

Title 17

ZONING

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Chapter 17.04

General Provisions

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17.04.010 Short Title. This title shall be known and may be cited as the "Town of Hanna Zoning Ordinance," which is comprised of two parts, the text and zoning map.

17.04.020 Authority. The Hanna Zoning Ordinance codified in this title is authorized by the provisions of WS §§15-1-601 *et seq.*

17.04.030 Purpose and Intent.

- A. This title is adopted in order to promote the orderly development of the town in accordance with the official comprehensive plan, heretofore known as the zoning map. The regulations and requirements set forth in this title have been made in accordance with that plan. This title is also adopted for the following purposes:
1. To promote and protect the public health, safety, comfort and general welfare;
 2. To secure adequate light, pure air, privacy, and convenience of access to property;
 3. To regulate and limit the heights and size of buildings, to regulate and limit the intensity of use of lot areas, to regulate and determine the areas of open spaces between buildings, to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, commercial, residential and other uses;
 4. To protect against fire, panic, explosion, noxious fumes, and other dangers;
 5. To promote a wholesome, serviceable and attractive town, increase the safety and security of home life, and preserve and create a more favorable living environment.
- B. This statement of the goals, intent and purposes of this title includes, among others, the specific purposes set forth in the preamble to the respective districts and group of districts.

Chapter 17.08

Definitions

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- 17.08.520 Travel Trailer Court.
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- 17.08.540 Yard, Front.
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17.08.010 Interpretation and Definitions. Certain words and phrases used in this title are defined or interpreted as follows:

- A. Words used in the present tense include the future.
- B. Singular words include the plural.
- C. The word "lot" includes "plot" or "parcel."
- D. The term "shall" is mandatory.
- E. "Occupied" or "used" shall be construed to also include intended, arranged or designed to be used or occupied.
- F. The word "person" includes a corporation as well as an individual.
- G. The word "structure" includes the word "building."
- H. The word "use" and the word "used" refer to any purpose for which a lot of land or part thereof is arranged, intended, or designed to be used, occupied, maintained, made available, or offered for use, or erected, reconstructed, altered, enlarged, moved, or rebuilt with the intention or design of using the same.

17.08.020 Accessory Use of Building. "Accessory Use of Building" means a subordinate use of building customarily incidental to, and located on the same lot occupied by the main use or building.

17.08.030 Block. "Block" means a tract of land or a lot or group of lots, bounded by streets, public parks or parkways, railroad rights-of-ways, watercourse or body of water, unsubdivided land, or a boundary line or lines of the County or any combination thereof.

17.08.040 Building. Area of. "Area of Building" means the horizontal area measured around the outside of the foundation walls and the floors or roofed porches and roofed terraces inclusive, and including the area of accessory buildings if any.

17.08.050 Building. Main. "Main Building" means a building, or buildings, in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the main building of the lot on which the same is situated.

17.08.060 Building Permit. "Building Permit" means a permit required for the erection, construction, modification, addition to or moving of any building, structure, or use in the incorporated areas of the town.

17.08.070 Building Setback Line. "Building Setback Line" means the minimum distance, as prescribed by this title, between any property line and the closest point of the foundation or any supporting post or pillar of any building or structure related thereto.

17.08.080 Church. "Church" means a building wherein persons regularly assemble for religious worship which is used only for such purpose and those accessory activities as are customarily associated therewith.

17.08.090 District Boundary. "District Boundary" means the limit and extent of each district classification as shown on the official zoning map.

17.08.100 Drive-in Restaurant or Refreshment Stand. "Drive-in Restaurant or Refreshment Stand" means any place or premises used for sale, dispensing, or serving food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

17.08.110 Dwelling. "Dwelling" means a building or portion thereof designed exclusively for residential purposes, including one-family, two-family, and multiple dwellings, but not including hotels, boardinghouses and lodging houses, fraternity and sorority houses, rest homes and nursing homes, or child care nurseries.

17.08.120 Dwelling, Single-Family. "Single-Family Dwelling" means a detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

17.08.130 Dwelling Units. "Dwelling Units" means one or more rooms with provisions for cooking, living, sanitary, and sleeping facilities arranged for the use of one family.

17.08.140 Family. "Family" means one or more persons occupying the premises and living together as a single nonprofit housekeeping unit.

17.08.150 Filling Station. "Filling Station" means a building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks. A filling station may include accessory facilities for rendering services such as lubrication, washing, and minor repairs with hand tools.

17.08.160 Grade. "Grade" (ground level) means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of sidewalks, the above ground level shall be measured at the sidewalks.

17.08.170 Height of a Structure. "Height of a Structure" means the vertical distance derived from the average finished grade, at the foundation corners of the building or structure, to the highest point of the building or structure excluding a chimney or other similar structure.

17.08.180 Home Occupation. "Home Occupation" means any use for gain or support carried on within a dwelling located in a residential district only by the occupants thereof; it may be located within the principal building or in an accessory building. There shall be no outside storage of materials and the exterior of the building containing the home occupation shall not be altered to change the residential character of the premises.

17.08.190 Loading Space, Off-Street. "Off-Street Loading Space" means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

17.08.200 Lot. "Lot" means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are required in this title. Such lot shall have frontage on an approved public street, or on an approved private street.

17.08.210 Lot Area, Minimum. "Minimum Lot Area" means the total horizontal area within the boundaries of a lot.

17.08.220 Lot Frontage. "Lot Frontage" means the portion of a lot nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated in Sections 17.08.530 through 17.08.560 of this chapter.

17.08.230 Lot Line, Front. "Front Lot Line" means the property line of a lot dividing said lot from the adjoining street that provides primary access to the property.

17.08.240 Lot Line, Rear. "Rear Lot Line" means the property line of a lot opposite the front lot line.

17.08.250 Lot Line, Side. "Side Lot Line" means any lot line other than a front or rear lot line.

17.08.260 Lot Measurement--Depth. "Depth of a Lot" means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

17.08.270 Lot Measurement--Width. "Width of a Lot" means the distance between straight lines connecting front and rear lot lines at each side of the lot measured across the rear of the required front yard.

17.08.280 Lot of Record. "Lot of Record" means a lot which is part of a subdivision recorded in the Office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

17.08.290 Lot Type. "Lot Type" refers to corner lots, interior lots, reversed frontage lots, and through lots.

17.08.300 Lot Type — Corner Lot. "Corner Lot" means a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot (or an extension of the lot where it has been rounded by a street radius) meet at an interior angle of less than one hundred thirty-five degrees.

17.08.310 Lot Type — Interior Lot. "Interior Lot" means a lot other than a corner lot with only one frontage on a street other than an alley.

17.08.320 Lot Type — Through Lot. "Through Lot" means a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.

17.08.330 Lot Type — Reversed Frontage Lot. "Reversed Frontage Lot" means a lot that is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot or, in rare cases, a through lot.

17.08.340 Membership Club. "Membership Club" means an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like whose facilities are available only to a limited number of members and guests.

17.08.350 Mobile Home. "Mobile Home" means a portable unit or structure designed and constructed in such a manner as to permit permanent occupancy as a dwelling unit, designed and constructed to be towed on its own chassis, comprised of frame and wheels and usually located without a permanent foundation and connected to utilities with flexible connections. A mobile home unit or dwelling may contain parts that may be folded, collapsed or telescoped when being towed, or two or more separately towable components designed to be joined into one integral unit. Said definition shall not include travel trailers, motorized homes, pickup coaches or camping trailers.

17.08.360 Mobile Home Park. "Mobile Home Park" means a parcel of land under ownership that has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

17.08.370 Modular Homes. "Modular Homes" (also including prefabricated and/or factory built homes) means a structure whose component parts and/or sections are fabricated in one area and assembled as a completed building or structure upon a permanent location, or a building or structure whose component parts and/or sections are fabricated and assembled as a completed unit at a central plant and moved to a permanent site.

17.08.380 Multiple-Family Residence. "Multiple-Family Residence" means a building or group of buildings on the same lot designed to be occupied by three or more families living independently of each other.

17.08.390 Off-Street Parking Space. "Off-Street Parking Space" means a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

17.08.400 Performance Standards. "Performance Standards" means those requirements contained in the Industrial District of this title which regulate and control various types of environmental hazards generally associated with industrial development.

17.08.410 Property Development Standards. "Property Development Standards" means the sections of this title which describe the permitted uses, lot area, width, depth and height requirements, etc., for each of the specified zoning districts enumerated in this title.

17.08.420 Public Notice. "Public Notice" means a notice of the time and place of a hearing, meeting or proceeding printed in the official newspaper of Hanna as required by law.

17.08.430 Recreation Vehicles. "Recreation Vehicles" means all motor coaches, camper trailers and fifth wheels, boats and similar seasonal vehicles used primarily for recreational purposes.

17.08.440 Sign. "Sign" means any device or method that visually imparts a message through the use of text, pictures, or models to individuals using public right-of-ways.

17.08.450 Sign, Advertising. "Advertising Sign" means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the property and only incidentally upon the property if at all.

17.08.460 Sign, Announcement or Professional. "Announcement or Professional Sign" means a sign on a residential building that directs attention to a business or profession conducted upon the property where the sign is displayed.

17.08.470 Sign, Business. "Business Sign" means a sign that directs attention to a business or profession conducted upon the property where the sign is displayed.

17.08.480 Sign Identification. "Identification Sign" means a sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses located upon the premises.

17.08.490 Site Area, Gross. "Gross Site Area" of any development includes the net site area thereof, plus the area between the boundaries of all lots located within that development and the centerline of adjoining streets.

17.08.500 Site Area, Net. "Net Site Area" of any development includes the area of all lots within that development.

17.08.510 Travel Trailer or Trailer. "Travel Trailer or Trailer" means a portable unit or structure designed and constructed in such a manner as to permit temporary residential occupancy, designed and constructed to be towed on its own chassis behind an automobile and which can be operated independently of utility connections for short durations.

17.08.520 Travel Trailer Court. "Travel Trailer Court" means any place, area or tract of land upon which are located two or more travel trailers, campers, motor coaches or other similar camping outfits for overnight sleeping purposes of a generally short duration. An over-night rental fee is generally assessed at said establishments.

17.08.530 Yard. "Yard" means the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title, and as defined in Sections 17.08.540 through 17.08.560.

- A. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided in all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the code enforcement officer may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided in adjacent lots. In case of corner lots that have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern.
- B. In case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, at the discretion of the owners, provided such choice, in the opinion of the code enforcement officer, will not be injurious to the existing or desirable future development of adjacent properties.

17.08.540 Yard, Front. "Front Yard" means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

17.08.550 Yard, Rear. "Rear Yard" means an open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building. In the case of through lots, there will be no rear yards, but only front and side yards.

17.08.560 Yard, Side. "Side Yard" means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

Chapter 17.12

General Use Regulations

Sections:

17.12.010 Conformity with Use Regulations.

17.12.020 Conformity with Design Standards.

17.12.030 Continuation of Existing Uses.

17.12.040 Severability.

17.12.050 Zoning of Annexed Territory.

17.12.060 Relation of Title to Other Provisions of Law, Covenants and Agreements.

17.12.010 Conformity with Use Regulations. Except as provided in this title, no building or structure or part thereof and no lot or part thereof shall hereafter be used, except in conformity with the use regulations prescribed in this chapter. Any existing lawful use that does not conform to the use regulations of this chapter shall be deemed a non-conforming use, except a use granted as the result of an approved special use permit by the Planning Commission pursuant to Chapter 17.80 shall be deemed conforming use.

17.12.020 Conformity with Design Standards. Except as provided in this title, no building or structure or part thereof shall hereafter be erected, structurally altered, enlarged, or rebuilt except in conformity with the lot dimension, yard coverage, height, and density regulations prescribed in this title. Any building or structure that does not conform to such regulation shall hereinafter be deemed a non-conforming structure, irrespective of the use to which it is put. Design variances granted by the governing body pursuant to Section 17.88.050 on grounds of practical difficulties or unnecessary hardship, not self-imposed, shall be deemed non-conforming structures.

17.12.030 Continuation of Existing Uses. Any legally established existing use of a building or structure, lot or land, or part thereof, which use constitutes a conforming use under the provisions of this title, may be continued.

17.12.040 Severability. This title and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, the remainder of the title shall not be affected thereby. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid as applied to a particular property, building or other structure, the application of such portion of this title to other property, buildings, or structures shall not be affected thereby.

Whenever any condition or limitation is included in an order authorizing a conditional use permit, variance zoning permit, or site plan approval, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this title or the requirement of some provision of this title, and to protect the public health, safety and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

17.12.050 Zoning of Annexed Territory. All territory annexed to the town subsequent to the effective date of this title shall be zoned according to district classifications of this title. Such classification shall be determined through a recommendation by the Planning Commission upon referral of the proposed annexation by the governing body to the Planning Commission. The proposed zoning shall be established in accordance with applicable statutes of the State of Wyoming.

17.12.060 Relation of This Title to Other Provisions of Law, Covenants and Agreements.

- A. Nothing contained in this title shall be taken to repeal, abrogate, annul, or in any way impair or interfere with any provisions of law, ordinance or regulation, existing or as may be adopted in the future, nor is it intended by this title to interfere with or abrogate or annul any easements, covenants or other agreements between parties.
- B. Where this title imposes a greater restriction upon the use of buildings or structures or requires larger lots, yards, courts or other open spaces than imposed or required by such other provisions of law, ordinance, or regulation, or by such easements, covenants or agreements, the provisions of this title shall control.
- C. Whenever the provisions of any other law, ordinance or regulation impose a greater restriction than this title, the provisions of such other law ordinance or regulation shall control.
- D. No provisions contained in this title shall be construed as justifying the encroachment of any building or structure within any street lines now or hereafter laid down or officially mapped.

Chapter 17.16

Districts Established

Sections:

17.16.010 Classes of Districts.

17.16.010 Classes of Districts. In order to carry out the purpose and provisions of this title, the town is divided into the following districts:

- A. **R1** Single-Family Residential District;
- B. **R2** Medium Density Residential District;
- C. **R3** Multifamily Residential District;
- D. **RM1** Mobile Home Residential District;
- E. **C** Commercial Business District;
- F. **I** Industrial Business District; and
- G. **FPM** Floodplain Management District.

Chapter 17.20

Zoning Map

Sections:

17.20.010 Official Zoning Map.

17.20.020 Replacement of Official Zoning Map.

17.20.030 Rules for Interpretation of District Boundaries.

17.20.010 Official Zoning Map.

- A. The boundaries of said districts (or zones) are established on the official zoning map which, together with all explanatory matter thereon, is adopted by reference and declared to be part of this title.
- B. The official zoning map shall be identified by the signature of the mayor attested by the town clerk, and bearing the seal of the town under the following words, "This is to certify that this is the official zoning map referred to in Chapter 17.20.010 of Title 17 of the Town of Hanna, Wyoming," together with the date of the adoption of this title.
- C. If, in accordance with the provisions of this title, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the governing body, with an entry on the official zoning map as follows: "On (date) by official action of the governing body, the following changes were made on the official zoning map: (brief description or nature of change)," which entry shall be signed by the mayor and attested by the town clerk. Immediately upon its passage, the town clerk shall post a copy of the amending ordinance beside the official zoning map until such time as the change in the official zoning map, in the manner set out, has been made. The change in the official zoning map shall be made promptly and upon such change having been made, the copy of the amending ordinance shall be immediately removed from beside the official zoning map.

D. The following colors shall be used in the official zoning map:

- 1) The color pink shall designate the R1 Zone.
- 2) The color yellow shall designate the R2 Zone.
- 3) The color orange shall designate the R3 Zone.
- 4) The color green shall designate the RM1 Zone.
- 5) The color light blue shall designate the Commercial Zone.
- 6) The color red shall designate the Industrial Zone.

17.20.020 Replacement of Official Zoning Map. In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the governing body may, by resolution, adopt a new official zoning map, which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map. The new official zoning map shall be identified by the signature of the mayor, attested by the town clerk, and bearing the seal of the town under the following words, "This is to certify that this official zoning map adopted (date of adoption) as part of Resolution No. _____ of the Town of Hanna, Wyoming". Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

17.20.030 Rules for Interpretation of District Boundaries. Whenever any uncertainty exists as to the boundary of a zoned district, as shown on the official zoning map, the following rules shall control:

- A. Where a boundary line is indicated as following a street, alley, railroad right-of-way, drainage channel, or straight line projection thereof, the centerline of each such feature shall be considered to be the boundary line.
- B. Where a boundary line is indicated as following a plotted lot line, property line, or straight line projection thereof, it shall be construed as following such line.
- C. Boundaries indicated as following town limits, township or section lines, or straight line projections thereof, shall be construed as following such town limits and lines.

- D. Where a boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, and is not indicated by specific dimensions, the boundary line shall be determined by the scale appearing on the official zoning map.
- E. Where further uncertainty exists, the Planning Commission, upon written application or on its own motion, shall determine the location of the boundary in question, giving consideration to the location indicated in the official zoning map and the objectives of this title and the purposes set forth in the district regulations.
- F. Abandoned Right-of-way. Where a public street or alley or other right-of-way is officially abandoned, the abutting zoned district boundaries shall automatically extend to the centerline thereof.

Chapter 17.24

R1 Single-Family Residential District

Sections:

- 17.24.010 Purpose and Intent
- 17.24.020 Permitted Uses
- 17.24.030 Uses not permitted
- 17.24.040 Accessory Uses
- 17.24.050 Requirements for Accessory Buildings
- 17.24.060 Special Permit Uses

17.24.010 Purpose and Intent. This district is established to provide areas for single-family dwelling and necessary accessory buildings.

17.24.020 Permitted Uses. The following uses are permitted in the R1 zone subject to all provisions of this title:

- A. Detached single-family dwellings;
- B. Gardening;
- C. Churches and Sunday schools, provided the minimum off-street parking requirements are met;

- D. Public parks, playgrounds or athletic fields;
- E. Public or parochial schools;
- F. A mobile home for not more than ninety days during construction or remodeling of a residence on the same premises, which period may be extended for an additional ninety days upon application to the code enforcement officer;
- G. Museums;
- H. Buried underground utility lines; and
- I. Libraries.

17.24.030 Uses Not Permitted. The following uses are not permitted in the R1 zone:

- A. Travel trailers on a permanent basis; and
- B. [RESERVED].

This section does not prohibit occupancy of travel trailers for thirty days or less.

17.24.040 Accessory Uses. The following buildings, structures, and uses are permitted clearly incidental and accessory to the primary permitted use:

- A. Private garages;
- B. Garden sheds;
- C. Private playhouses;
- D. Recreation rooms;
- E. Swimming pools; and
- F. Signs as defined by Section 17.08.440.

17.24.050 Requirements for Accessory Buildings.

- A. Accessory buildings shall be located on the rear half of the lot and at least twenty feet from any main building on an adjoining lot in a residential district. Accessory buildings shall not occupy more than twenty percent of the area of the rear yard and, in the case of a corner lot, shall be located to the back of any required setback building line.

- B. An accessory building may be erected prior to the construction of the main building only if:
 - a. The accessory building is erected on the rear half of the lot; and
 - b. The main building is completed within two years from the date of issuance of the permit for the accessory building.
- C. No accessory building shall be constructed within five feet of any rear lot line.
- D. Nothing contained herein shall prevent the construction of a private garage as a structural part of a main dwelling, provided that when so constructed, the exterior garage walls shall be regarded as the wall of the main dwelling in applying to the front, rear, and side yard regulations of this chapter.
- E. No detached private garage or other accessory building in a residential district shall exceed fifteen feet in height (at the eye height of the finished ground level, graded).
- F. Any accessory buildings and uses shall be on the same lot with the main building or on an immediately adjacent lot in the same ownership.
- G. No required accessory parking area shall be encroached upon by buildings, open storage, or any other use.

17.24.060 Special Permit Uses. The following uses may be permitted within this district only after review and approval by the Planning Commission in accordance with the provisions of this title. The Planning Commission may place reasonable requirements upon the use prior to granting approval to insure that such a special use will not have a detrimental effect on the area in which it may be located:

- A. Day care centers;
- B. Hospitals and clinics;
- C. Home professional offices and home occupations as defined in Section 17.08.180;
- D. Radio and television stations and towers;
- E. Professional office buildings;
- F. Planned unit developments pursuant to Chapter 17.76;
- G. Public utility structures or facilities, and overhead electrical transmission lines of less than sixty-nine thousand volts;
- H. The renting of a portion of a single-family dwelling unit; and
- I. Community service agencies.

Chapter 17.28

R2 Medium_Density_Residential District

Sections:

- 17.28.010 Purpose and Intent.
- 17.28.020 Permitted Uses.
- 17.28.030 Uses Not Permitted.
- 17.28.040 Accessory Uses.
- 17.28.050 Special Permit Uses.

17.28.010 Purpose and Intent. This district is established to provide areas for medium density residential developments.

17.28.020 Permitted Uses. The following uses are permitted in the **R2** zone, subject to all of the provisions of this title:

- A. Any uses permitted in the R1 zone (§ 17.24.020);
- B. Single mobile home residences (located on individual lots outside of established mobile home parks); and
- C. Duplexes.

17.28.030 Uses Not Permitted. The following uses are not permitted in the R2 zone:

- A. Commercial or industrial enterprises; and
- B. [RESERVED].

17.28.040 Accessory Uses. All accessory uses permitted by Section 17.24.040 shall be permitted in the R2 zone.

17.28.050 Special Permit Uses. The following uses may be permitted within this district only after review and approval by the Planning Commission in accordance with the provisions of this title. The Planning Commission may place reasonable requirements upon the use prior to granting approval to insure that such a special use will not have a detrimental effect on the area in which it may be located:

- A. Day care centers;
- B. Hospitals and clinics;
- C. Home professional offices and home occupations as defined in Section 17.08.180;
- D. Radio and television stations and towers;
- E. Professional office buildings;
- F. Planned unit developments pursuant to Chapter 17.76;
- G. Public utility structures or facilities, and overhead electrical transmission lines of less than sixty-nine thousand volts;
- H. The renting of a portion of a single-family dwelling unit; and
- I. Community service agencies.

Chapter 17.32

R3 Multifamily Residential District

Sections:

17.32.010 Purpose and Intent.

- 17.32.020 Permitted Uses.
- 17.32.030 Uses Not Permitted.
- 17.32.040 Accessory Uses.
- 17.32.050 Special Permit Uses.
- 17.32.060 Open Space.

17.32.010 Purpose and Intent. The purpose and intent of this district is substantially the same as the R2 residential district.

17.32.020 Permitted Uses. Any uses permitted in the **R2** zone (§ 17.28.020) are permitted in the **R3** zone, subject to all of the provisions of this title.

17.32.030 Uses Not Permitted. [RESERVED].

17.32.040 Accessory Uses. All accessory uses permitted by Section 17.24.040 shall be permitted in the **R3** zone.

17.32.050 Special Permit Uses. The following uses may be permitted within this district only after review and approval by the Planning Commission in accordance with the provisions of this title. The Planning Commission may place reasonable requirements upon the use prior to granting approval to insure that such a special use will not have a detrimental effect on the area in which it may be located:

- A. Day care centers;
- B. Hospitals and clinics;
- C. Home professional offices and home occupations as defined in Section 17.08.180;
- D. Radio and television stations and towers;
- E. Professional office buildings;
- F. Planned unit developments pursuant to Chapter 17.76;
- G. Public utility structures or facilities, and overhead electrical transmission lines of less than sixty-nine thousand volts;
- H. The renting of a portion of a single-family dwelling unit; and
- I. Community service agencies.

17.32.060 Open Space. When a multi-family complex is to be built on a lot in this district the following additional regulations shall apply.

- A. The distances between detached buildings on the same lot shall not be less than ten feet for one-story buildings and twenty feet for two-story buildings.
- B. Prior to the issuance of a building permit, plans for the construction of a multiple-family complex containing a total of more than ten residential units must show the location of containers for solid waste disposal. All solid waste containers shall be completely screened by a solid fence or wall, or shall be enclosed within a building.

Chapter 17.36

C Commercial Business District

Sections:

- 17.36.010 Purpose and Intent.
- 17.36.020 Permitted Uses.
- 17.36.030 Special Permit Uses.
- 17.36.040 Property Development Standards.

17.36.010 Purpose and Intent. This district is intended to permit commercial activities designed to serve the community, including retail and service oriented businesses.

17.36.020 Permitted Uses.

- A. All uses shall be conducted wholly within the confines of a building except those uses permitted, which are customarily conducted in the open, such as off-street parking. Storage shall be limited to accessory storage of those products sold at retail on the premises and storage shall be within a completely enclosed building.
- B. The uses specified within this section shall comply with all Federal regulations and applicable statutes of the State of Wyoming.

17.36.030 Special Permit Uses. Special uses may be allowed only after review and approval by the Planning Commission to insure that any such special use will not have a detrimental effect on the area.

17.36.040 Property Development Standards.

- A. No minimum lot area requirements shall be determined. Each case shall be determined on its own merit by the Planning Commission.
- B. Height limits. The maximum height of any building located within one hundred fifty feet of any residential district shall be twenty-five feet. The Planning Commission may approve a building, in this district, with a greater height than the maximum stated if the additional height is not detrimental to the area.
- C. Minimum distance between buildings. Buildings not actually joined shall be provided with a minimum ten-foot separation.
- D. Screening. Where a commercial business district abuts any residential district, there shall be provided screening, in the form of plantings, decorative walls, or fences, not less than six feet or more than eight feet in height on the district boundary line.

Chapter 17.40

Industrial Business District

Sections:

- 17.40.010 Purpose and Intent.
- 17.40.020 Permitted Uses.
- 17.40.030 Property Development Standards.

17.40.010 Purpose and Intent. This district is intended to provide for the orderly development of industrial businesses in appropriate locations and to protect adjacent non-industrial areas from potential hazards of industrial development.

17.40.020 Permitted Uses. Any industrial business use is permitted in this district, provided that it complies with all Federal rules and regulations and applicable statutes of the State of Wyoming.

17.40.030 Property Development Standards.

- A. There is no requirement for minimum lot area.
- B. Maximum building height. No building shall exceed a maximum height of sixty feet. The Planning Commission may approve a building in this district with a greater height than the maximum stated if the additional height is not detrimental to the area.
- C. Distance between buildings. Distance between buildings shall be as determined by site plan approval.
- D. Access. Access shall be determined by site plan approval.

Chapter 17.44

RM1 Mobile Home Residential District

Sections:

17.44.010 Purpose and Intent.

17.44.020 Permitted Uses.

17.44.030 Uses Not Permitted.

17.44.040 Accessory Uses.

17.44.050 Special Permit Uses.

17.44.010 Purpose and Intent. This district provides areas within the town for mobile home residential developments.

17.44.020 Permitted Uses. The following uses are permitted in the RM1 zone, subject to all provisions of this title:

- A. Mobile homes on privately owned lots;
- B. Mobile homes located in mobile home parks;
- C. Gardening;
- D. Churches and Sunday schools, provided the minimum off-street parking requirements are met;

- E. Public parks, playgrounds or athletic fields;
- F. Public or parochial schools;
- G. Museums;
- H. Buried underground utility lines; and
- I. Libraries.

17.44.030. Uses Not Permitted. The following uses are not permitted in the RM1 zone:

- A. Commercial or industrial enterprises; and
- B. [RESERVED).

17.44.040 Accessory Uses. The following buildings, structures and uses are permitted when clearly incidental and accessory to the primary permitted uses:

- A. Storage sheds;
- B. Garden sheds;
- C. Private playhouses (small); and
- D. Signs pursuant to Chapter 17.56.

Building specifications for accessory buildings must be approved in advance by the Planning Commission.

17.44.050 Special Permit Uses. The following uses may be permitted within this district only after review and approval by the Planning Commission in accordance with the provisions of this title. The Planning Commission may place reasonable requirements upon the use prior to granting approval to insure that such a special use will not have a detrimental effect on the area in which it may be located:

- A. Day care centers;
- B. Hospitals and clinics;
- C. Home professional offices and home occupations as defined in Section 17.08.180;

- D. Radio and television stations and towers;
- E. Professional office buildings;
- F. Planned unit developments pursuant to Chapter 17.76;
- G. Public utility structures or facilities, and overhead electrical transmission lines of less than sixty-nine thousand volts;
- H. The renting of a portion of a single-family dwelling unit; and
- I. Community service agencies.

Chapter 17.48

Supplemental Use Regulations

Sections:

- 17.48.010 General Provisions.
- 17.48.020 Property Development Standards.
- 17.48.030 Maximum Building Heights.
- 17.48.040 Required Street Access.
- 17.48.050 Site Plan Approval.
- 17.48.060 Height Regulations — Fences and Walls.
- 17.48.070 Height Regulations — Fences, Hedges and Shrubbery on Corner Lots.
- 17.48.080 Open Spaces.
- 17.48.090 Sidewalks.
- 17.48.100 Exterior Lighting.
- 17.48.110 Through Lots.
- 17.48.120 Abandoned or Junk Vehicles.
- 17.48.130 Recreation Vehicles.
- 17.48.140 Lot Drainage.
- 17.48.150 Livestock and Poultry.

17.48.010 General Provisions. The regulations set forth in this chapter through Chapter 17.68 qualify or supplement, as the case may be, the district regulations appearing elsewhere in this title.

17.48.020 Property Development Standards. Unless otherwise specifically provided elsewhere in this title, the following property development standards shall apply in all zoning districts:

- A. Lot and Yard Requirements. Where a district boundary line divides a lot into two districts, it shall be treated as a lot line for purposes of the setback provisions of this title.
1. The minimum lot area shall be seven thousand square feet.
 2. The minimum lot width shall be seventy feet.
 3. The minimum lot depth shall be one hundred feet.
- B. Minimum Yards. Each residential lot shall have front, side, and rear yards of not less than the depth and width indicated below. The set back for main and accessory buildings are measured from the property line.
1. Main building:
 - a. Front yard setback: Twenty feet.
 - b. Side yard setback: Five feet.
 - c. Rear yard setback: Fifteen feet.
 2. Accessory buildings:
 - a. Front yard setback: Fifty feet.
 - b. Side yard setback: Five feet.
 - c. Rear yard setback: Five feet,
- C. Exclusion of Current Plotted Lots. The provisions of this section shall not apply to plotted lots in existence on the effective date of this title.

17.48.030 Maximum building height. The maximum building height shall be thirty-five feet.

17.48.040 Required Street Access. Every building or dwelling shall face and/or have frontage upon a street or have permanent means of access to a street by way of a public or private easement other than an alley.

17.48.050 Site Plan Approval. Site plan approval shall be required for all permitted uses and for all special permit uses.

17.48.060 Height Regulations — Fences and Walls.

- A. Fences and walls may be erected, altered, and maintained within the yards, provided that any such solid fence or wall in the front yard shall not exceed four (4) feet in height.

Fences may have welded wire, chain link, smooth wire, decorative wire, or wrought iron above the solid fencing up to six (6) feet. Front yard fences and walls shall have a gated access of no less than thirty-six (36) inches wide into the front yard to accommodate necessary emergency services. Any fence or wall in the side or rear yard may be six (6) feet in height. All fences and walls shall be erected in compliance with applicable setback ordinances.

- B. Wood, chain link, stone, block, brick, masonry material, decorative wire and wrought iron are considered acceptable fencing materials in residential districts. In no case shall barbed wire, snow fence, chicken wire, hog-fence, concrete reinforcing mesh, or electric fence be acceptable or permitted as fencing material in a residential district. In no case will fences or walls be topped with barbed wire, broken glass, pointed sharp objects or protrusions in residential districts.

17.48.070 Height Regulations — Fences, Hedges and Shrubbery on Corner Lots.

- A. Barriers to clear, unobstructed vision at corners of intersecting streets shall be limited to a height of not over three and one-half feet above the established elevation of the nearest street line, for a distance of twenty-five feet along both the front and side lot lines.
- B. Should any person violate the provisions of this title which prohibit hedges or plantings from obstructing visibility at intersections and points of ingress and egress to the public right-of-way, the town shall give ten days' written notice to the property owner, responsible for such violations, to bring said property into compliance with this title. Any violation of this title, which constitutes a direct danger to vehicular and or pedestrian traffic on the streets of the town, shall be within the police power of the town to abate.

17.48.080 Open Spaces. No lot, yard, court or other open space already containing the minimum required area or less than the minimum required under this title shall be further divided or reduced.

17.48.090 Sidewalks. Combination curb, gutter, and sidewalks shall be built according to such standards as may be set from time to time by the governing body.

17.48.100 Exterior Lighting. All lighting for parking or for the external illumination of buildings or grounds or for the illumination of signs shall be directed away from and shall be shielded from adjacent residential districts and shall be so arranged as to not affect driver visibility adversely on adjacent thoroughfares.

17.48.110 Through Lots. Through lots fronting on two streets shall be considered as having frontage on both for setback purposes.

17.48.120 Abandoned or Junk Vehicles. All abandoned or junk vehicles or vehicles being restored or under major repair, shall be stored on the rear half of the property by the owner or occupant of the property upon which such vehicle is located, in such a manner as to not cause or be a safety hazard to any other citizen of the town. All other ordinances shall also be complied with. For the purpose of this section:

- A. "Abandoned" or "junk vehicles" means a vehicle, or any major portion thereof, which is incapable of movement under its own power and will remain so without major repair or reconstruction.
- B. "Major repair" means the removal from any vehicle, or major portion thereof, including, but not limited to, the differential, transmission, head, engine block, or oil pan.
- C. "Vehicle" means any self-propelled device in, upon, or by which any person or property is or may be transported upon a public highway.

17.48.130 Recreation Vehicles. All recreation vehicles must be parked off-street, and must not be parked in front of a house longer than seventy-two hours, and shall not extend beyond house frontage.

17.48.140 Lot Drainage. No lot owner shall grade his lot in such a way as to interfere with the natural drainage of adjoining lots or to divert the drainage of his lot onto adjoining lots nor to interfere with the natural drainage of any lot.

17.48.150 Livestock Livestock will not be allowed to be grown or boarded within the town.

Chapter 17.52

Site Plan Approval

Sections:

17.52.010 Required.

17.52.020 Information required.

17.52.010 Required. All permitted uses and uses shall require site plan approval. Said site plan shall be submitted in adequate detail, in writing, to permit the code enforcement officer and/or Planning Commission to evaluate the plan to determine its conformance with the provisions of this title. Building permits shall not be issued until said plan is certified to be in conformance with this title.

17.52.020 Information Required. The site plan shall include the following information:

- A. The present zoning;
- B. A legal description of the land included in the site plan and of the lot; the name, address and telephone number of the owner, developer and designer;
- C. The boundary lines of the area included in the site plan, an arrow pointing North and lot area of the land included in the site plan;
- D. The shape, size, location, and height of all proposed structures;
- E. Natural and manmade features with indication as to any which are to be retained, removed, or altered. Adjacent properties and their uses shall be identified;
- F. A layout of the proposed streets, driveways, parking spaces, and sidewalks, with the width of such and the total number of parking spaces shall be shown;

- G. A layout of the proposed lots, parks, and open spaces;
- H. The size and location of all existing and proposed public utilities;
- I. A vicinity sketch showing the location of the site in relation to the surrounding street system;
- J. Proposed drainage system; and
- K. Any other information necessary to establish compliance with this title and other ordinances or the availability of adequate utility capacity.

Chapter 17.56

Signs

Sections:

- 17.56.010 Erection and Maintenance.
- 17.56.020 General Regulations.
- 17.56.030 Residential Districts.
- 17.56.040 Commercial Business Districts.
- 17.56.050 Industrial Districts.

17.56.010 Erection and Maintenance. The erection and maintenance of the following signs shall be permitted in any district:

- A. Flags and insignia of any government;
- B. Legal notices, information, traffic or directional signs erected or required by governmental bodies; and
- C. Memorial tablet or tablets containing the name, date of erection and use of the building when such tablets are built into the walls of the building and constructed of bronze, brass, marble, stone or other incombustible materials.

17.56.020 General Regulations.

- A. Spacing. A limit of one sign structure erected directly upon the ground will be allowed per business in a business or industrial zone.
- B. Relationship to Street Intersection. No sign shall be erected, attached, or displayed within twenty-five feet of the point of intersection of the street lines at a street corner, and shall otherwise conform to the corner clearance requirements of Section 17.48.030. No sign or other advertising structures regulated by this chapter shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where by reason of the position, shape, color or illumination, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, device, or flashing beacons; or, which makes use of the words, "stop", "look", "drive-in", "danger", or any other words or phrases, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- C. Setbacks. Except where otherwise stated in this chapter, all signs shall meet the setback requirements of the zone in which they will be located.

17.56.030 Residential Districts. The following signs shall be permitted in any of the residential districts:

- A. Identification signs bearing only property numbers, name of occupants, or similar identification of premises;
- B. An identification sign or signs, not over six square feet in area, fixed to the main wall of a church, school, or public or semipublic building shall be permitted, or may be erected in the front yard, but not within ten feet of a street line, and may be interior lighted. No more than two such signs shall be permitted in a lot;
- C. A real estate "for sale" or "for rent" sign, provided such sign does not exceed six square feet in area, is erected no less than four feet from the lot line, and is unlighted. Not more than two such signs shall be permitted on any one property or premises. A vacant lot shall have a minimum setback of four feet from the front lot line; and

- D. A professional or announcement sign of a home professional office or home occupation shall not exceed two square feet in area, and may be erected in the front yard no less than four feet from the front street line.

17.56.040 Commercial Business Districts. The following sign regulations shall apply in the Commercial Business Districts:

- A. All business signs shall be for the identification of the business of products sold on the premises.
- B. A total sign area of two square feet for each lineal foot of property frontage shall be allowed. If the building has multiple frontage, an additional sign area of one square foot for each additional lineal foot of property frontage shall be allowed. The total area of all signs erected on the lot and building shall not exceed one hundred twenty square feet.
- C. Unilluminated and non-floodlighted signs which do not exceed thirty-six square feet in area, announcing the construction, remodeling or demolition of a building, the name of the enterprise to be located therein, and the names of the architect and the contractor; provided, however, that only one such sign may be erected at the site of such work on each street frontage.
- D. A real estate "for sale" or "for rent" sign, provided such sign does not exceed six square feet in area and is unlighted. Not more than two such signs shall be permitted on any one property or premises.
- E. An identification or announcement sign or signs, not over six square feet in area, fixed to the main wall of a club, school, or public or semipublic building shall be permitted, or may be erected in the front yard, but not within ten feet of a street line. Such signs may be interior lighted. Not more than two such signs shall be permitted on a lot.
- F. No business or advertising sign shall be erected, hung, attached, or displayed until a permit has been issued by the code enforcement officer. The applicant shall pay a twenty-five dollar sign permit fee for one or more signs installed on a business site or within a period of thirty days of the initial application.

17.56.050 Industrial Districts. The following sign regulations shall apply in the Industrial Districts:

- A. Advertising signs (those signs that direct attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the property) shall be no more than two hundred fifty square feet in area.
- B. Business signs with a total sign area of two square feet for each lineal foot of property frontage shall be permitted. If the building has multiple frontage, an additional sign area of one square foot for each additional lineal foot of property frontage shall be allowed. The total area of all signs erected on the lot and building shall not exceed one hundred twenty square feet.
- C. Unilluminated and non-floodlighted signs shall be permitted which do not exceed thirty-six square feet in area, announcing the construction, remodeling or demolition of a building, the name of the enterprise to be located therein, and the names of the architect and the contractor; provided, however, that only one such sign may be erected at the site of such work on each street frontage.
- D. A real estate "for sale" or "for rent" sign shall be permitted, provided such sign does not exceed six square feet in area and is unlighted. Not more than two such signs shall be permitted on any one property or premises.
- E. An identification or announcement sign or signs, not over six square feet in area, fixed to the main wall of a club, school, or public or semipublic building shall be permitted, or may be erected in the front yard, but not within ten feet of a street line. Such signs may be interior lighted. Not more than two such signs shall be permitted on a lot.
- F. No business or advertising sign shall be erected, hung, attached, or displayed until a permit has been issued by the code enforcement officer. The applicant shall pay a twenty-five dollar sign permit fee for one or more signs installed on a business or site within a period of thirty days of the initial application.

Chapter 17.60

Off-Street Parking

Sections:

17.60.010 Required.

17.60.020 Design Standards.

17.60.030 Minimum Requirements for Accessory Garages or Parking Areas.

17.60.010 Required. Off-street parking spaces for the parking of passenger vehicles shall be provided pursuant to the provisions of this chapter.

17.60.020 Design Standards. All off-street automobile parking facilities shall be designed with appropriate means of vehicular access to a street or alley as well as maneuvering areas. No driveway or curb cuts in any district shall exceed twenty-four feet in width.

17.60.030 Minimum Requirements for Accessory Garages or Parking Areas. Minimum requirements for accessory garages or parking areas shall be as follows:

- A. Single and two-family residential dwelling, two for each dwelling unit;
- B. Mobile home, one for each dwelling unit;
- C. Multiple dwellings, two for each dwelling unit;
- D. Motel, one for each guest bedroom plus one space for three employees;
- E. Auditorium or similar place of public use, one for each four seats (note: bench capacity computed at one seat for each twenty inches);

- F. Medical office building, one for each one hundred fifty square feet of gross floor space;
- G. Offices and office building, one for each two hundred square feet of gross floor space;
- H. Public library, gallery, museum, one for each two hundred square feet of gross floor space;
- I. Business development retail store, shop, or bank, one for each two hundred square feet of gross floor space;
- J. Elementary school, one for each one-half classroom (in addition to parking space required of auditorium);
- K. Junior/Senior high school, one for each one-fourth classroom (in addition to parking space required for auditorium); and
- L. Restaurants, bar, café, one for each three seats.

Chapter 17.64

Mobile Home Parks

Sections:

17.64.010 Plans and Specifications.

17.64.020 Plans and Specifications to be Submitted for Approval.

17.64.030 Mobile Home Parks Compliance.

17.64.010 Plans and Specifications. No corporation, municipality, association, institution, firm or person shall construct a mobile home park without prior written approval of the Division of Health and Medical Services, Wyoming Department of Health and Social Services, or its authorized agent, and shall be subject to all applicable statutes of the State of Wyoming.

17.64.020 Plans and Specifications to be Submitted for Approval. All plans and specifications shall be submitted to the code enforcement officer, who shall review the above information, make appropriate comments, and submit the information to the Planning Commission for their recommendations and subsequent approval or disapproval.

17.64.030 Mobile Home Parks Compliance. Mobile home parks must be in compliance with all applicable statutes of the State of Wyoming, rules and regulations of Carbon County, and ordinances of the town.

Chapter 17.68

Non-conforming Uses

Sections:

17.68.010 Non-conforming Uses of Land or Structure.

17.68.070 Mobile Homes.

17.68.080 Repairs and Maintenance.

17.68.090 Change of Tenancy or Ownership.

17.68.010 Non-conforming Uses of Land or Structure. Any lot or structure erected or used prior to the adoption of this title, which would now be prohibited, shall be deemed to be a non-conforming use. Such nonconforming uses shall not be enlarged upon, expanded or extended after the date of this title's adoption, nor may such uses be used as grounds for adding other non-conforming structures.

17.68.070 Mobile Homes. A non-conforming mobile home may be removed and replaced by another mobile home, provided replacement occurs within a period of one hundred and eighty days of the date the mobile home was removed. The home must be replaced with one of equal or greater value to the one being replaced.

17.68.080 Repairs and Maintenance. Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

17.68.090 Change of Tenancy or Ownership. There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structure, and premises, provided there is no change in the nature or character of such non-conforming uses.

Chapter 17.72

Flood Plain Management

Sections:

17.72.010 Purpose and Intent.

17.72.020 Definitions.

17.72.030 Permitted Uses.

17.72.040 Basis for Establishing the Areas of Special Flood Hazard.

17.72.050 Applicable Lands.

17.72.060 Warning and Disclaimer of Liability.

17.72.070 Flood Hazard Reduction Standards.

17.72.080 Additional Flood Insurance Study.

17.72.090 Residential and Nonresidential Construction.

17.72.010 Purpose and Intent. The purpose of this chapter, in addition to those set forth in 17.04.030, is to minimize public and private losses due to flood conditions in specific areas by provisions designed;

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To insure that potential buyers are notified that property is in an area of, special flood hazard; and
- H. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

17.72.020 Definitions. For the purposes of this chapter, the words set out in this section shall have the following meanings:

- A. "Area of Special Flood Hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, as determined by the Federal Insurance Administration.
- B. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland water and/or;
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- C. "Flood Hazard Boundary Map" (FHBM) means the official map issued by the Federal Insurance Administration where the areas of special flood hazard have been designated zone A.
- D. "Substantial improvements" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:
 - 1. Before the improvement or repair is started; or
 - 2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- 1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assume safe living conditions; or
- 2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

17.72.030 Permitted Uses. Any use shall be permitted as specified in the district where located.

17.72.040 Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in its Flood Hazard Boundary Map (FHBM) are adopted by reference and declared to be a part of this title. The FHBM is on file at the office of the town clerk.

17.72.050 Applicable Lands. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the town.

17.72.060 Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this title or any administrative decision lawfully made thereunder.

17.72.070 Flood Hazard Reduction Standards. In all areas of special flood hazards the following standards are required:

- A. Anchoring.
 - 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing frame ties to ground anchors. Specific requirements shall be that:
 - a. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than fifty feet long requiring four additional ties per side;
 - b. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred pounds; and
 - c. Any additions to the mobile home shall be similarly anchored.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

17.72.080 Additional Flood Insurance Study. The existing Flood Hazard Boundary Map (FHBM) prepared by the Federal Insurance Administration is adequate at this time for the determination of flood hazard areas within the town.

17.72.090 Residential and Nonresidential Construction. At the point in time at which base flood elevation data is established the following additional requirements shall apply as part of this chapter:

- A. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
- B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attendant utility and sanitary facilities, shall:
 1. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the code enforcement officer for the town.

Chapter 17.76

Planned Unit Developments

Sections:

17.76.010 Purpose and Intent.

17.76.020 Property Development Standards.

17.76.030 Open Space Requirements.

17.76.010 Purpose and Intent.

- A. The purpose of planned unit development procedures is to permit creativity and flexibility in site planning, building arrangement and land use relationships by permitting deviations from the requirements of this title while simultaneously insuring substantial compliance with the intent and purpose of this title.
- B. A higher density is allowed under planned unit developments than would normally be permitted under a district's conventional zoning.

17.76.020 Property Development Standards. Property development standards within planned unit developments shall be determined by the Planning Commission on an individual basis.

17.76.030 Open Space Requirements. Open space requirements within planned unit developments shall be determined by the Planning Commission on an individual basis.

Chapter 17.80

Special Use Requirements

Sections:

17.80.010 Special Permit Uses.

17.80.020 Procedure.

17.80.030 Public Hearing.

17.80.040 Action on Application.

17.80.050 Records.

17.80.010 Special Permit Uses. Special permit uses shall be permitted in districts where designated only after review and approval by the Planning Commission.

17.80.020 Procedure. Application for a special use permit shall be submitted, in writing, to the Planning Commission with all applicable information as required in Chapter 17.52 and such other data, information, and plans necessary for full evaluation by the commission. The application must be filed forty-eight (48) hours prior to a Planning Commission meeting and the applicant shall include a fee required at the time of publication to cover advertising and processing costs, which is subject to change as deemed by the official publication.

17.80.030 Public Hearing. The Planning Commission shall hold a public hearing on a special use permit application. Notice of said hearing shall be given by at least one publication in the newspaper of general circulation within the town at least three days prior to the hearing date. Said notice shall contain at least the following information:

- A. General location;
- B. Requested use;
- C. Time, place and date of hearing; and
- D. Number to call to ask questions about request.

17.80.040 Action on Application. Action on application must be taken and a decision must be made by the Planning Commission within sixty-five days from date of receipt of the application, unless an extension is agreed upon by the applicant. The Planning Commission shall make the following determinations prior to approval of a special use permit:

- A. The proposed use shall serve an obvious public need;
- B. The proposed use will not be detrimental to the surrounding area or to established uses;
- C. That adequate and safe access and circulation shall be provided;
- D. That any resulting commercial and truck traffic shall not use a residential street nor create a hazard to a developed residential area; and
- E. That the applicant has taken adequate steps to minimize and control potential environmental problems which may result from the proposed use.

17.80.050 Records. Records of all applications made and decisions rendered, together with all maps, drawings, descriptions of conditions applied shall be kept and maintained in the town clerk's office. A copy of the decision rendered and conditions applied shall be transmitted to the applicant.

Chapter 17.84

Amendments

Sections:

17.84.010 Amendments to Title and Map.

17.84.020 Resolution of Governing Body.

17.84.030 Planning Commission — Application — Fee.

17.84.040 Planning Commission — Hearings.

17.84.050 Planning Commission — Written Recommendations.

17.84.060 Governing Body — Public Hearing.

17.84.070 Governing Body Vote Required When Protest Made by Landowners.

17.84.080 Governing Body — Limitations.

17.84.010 Amendments to Title and Map. Amendments to this title or the official zoning map shall be in accordance with the laws of the State of Wyoming and the general procedures and requirements set forth in this chapter.

17.84.020 Resolution of Governing Body. Amendments may be made at any time by the governing body:

- A. by ordinance, on its own motion;
- B. upon recommendation from the Planning Commission; or
- C. upon the signed petition of any interested person or persons.

17.84.030 Planning Commission - Application - Fee. An application to amend this title or the zoning map shall be submitted to the Planning Commission for review and processing. The application must be filed thirty days prior to a Planning Commission meeting. Said petitioner or petitioners shall include a payment of the fee required at the time of publication to cover advertising and processing costs, which is subject to change as deemed by the official publication.

17.84.040 Planning Commission - Hearings. The Planning Commission shall hold a public hearing on all proposed amendments from the governing body, the Planning Commission, and petitioners, after at least fifteen days' notice of the time and place of the public hearing shall have been given by at least one publication in a newspaper of general circulation within the town.

17.84.050 Planning Commission - Recommendations. The Planning Commission shall make a written recommendation to the governing body regarding the proposed zoning amendment.

17.84.060 Governing Body - Public Hearing. Upon receipt of the written recommendation from the Planning Commission, and before taking official action, the governing body shall hold a public hearing on all proposed amendments after at least fifteen days' notice of the time and place of the public hearing shall have been given by at least one publication in a newspaper of general circulation within the town.

17.84.070 Governing Body - Vote Required When Protest Made by Landowners. If there is a protest against the zoning amendment signed by the owners of twenty percent or more of the area of the lots included in the proposed change, or of those immediately adjacent within a distance of one hundred forty feet, not including the width of any intervening street or alley, an amendment will not become effective except upon the affirmative vote of three-fourths of all

members of the governing body.

17.84.080 Governing Body — Limitations. Any re-zoning of an area that has been acted upon by the governing body may not be submitted to the governing body for reconsideration of re-zoning until the expiration of one year from the date of action.

Chapter 17.88

Administration and Enforcement

Sections:

17.88.010 Enforcement Responsibility.

17.88.020 Enforcement Agent — Authority and Responsibilities.

17.88.030 Appeals.

17.88.040 Stays.

17.88.050 Variances.

17.88.060 Legal Action.

17.88.070 Liability for Damages.

17.88.080 Enforcement and Penalties.

17.88.010 Enforcement Responsibility. It shall be the responsibility of the governing body, the Planning Commission and the code enforcement officer to administer this title.

17.88.020 Code Enforcement Officer.

- A. The essential duties and responsibilities of the code enforcement officer shall include:
1. Respond to complaints concerning violations of the town's ordinances.
 2. Conduct field investigations, gather evidence, issue notices of violations, issue complaints and prepare written reports.
 3. Appear as a witness for the town in any legal action taken to gain compliance.

4. Propose amendments to specific town codes or regulations.
 5. Coordinate efforts with other departments.
 6. Prepare and maintain detailed records related to enforcement activities that shall be submitted to the Planning Commission Chairperson.
 7. Attend all regular meetings of the Planning Commission and provide monthly reports.
- B. The code enforcement officer is the first municipal official with whom the typical property owner meets in the process of making an application to do something to his land. The officer is the one designated to enforce its zoning provisions. It is the code enforcement officer to whom an application for a building permit is made and by whom such permits are approved. Further, upon reasonable cause or question as to proper compliance, to revoke any authorization and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this title.

17.88.030 Appeals. The decision of the Planning Commission may be appealed to the governing body by any person aggrieved or affected by any decision of the Planning Commission or the code enforcement officer. The governing body shall set a hearing upon the appeal within twenty-one days and give seven days notice of the hearing in a newspaper of general circulation within the town. Such appeal shall be made within ten days from the date of the action being appealed by the filing of a notice of appeal with the governing body. A form for such appeal shall be provided by the code enforcement officer. The Planning Commission shall forthwith transmit to the governing body all papers constituting the record of the action being appealed. A decision shall be made by the governing body within thirty days after the hearing. The decision of the governing body may be reviewed by the District Court and by the Supreme Court upon appeal thereto as provided by statute.

17.88.040 Stays. An appeal of a decision by the Planning Commission or the code enforcement officer shall stay all proceedings in furtherance of the action being appealed unless the Planning Commission or the code enforcement officer shall certify to the governing body, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceeding shall not be stayed other than by a restraining order, which may be granted by the governing body or by a court of record.

17.88.050 Variances.

- A. Variances from the strict application of the regulations of this title may be granted where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this title, or by reason of exceptional topographic conditions or extraordinary and exceptional situation or condition of such piece of property, the strict application of the provisions of this title would result in undue hardships upon the owner of the property. The governing body may authorize, upon an appeal relating to said property, a variance from such strict applications so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this title.
- B. Any variance granted by the governing body pursuant to the provisions of this section shall be construed to be a nonconforming use.
- C. The fact that the owner could realize a greater financial return by using his property contrary to zoning regulations is not sufficient reason for granting a variance.
- D. Every variance granted by the governing body shall be based on specific findings, supported by written evidence and a photograph of the specific problem where applicable.
- E. A variance shall be nothing more than a minimal easing of standards or requirements.

17.88.060 Legal Action. In case any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, maintained or used, or any land is proposed to be used in violation of any provision of this title, or any amendment thereof, the governing body and the town attorney, or any owner of real estate within the zoned area, in addition to other remedies provided by law, may institute injunction, mandates, abatement or any other appropriate action to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

Appeals from judgments rendered in any action instituted to enforce this title shall be in accordance with the general appeals provisions of Wyoming Rules of Civil Procedure.

17.88.070 Liability for Damages. This title shall not be construed to hold the town responsible for any damage to persons or property for reason of the inspection or reinspection authorized in this title or failure to inspect for reason of issuing authorization and enforcement of this title.

17.88.080 Enforcement and Penalties.

- A. The code enforcement officer shall declare each violation a nuisance and order, in writing, corrections of all conditions which are found to do be in violation of this title.

- B. A violation of any provision of this title shall be deemed a misdemeanor, punishable by a fine of not more than one hundred dollars for each offense. Each day's continuance of such violation shall be deemed to be a separate offense.