practices.

**23.10** Any height, size and set back limitations required by this chapter may be modified, at the Town's sole discretion, upon a finding that said modification meets with the spirit and intent of this chapter, the Town's General Plan and the Town's other Land Use Ordinance and that any adverse effects to the health safety and general welfare can be mitigated.

**23.11** Any requirement of compliance for street design within Leeds Standard Specifications for Design and Construction may be modified within a mixed-use zone at the Town's sole discretion, if: (i) said modification(s) meet a "nationally recognized street design standard such as the standards established by the Institute of Transportation Engineers" and conforms to good engineering practices; (ii) the spirit and intent of this Chapter will be observed; (iii) the granting of such modification(s) will not substantially affect the Town's General Plan or the Town's other Land Use Ordinances; (iv) the modification(s) will not be contrary to the public interest; and (v) any adverse affects to the health, safety and welfare of Leeds' residents and visitors can be mitigated.



## TOWN OF LEEDS

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### CERTIFICATE OF POSTING

I, Francene Rex, duly appointed and acting Clerk/Recorder for the Town of Leeds, hereby certify that the forgoing ordinance 2011-03 was passed by the Leeds Town Council on the 14<sup>th</sup> day of December, 2011, and that copies of the foregoing ordinance were posted at three public places within the Town this 15<sup>th</sup> day of December 2011, which public places were:

Leeds Town Hall  
Leeds Post Office  
Leeds Market

Dated this 15<sup>th</sup> day of December 2011.

  
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Francene Rex, Clerk/Recorder