

## **TITLE 4 ZONING**

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**4-1-1. Authority.** - This ordinance is adopted pursuant to and in accordance with the authority vested in the City Council of the City of Lander, Wyoming by the statutes of the State of Wyoming, Sections 15-601 through 15-1-611 and Section 10-5-301 through 10-5-306, 1977 as amended.

**4-2-1. Purpose.** - These regulations have been made in accordance with the policies and recommendations set forth in a duly adopted Master plan and have been enacted with the following purposes in mind:

- (a) to lessen congestion in the streets by coordinating land use with transportation policies;
- (b) to secure safety from fire, floods and other hazards;
- (c) to provide adequate light and air for urban dwellers;
- (d) to promote the most appropriate use of land to insure orderly growth and to prevent overcrowding;
- (e) to allow for the adequate provision of needed public facilities to serve present and future populations;
- (f) to conserve the value of structures and lands by insuring a compatible arrangement of land uses; and
- (g) to otherwise promote the public health and general welfare of the community.

**4-2-2. Application.** -

- (a) After the effective date of these regulations, no land shall be used or occupied and no structure shall be erected, altered, used or

occupied except in conformance with the provisions of these regulations.

- (b) These regulations shall apply to all private lands within the corporate limits of the City of Lander, Wyoming, as they may from time to time be amended, and to all public lands within the same area that are legally subject to these provisions.
- (c) The existence of restrictive covenants or agreements shall not be a substitute for these zoning regulations.
- (d) When higher or more restrictive standards are established by the provisions of any other applicable statute, resolution or regulations, the provision of such other statutes, resolution or regulations shall apply.
- (e) No person, firm or corporation and no officer or employee thereof shall knowingly sell, rent, or lease or offer to sell, rent or lease any land or structure for any use of purpose contrary to the provisions of this ordinance.

**4-3-1. District Classifications.** - In order to effectively carry out the provisions of these regulations the lands within the corporate limits of the City of Lander shall be divided into the following zoning districts:

- (a) A - Agricultural District;
- (c) R-1 Single Family Residential District;
- (d) R-2 Single Family and Two-Family Residential District;
- (e) R-3 Single Family and Multi-Family Residential District;
- (f) R-5 Multi-Family Residential District;
- (g) R-MED - Single Family, Multi-Family Residential and Medical Services District;
- (h) C - General Commercial District;
- (i) M-I Manufacturing and Light Industrial District;
- (j) PL Public Lands District.

**4-3-2. District Zoning Map.** -

- (a) The boundaries of these Zoning Districts are hereby established as shown on a map entitled "District Zoning Map, Lander, Wyoming." This map, and all official amendments thereto, are hereby declared to be part of this ordinance.
- (b) The City Clerk shall maintain the District Zoning Map to accurately represent the zoning district and classifications created by ordinance. The map shall constitute prima facie evidence of district boundaries.
- (c) Unless otherwise defined, district boundary lines are intended to be lot lines; the center line of streets, alleys, channelized waterways or other similar rights-of-ways; the center line of blocks; section or township lines; municipal corporate lines; the center line of streambeds or other line dimensions or drawn to scale on the District Zoning Map.
- (d) It is the intent of this ordinance that all lands lying within the corporate boundaries shall be within one of the enumerated zoning

districts. If any such land is determined not to be within one of the enumerated districts for whatever reason or cause, then no permits shall be issued for the use of the land or for the erection or alteration of any structures on the land until the area has been examined by the City Council and zoning classification has been established within a reasonable period of time.

- (e) All territory which shall hereafter be annexed to the City of Lander shall be in the R-1, Single Family Residential District unless otherwise designated by the City Council, as a part of the annexation and zoning process. Such a zone district classification, once established, may be amended pursuant to the procedures established by this ordinance.

**4-4-1. Administering and Enforcement Agency.** - Except where otherwise provided, the City of Lander shall be responsible for the general interpretation, enforcement and implementation of this Title 4 and shall have the power to issue orders and file complaints to effect such enforcement. It shall be the responsibility of the City of Lander to issue a Certificate of Zoning Compliance to all pre-existing, legal, nonconforming uses, structures and lots stating the date upon which such was established or acquired, and to prepare an inventory and map of the same.

**4-4-2. Violations and Remedies.** -

- (a) No person shall locate, erect, construct, reconstruct, enlarge, change, maintain, or use any structure or use any land in violation of this ordinance.
- (b) The City of Lander shall order in writing the remediation of any violation. Such order shall state the nature of the violation, the ordinance provision violated, and the time by which the violation must be corrected. After any such order has been served, no work shall proceed on any structure or tract of land covered by such an order except to correct such violation or to comply with the order.
- (c) This ordinance shall be enforceable, in addition to the other remedies provided by law, by injunction, mandamus, or proceedings in abatement. Appeals from judgments rendered in any action instituted to enforce this ordinance shall be permitted and shall be in accordance with the general appeal provisions of Wyoming Rules of Civil Procedure.
- (d) Persons or corporations convicted of violations of this ordinance shall be fined in accordance with the City of Lander Municipal Bond Schedule for each offense. Each day of a continuing violation of this Title shall be deemed a separate offense.

**4-4-3. Appeals.** -

- (a) Any order or decision of the City of Lander may be appealed to the Board of Adjustment by any person or agency affected by any such order or decision. Any such appeal shall be filed within 30 days from the date of the action appealed from by filing a written notice of appeal specifying the grounds for the appeal with the City of Lander. Forms shall be provided for this purpose by the City of

Lander. Upon receipt of a notice of appeal, the City of Lander shall transmit to the Board of Adjustment the notice of appeal and all of the original documents, or true copies thereof, constituting the record upon which the action being appealed from was filed.

- (b) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City of Lander certifies to the Board of Adjustment 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. The Board of Adjustment after receipt of the certificate and after a public hearing may allow the original order or decision to stand or the Board of Adjustment may stay the original order or decision appealed. If the Board reaffirms the order or decision of the City of Lander, proceedings shall not be stayed except by a restraining order which may be granted by a court of record after giving due notice to the City of Lander.

**4-5-1 – Board of Adjustment** – A Board of Adjustment consisting of the Lander Planning Commission is hereby created in accordance with W.S. 15-1-605. The Board of Adjustment shall adopt rules and regulations necessary to the conduct of its function which are consistent with the ordinance and state law. A copy of such rules shall be kept on file by the City Clerk for public inspection.

**4-5-2. Board of Adjustment - Powers and Jurisdiction.** - The Board of Adjustment has the following powers and jurisdiction:

- (a) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the City of Lander in the enforcement of this ordinance.
- (b) To interpret the provisions of this ordinance in such a way so as to further the intent and purposes of the recommendations and policies of the duly adopted Master Plan.
- (c) To authorize, upon appeal, such variances from the terms of this ordinance as will not be contrary to the public interest whenever a property owner can show that the strict application of any of the requirements of this ordinance would result in practical difficulty or unnecessary hardship that would deprive him of the reasonable use of his land or structure when compared to other land or structures similarly situated.
- (d) To authorize upon appeal and in specific cases, an increase in non-conforming uses, structures and lots pursuant to ordinance 4-11-1 and subject to terms and conditions fixed by the Board.
- (e) To hear and decide on conditional use permits, where such uses would not be appropriate in the designated area unless controlled as to number, area and location, subject to terms and conditions fixed by the Board.
- (f) Subject to the limitations set forth in this Section, the Board, by majority vote (of the Board) may reverse, affirm or modify the order, requirement, decision or determination appealed from and relating to this ordinance and may make such order, decision or requirements as ought to be made, and to that end, the Board shall have all of the powers of the official or agency appealed from. The

Board may also attach conditions to a decision.

**4-5-3. Board of Adjustment – Variances –**

- (a) The Board of Adjustment may authorize, upon request, such variances from the terms of this ordinance as shall not be contrary to the public interest.
- (b) The purpose of any variance shall be to modify the strict application of the requirements of this ordinance where it can be shown that, by reason of exceptional topography or other extraordinary or exceptional circumstances, literal enforcement of the terms of this ordinance will result in an unnecessary hardship to the extent that the property might be prohibited from being used in a manner similar to other property in the same district.
- (c) Each variance authorized shall not be personal to the applicant but shall apply to a specific use or structure and shall run with the land. No variance shall be authorized unless the Board shall find that all of the following conditions exist.
  - (i) That the variance will not authorize a permitted use other than those specifically enumerated in the zoning district in which the variance is sought;
  - (ii) That owing to extraordinary circumstances, literal enforcement of the provisions of this ordinance will result in unnecessary hardship;
  - (iii) That the extraordinary circumstances were not created by the owner of the property and do not represent a general condition of the district in which the property is located;
  - (iv) That the variance, if granted, will not substantially or permanently injure any adjacent, conforming property;
  - (v) That the variance will not alter the character of the district in which it is located;
  - (vi) That the variance, if granted, is the minimum variance and the least modification that will afford the relief sought; and
  - (vii) That the variance will be in harmony with the spirit of this ordinance and will not adversely affect the public health, safety or welfare.

**4-5-4. Rules for Proceeding Before the Board of Adjustment and Variances.**

- (a) Appeals to the Board of Adjustment may be filed by any person aggrieved by any officer, department or agency of the City affected by any decision of the City of Lander. Such appeal shall be made in writing on forms provided by the City of Lander and shall be filed within 30 days from the date of the action appealed from.
- (b) Decisions of the Board of Adjustment in regard to appeals from an order or decision of any agency or official or in regard to variances from the provisions of the zoning ordinance shall be reached only after a public hearing. The Board shall fix a reasonable time and place for the hearing and shall proceed in accordance with the following rules:

- (i) Public notice shall be given of all hearings. Public notice shall consist of one publication of a notice by the City in a newspaper of general circulation at least 15 days prior to the hearing and a public notice mailed to the property owners within 400 feet of the premises. The newspaper notice shall identify the applicant, shall briefly state the nature of the appeal or the variance sought and shall give the date, time and place of the hearing. All hearings shall be open to the public.
- (ii) At any public hearing, any interested party may appear in person or be represented by an agent or attorney and, after being duly sworn, may offer evidence and testimony and cross examine witnesses.
- (iii) All witnesses shall be sworn or shall affirm their testimony in the manner required in courts of record.
  - (iv) All testimony and evidence shall be presented publicly.
- (v) The Board shall keep a record of the proceedings for each matter heard which shall be kept on file and copies made available to any party at cost. The record of proceedings may include documents and physical evidence considered in the case.
- (vi) The Board shall render a written decision on each case heard within 30 days of the hearing. Each decision must be accompanied by reasons therefore, and based on findings of fact. The record shall show the grounds for each decision and the vote of each member upon each question. The record of proceedings shall be public record. In addition to this record of proceedings, the Board shall cause a description of each variance granted, to be filed with the title of the affected property. The description shall include the nature of the variance, any time limitations and any special conditions imposed by the Board.

**4-6-1. Conditional Uses. -**

- (a) Conditional uses are those that would not be appropriate in the designated area unless controlled as to number, area, and location, and include those set out in the Schedule of Zoning District provided by ordinance. Application for a conditional use permit shall be made to the Board of Adjustment and shall include any information the Board may require.
- (b) Public notice shall be given of all hearings. Public notice shall consist of one publication of a notice by the City in a newspaper of general circulation at least 15 days prior to the hearing and a public notice mailed to the property owners within 400 feet of the premises.
- (c) The conditional use permit shall be granted only if after the hearing, the Board finds that the use will be compatible with the character of the area and will not adversely affect the public interest.

- (d) The Board may subject conditional use permits to such conditions as it may deem necessary to preserve and protect the character of the area and the safety of the public. The subsequent violation of any condition shall be deemed a violation of this ordinance as well as grounds for revocation of the permit.
- (e) If the petition protesting the proposed use and signed by 40% or more of the property owners within 400 feet of the premises is presented to the Board before a decision is reached, then the permit shall not be granted without the affirmative vote of three-fourths of all the Board members or the unanimous vote of those attending the hearing.

**4-7-1. City Planning Commission - Creation. -**

- (a) A Planning Commission for the City of Lander of seven members is established in accordance with Wyoming Statutes Section 15-1-502 (1977) as the same now exists or may hereafter be amended. Members shall be representative of different business and appointed without respect to political affiliation by the Mayor, with the advice and consent of the Council. The term of each member shall be four years.
- (b) The Planning Commission shall adopt rules and regulations necessary to the conduct of its functions which are consistent with this ordinance and state law. Such rules and regulations shall be subject to approval by the Council and a copy of the same shall be kept on file by the City Clerk for public inspection.

**4-7-2. Planning Commission - Powers and Jurisdiction. -** The Planning Commission has the following powers and jurisdiction:

- (a) To hear and make recommendations to the City Council on rezoning applications insuring that the application is consistent with the adopted Master Plan.
- (b) To hear and make recommendations to the City Council on proposed changes to the language of this ordinance.
- (c) To review and recommend to the City Council approval or denial of subdivision plats, both those of which that are within the corporate limits of the City as well as those that are within one mile of said corporate limits.
- (d) To review and recommend to the City Council approval or denial of annexation requests.
- (e) To review and if in compliance, approve Development Plans and Planned Unit Developments.
- (f) To review and recommend to the City Council approval or denial of requests for water and/or sewer outside City limits.

**4-8-1. Amendment Procedures - Statement of Policy. -** It is the intent of the City of Lander that these regulations, which include this ordinance and the District Zoning Map, have been established for the purpose of promoting sound and desirable development and for maintaining stable land use patterns. In harmony with this purpose, the ordinance and map shall not be amended except to (1) correct an obvious error or oversight in the regulations, or (2) to recognize the promotion of the public health, safety



and general welfare. In conformity with this statement of policy, the City Council and the City of Lander may initiate amendments, or any person, firm or corporation may initiate amendments in the manner hereinafter set forth.

**4-8-2. Amendment - Type and How Made.** - Amendments shall be of two types:

- (a) language amendments which seek to change the wording of the zoning ordinance; and
- (b) map amendments which seek to change the district boundary lines on the District Zoning Map.

**4-8-3. Amendments - Applications.** - Applications for amendments of either type shall be made to the City of Lander. The application shall include among other things:

- (a) the name and address of the applicant;
- (b) the applicant's interest in the application, i.e., whether owner of land or structure affected, or agent;
- (c) the name and address of any other interested parties such as owner or developer;
- (d) the nature and effect of the proposed amendments; and
- (e) a statement of the legal basis for such an amendment whether to correct an error or to recognize changing conditions.

**4-8-4. Amendments - Zoning Map.** - Amendments to the District Zoning Map shall, in addition, include:

- (a) a legal description and a map of the area sought to be rezoned. The map shall show the relationship of the property to abutting properties;
- (b) the existing zoning district designation and the proposed district designation; and
- (c) the names and addresses of all owners of land within the area proposed for rezoning and within 400 feet of the outer limits of the area proposed for rezoning.

**4-8-5. Public Hearing.** -

- (a) The City Council shall hold a public hearing on all amendments to this ordinance and to the District Zoning Map at which all interested parties shall have an opportunity to be heard. Notice of the time and place of the public hearing and the nature of the amendments sought shall be given by one publication in a newspaper of general circulation in the City at least 15 days before the date of such hearing and a public notice mailed to the property owners within 400 feet of the premises. After the public hearing which also constitutes the first reading of the amendment, the City Council shall conduct two additional readings of the amendment when the Council is able to take action, provided the proposed amendment receives an affirmative vote.

- (b) Prior to the advertised public hearing before the City Council, the Planning Commission shall review any proposed amendments to this ordinance or to the District Zoning Map and after due deliberation, shall certify its findings and recommendations to the City Council in writing.
- (c) No zoning amendments shall be considered by the Council until after the Planning Commission has reviewed it and the Commission has forwarded its findings and the recommendations to the Council. In its deliberations on zoning matters before it, the Council shall take into consideration any evidence and material available to it, comments of public agencies and the findings and recommendations of the Planning Commission. No zoning change shall be put into effect unless a majority of the Council votes in favor of its adoption.
- (d) In the event of a protest to a proposed amendment to the District Zoning Map duly signed and acknowledged by the owners of 20% or more of the area of the lots included within the proposed change, or those immediately adjacent within a distance of 400 feet, the amendment shall not become effective except by the affirmative vote of the majority of those present.
- (e) All protests to a proposed amendment to the District Zoning Map, or any withdrawals from such a protest, shall be filed with the City of Lander at least 24 hours before the time set by notice for the Council meeting at which the proposed amendment will be considered.

**4-8-6. Amendments - Limitations on Filing.** - No application for the change of a zoning district classification shall be made by a property owner or his agent for any land area which has been the subject of a public hearing conducted by the City Council within the immediately preceding 12 month period and which hearing resulted in a rejection of the proposed zoning. This limitation shall not apply to land for which a different zoning classification is sought than the one rejected by the Council.

**4-9-1. Subdivision - Approval Required; Exception.** -

- (a) Any proposed division of real property within the City limits of Lander must comply with Section 4-11-2 with application and approval by the Planning Commission.
- (b) No person shall subdivide any lot or tract of land into more than two parts without first applying for a subdivision, obtaining a recommendation from the Lander Planning Commission and approval of the City Council.
- (c) This section shall pertain to areas within one mile of the City as provided by Wyoming Statutes Section 18-5-308. The Council may grant approval subject to conditions, including installation of necessary public improvements which are consistent with the Title and any failure to comply with such conditions shall be a violation of this Section.
- (d) This Section shall not apply to conveyances:
  - (i) of cemetery lots;
  - (ii) to any governmental agency;

**4-9-2. Subdivision - Procedure and Standards.** - Application shall be made to the City of Lander in accordance with the rules or procedures adopted by the Planning Commission as provided by Wyoming Statutes, Section 15-1-510. Standards for

approval shall be consistent with the City Master Plan, City of Lander Subdivision Rules and Regulations, good planning practices, and the provision of this Title, and any other applicable rules and regulations.

**4-9-3. Subdivision - Submission to Council. -**

- (a) Upon full review of an application by the City of Lander and the Planning Commission, the Commission shall forward the file to the City Council, together with a written report by the Commission setting out its findings together with a recommendation for action.
- (b) No subdivision shall be approved unless it complies with applicable zoning requirements.

**4-10-1. Annexations.** - All proposed annexations to the City shall be referred to and reviewed by the Planning Commission. The Commission shall review the land with reference to the Master Plan and make recommendations for zoning at least 30 days prior to the public hearing on the issue of annexation. For purposes of annexation only a developed street shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities with an unobstructed width of not less than 20 feet. This definition does not apply to subdivision rules and regulations of the Lander city code. In the case of an annexation which does not require a public hearing on the issue of annexation, a public hearing shall be held after 15 days advance notice by publication on the sole issue of zoning. Such zoning decision shall be rendered within 14 days of the hearing.

**4-11-1. General Requirements - Non-Conforming Uses and Structures-**

- (a) Intent\_– Within the zoning districts established by this title and amendments that may later be adopted, there exists land and uses of land which were lawful before this title was passed or amended, but which would be affected by the terms of this title of future amendments. Therefore, it is the intent of this title to permit these nonconforming uses to continue. It is further the intent of this title that these nonconforming uses shall not be used as grounds for allowing other uses prohibited elsewhere in the district.
- (b) Any existing structure devoted to a use not permitted by this ordinance in the zone in which it is located shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zone in which it is located.
- (c) Any nonconforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use at the time of adoption, as defined in section 4-2-2 (a), or amendment of the ordinance, but no such use shall be extended to occupy any land outside such structure.
- (d) If no structure alterations are made, any nonconforming use of the structure, or structures and premises, may be changed to another nonconforming use provided that the Board of Adjustment with jurisdiction on the property shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of

Adjustment with jurisdiction on the property may require appropriate conditions and safeguards in accordance with the provisions of this chapter. Any proposed change from one nonconforming use to another nonconforming use shall be processed and reviewed in accordance with city code section 4-4-1-

1. The nature and purpose of the existing nonconforming use;
  2. The difference in quality and character of the proposed use;
  3. The difference in the degree of the use of the proposed use, including but not limited to hours of operation and parking requirements;
  4. The reasons for the proposed change; and
  5. The overall impact of the proposed use on the surrounding property.
- (e) Any structure, or structures and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure(s) is located, and the nonconforming use may not be thereafter resumed.
- (f) When a nonconforming use of a structure, or structures and premises in combination, is discontinued or abandoned for one (1) year or more, the structure, or structures and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Abandonment shall include, but not be limited to, cessation of the use for one (1) year or more. The owner, occupant or user shall have the burden to show that the structure, lot or use was lawfully established.
- (g) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time of destruction.

**4-11-2. General Requirements - Division of Lots.** - No division of any lot may create a lot smaller than the applicable minimum size and dimensions. Application must be made for any proposed division of real property within the City limits of Lander and approved by the Planning Commission. This shall not apply to small parcels of land transferred between adjacent lot owners, but such parcels may not thereafter be conveyed independently and shall not be considered lots of record.

**4-11-3. General Requirements - Zone Lot for Structures.** - When several lots of a platted, recorded subdivision is under single ownership, the owner thereof may designate those lots as one zone lot constituting a single parcel of contiguous land. The outside boundaries of the zone lot shall conform to the platted lot lines of the recorded plat.

**4-11-4. General Requirements - Home Business** –

a) Home business is defined in City Code 4-16-1 (aa). The City of Lander may issue Home Business Permits upon the following conditions:

- (i) Such use shall be conducted entirely within a dwelling unit or

accessory structure and carried on by the inhabitants living there and no others;

(ii) Such use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and shall not change the residential character thereof.

(iii) The total area used for such purposes shall not exceed twenty (20) percent of the gross floor area of either the dwelling or up to 600 sq ft of an accessory structure.

(iv) There shall be no exterior storage on the premises of material or equipment used as a part of the home business.

(v) There shall be no offensive noise, vibration, smoke, dust odors, heat or glare noticeable at or near the property line.

(vi) There shall be no traffic generated by the home business that would adversely affect the residential character more than would normally be expected in a residential neighborhood.

(vii) There shall be at least one off-street parking space provided for clientele.

(viii) No sign shall be allowed except for one non-illuminated name plate attached to the wall of the dwelling unit, showing name/occupation only, no larger than a square foot in area.

b) **APPLICATION PROCEDURE:** Those individuals that meet these requirements shall make application to the City of Lander. The City of Lander may grant or reject the permit.

If the applicant does not meet all of requirements in Section 4-11-4(a) (i) through (viii) they may apply for a Conditional Use Home Business permit through the Board of Adjustment with an application providing the following:

- (i) Where will such use be conducted?
- (ii) How many employees are proposed?
- (iii) Will this use change the residential character of the neighborhood?  
If not, why?
- (iv) What is the percentage of the gross square footage of the area to be used for such?
- (v) Will there be exterior storage, if so please describe.
- (vi) Will there be any of the following:  
offensive noise;  
vibration;  
smoke;  
dust;  
odors; or  
heat or glare noticeable at or near the property line.
- (vii) What is the expected traffic for the home business?
- (viii) Will there be a sign, please give location and dimensions of the sign.
- (ix) What other issues exist with this proposed home business?

Home Business and home businesses may be reviewed and inspected by the City building inspector at any time to insure compliance. If three or more written complaints, from property owners within 400', are filed with the City of Lander, a public hearing before

the Board of Adjustment shall be required to determine the continuance of the home business. Any expansion or alteration of existing uses must come before the Board of Adjustment for approval. The Board of Adjustment can grant or reject all applications.

**4-11-5. General Requirements - Temporary Dwellings.** - No vehicle, accessory structure, or temporary structure shall be used for sleeping, eating or preparing of food for a period exceeding four (4) days – 96 hours. This section shall not apply within approved camper or trailer courts or campgrounds.

**4-11-6. General Requirements - Access.** - All dwellings shall be located on lots with frontage on public streets, alleys that do not dead end within the block and shall have direct access from the streets suitable for servicing, fire protection and off-street parking.

**4-11-7. General Requirements - City Easements and Rights-of-Way.** - Any fence, wall or hedge located within a street right-of-way or other City easement may be removed at the property owner's expense if necessary for utility and street maintenance or construction.

**4-11-8. General Requirements - Accessory Uses.** -

- (a) Any use which complies with all of the following conditions may be operated as an accessory use:
  - (i) is clearly incidental and customary to and commonly associated with the operation of the permitted use;
  - (ii) is operated and maintained under the same ownership and on the same lot as the permitted use;
  - (iii) does not include structures or structural features inconsistent with the permitted use;
  - (iv) does not include residential occupancy;
  - (v) if operated wholly or partly within a structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed 30% of the gross floor area of the permitted use;
  - (vi) if in a separate, detached structure from a permitted use, the gross floor area devoted to the accessory use shall not exceed the gross floor area as defined in the International Residential Code (IRC).
  - (vii) home business, provided the conditions set forth under Section 4-11-4 are met;
  - (viii) in all districts, accessory structures shall be located behind the setback line, as defined that that district's regulations from all streets;
  - (ix) in all residential districts the following setback regulations shall apply side yard five feet, rear yard five feet.
  - (x) maximum height of detached accessory structures: 20 feet.

**4-11-9. General Requirements - Clear Vision Area.** - Except in the C District, a clear vision area shall be maintained at all intersections so that traffic is clearly visible from two and one-half feet to eight feet above the center grade of the street within an area described by an isosceles triangle in which the equal sides are congruent with the

intersection curb lines and are 15 feet in length in all zoning districts, except that in residential zones the length shall be 30 feet. (see Drawing 1.)

**4-11-10. General Requirements - Off-Street Parking and Loading Requirements.** -

- (a) The following general requirements shall apply:
  - (i) off-street parking and loading shall be provided and maintained as required by this Section for all permitted uses which are established after the effective date of this ordinance;
  - (ii) these requirements shall not be retroactive to permitted uses existing on the date this ordinance becomes effective but shall apply to any expansion of these uses which occurs after that date;
  - (iii) in residential districts, required off-street parking shall be provided on the same lot to which the parking pertains. In other districts, such parking may be provided either on the same lot or on another lot in the R-5 or P-L Districts, located not farther than 1,000 feet from the structure or use they are required to serve;
  - (iv) groups of more than four parking spaces shall be designed so that no backing movements onto a street will be required;
  - (v) no structure shall be erected or enlarged, nor shall any use be enlarged, if such action will eliminate the required off-street parking areas.
  - (vi) The requirements of 4-11-10, may be waived at the discretion of the Planning Commission with regards to structures with frontage on Main, Lincoln or Garfield Streets located between First Street and Ninth Street.
  - (vii) The businesses within the Lander Business Park will be allowed to count overflow off-street parking for their total parking spaces per use.
- (b) Off-street parking and loading will be designed, used and maintained in accordance with the following specifications:
  - (i) individual off-street parking spaces shall be at least nine feet wide and 18 feet long;
  - (ii) individual off-street loading spaces shall be located only in side or rear yards of the lot and shall be at least 12 feet wide, 50 feet long and have a minimum height clearance of 14 feet;
  - (iii) areas used for required parking and maneuvering of vehicles shall have an all-weather surface of asphalt or concrete or alternatives approved by the Planning Commission and shall be designed in a manner which avoids the flow of water across public sidewalks;
  - (iv) each parking or loading space must be usable and readily accessible and arranged so that no part of any parked vehicle extends beyond the property line;
  - (v) required parking and loading areas shall be provided with

designated entrances and exits located so as to minimize traffic congestion and avoid undue interference with public use of streets, alleys and walkways;

- (vi) parking and loading areas provided in accordance with the requirements of this ordinance shall not be used for the sale, repair, assembly or disassembly, storage or servicing of vehicles or equipment.
- (c) At the time a structure is being erected or enlarged, or the use of an existing structure is changed, off-street parking spaces shall be provided as follows:
  - (i) Home business - 1 per 200 sq. ft. or fraction thereof;
  - (ii) There shall be provided off-street parking spaces described as follows: (garage may be counted as a parking space)  
Dwellings shall be as follows:
    - One Bedroom Residences – 1 space
    - Two Bedroom Residences – 1.5 spaces
    - Three Bedroom Residences – 1.75 spaces
    - Four Bedrooms and Over – 2 spaces
  - (iii) Boarding houses - 1 per each sleeping or living unit.
  - (iv) Retirement homes, housing project for senior citizens - .5 per dwelling unit plus 1 for manager.
  - (v) Motel or hotel - 1 per sleeping room plus 1 for manager.
  - (vi) Clubs or lodgers - Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
  - (vii) Convalescent hospital, nursing home - .4 X lawful number of occupants plus 1 per each staff member on duty on maximum shift.
  - (viii) Hospital - 1 per bed plus .75 X maximum number of employees on duty on a maximum shift.
  - (ix) Churches - .35 X seating capacity of sanctuary.
  - (x) Preschool, nursery or kindergarten - 2 spaces per teacher.
  - (xi) Elementary or junior high school - 1 per each employee and each faculty member
  - (xii) High school and vocational schools - 1 per each employee and each faculty member plus 1 per five students.
  - (xiii) Stadia, areas, theaters, auditoriums or meeting rooms - .35 X seating capacity or, if no fixed seats, 1 space per 50 square feet of floor area.
  - (xiv) Bowling Alley - 5 per lane.
  - (xv) Dance Hall or skating rink - 1 per 80 square feet of floor area.
  - (xvi) Retail and repair shops, including shoe repair, contractors' showrooms, galleries, structure material supply stores, package beverage stores with no seating - 1 per 1000 square feet of floor area plus one per three employees.



- (xvii) Restaurants and beverage establishment with seating 1 per 100 sq ft of customer floor area;
  - (xviii) Barber shops and Cosmetology Shop - 1 plus 1.5 per chair;
  - (xix) Banks and business or professional offices (except medical and dental clinics) - 1 per 300 square feet of floor area.
  - (xx) Medical and dental clinics - 2 per staff person.
  - (xxi) Gas stations - 1 per nozzle plus 2 per lift (in addition to stopping places adjacent to pumps).
  - (xxii) Mortuary - 1 space per 4 seats or 8 feet of bench length in the chapel.
  - (xxiii) Laundromats - .5 per machine.
  - (xxiv) Other retail and service establishments - 1 per 300 square feet of floor area and outdoor sales space.
  - (xxv) Warehouses, storage and wholesale business, and freight terminals – 2 spaces plus, 1 space per employee on maximum shift. And sufficient space to park all company owned or leased vehicles, including passenger auto manufacturers, trucks, tractors, trailers and similar company owned or leased motor vehicles.
  - (xxvi) Manufacturing uses, research testing and processing, assembly, all industries - 1 X number of employees on a maximum shift.
  - (xxvii) Uses not specified - Shall be determined by the City of Lander.
  - (xxviii) Gaming, one space per every 75 square feet of gaming area or any portion thereof.
- (d) Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
  - (e) When it is alleged that the minimum off-street parking standards will create an unnecessary hardship on the property owners, application may be made to the Board of Adjustment for a variance in the minimum off-street parking requirements. In lieu of meeting such off-street parking requirements and after the Board of Adjustment does not grant relief there-from, either in whole or in part, the property owners shall pay reasonable costs to the City for each required parking space of which the owner may be unable to provide. The cost of those spaces shall be per square foot of current market value for property in that area. Such funds shall be kept in a separate fund and used by the City only for the purpose of purchasing off-street parking and the development of walk/bike ways within the City.
  - (f) At least the following amounts of off-street loading shall be provided, plus an area adequate for maneuvering and walk/bike ways, ingress and egress:

<u>Number of Spaces</u>	<u>Gross Floor Area in Square Feet</u>
1	3,000 to 20,000
2	20,000 to 40,000
3	40,000 to 60,000
4	60,000 to 80,000
5	80,000 to 100,000
6	100,000 to 150,000

One additional space shall be provided for each 50,000 square feet above 150,000 square feet. If parking is 20 or more spaces a green area and/or snow dump area must be provided on the premises.

**4-11-12. General Requirements - Street Addressing. -**

- (a) All persons owning, occupying or managing any structure or structure within the corporate limits of the City which are situated upon lands adjacent to a platted street shall obtain a number for such structure or structure from the City Clerk and shall display such assigned number upon said structure, structure or other place so as to be clearly visible from the street.
- (b) Any person, before constructing any dwelling or place of business within the city, shall before commencing such structure make an application to the city clerk for a number for such proposed structure and the city clerk shall allot a number therefore; the person shall within ten (10) days after completion thereof have such number attached thereto, as herein provided. In allotting and designating numbers for all dwellings and places of business, hereunder, the city clerk shall allot such numbers as shall most nearly express the location of the structure on the street and in the block where the same is situated.
- (c) The number, when so assigned, shall then be placed upon the structure or structure, by the owner thereof, so as to be plainly visible from the street that the structure or structure faces upon, either by constructing thereon prepared Arabic numbers, or by painting such Arabic numbers thereon in such size as to be readily discernible from such street, but said numbers shall not be less than two (2) inches in width and not less than three (3) inches in height.
- (d) Every trailer court or manufactured home park shall designate a lot number to each lot in said court or manufactured home park and provide the same to the city clerk. Each trailer house or manufactured home shall have placed upon it the lot number in which it is located so as to be plainly visible from the street that the trailer house or manufactured home faces in a manner as herein provided. No other numbers shall be affixed in the location of the lot number.
- (e) Nothing in this ordinance shall in any way affect numbers of structures or structures previously assigned by the city clerk, unless deemed by the city clerk to have been inappropriately assigned.
- (f) It shall be unlawful for any person to place any number or other means of identification using numbers upon any structure, or other structure, within the City, as a means of identification of the

location of such structure or other structure, unless such number shall have been procured under the provisions hereof and assigned to such owner, by the city clerk.

**4-11-13. General Requirements - New and Modified Commercial Communication Towers and Antennas** - Conditions for New and Modified Commercial Communication Tower/Antenna Placement - A new or modified communication tower and/or antenna may be permitted upon application to the Board of Adjustment and upon determination that all of the following conditions are met, as well as the conditions of City Code Section 4-6-1 Conditional Uses.

- (a) Permitted Height - Commercial Communications Towers and Antennas, antenna and all related facilities mounted on structures, water tanks or other structures including free-standing or guyed communications Commercial Communications Towers and Antennas must not extend more than 100 feet from the surface of the ground.
- (b) Specifications - Submission of one copy of typical specifications for proposed structures and antenna, including description of design characteristics and material. All tower designs must be certified by an engineer licensed to practice in the State of Wyoming to be structurally sound and at a minimum, in conformance with the City's structure code, and any other standard outline in this article.
- (c) Site Plan - Submission of a site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan and existing land uses on adjacent property.
- (d) Tower Location Map - Submission of a current map, or update for an existing map on file, showing locations of applicant's antenna, facilities, existing Commercial Communications Towers and Antennas, and proposed Commercial Communications Towers and Antennas which are reflected in public records, serving any property within the city.
- (e) Antenna Capacity/Wind Load - Submission of a report from a structural engineer registered in Wyoming that shows the tower antenna capacity by type and number and certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest version) standards.
- (f) Antenna Dimensions:
  - (1) Omni-Directional (whip) antennas and their supports must not exceed 15' in height and 3" in diameter and must be constructed of a material or color which matches the exterior of the structure.
  - (2) Directional or Panel antennas and their supports must not exceed 8' in height or 2.5' in width and must be constructed of materials and coloration which achieves maximum compatibility and minimum visibility.
  - (3) Satellite and microwave dish antennas located below sixty-five (65) feet above the ground may not exceed six (6) feet in diameter. Satellite and dish antennas located sixty-five (65) feet and higher above the ground may not exceed eight (8) feet in diameter.
- (g) Antenna Owners – The applicant shall show identification of the owners of all antenna and equipment to be located at the site as of the date of application. A copy will be on file at City Hall and must be updated with

- each additional participant or change of ownership.
- (h) Owner Authorization - Written authorization from the site owner for the applications.
  - (i) FCC License - A copy of a valid FCC license for the proposed activity, or proof that the applicant is the winning bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.
  - (j) Removal Agreement - A written agreement to remove the tower and/or antenna within 180 days of cessation of use along with a performance bond in an amount equal to the estimated removal costs. The performance bond shall be adjusted yearly for cost of living increases according to the Bureau of the Census Cost of Living.
  - (k) Need for Location - Applicant must show that the proposed antenna and equipment could not be placed on a pre-existing facility and function under applicable regulatory and design requirements without unreasonable modification. A permit for a proposed tower within 1,000 feet of an existing tower will not be granted unless the applicant certifies that the existing tower does not meet the applicant's structural specifications or technical requirements, or that a co-location agreement could not be obtained at commercially reasonable terms and conditions, including price.
  - (m) Design for Multiple Use - Applicant must show that a new tower is designed to accommodate the applicant's potential future needs, to the extent that those future needs may be determined at the time of application.
  - (n) Safety Codes –All City of Lander structure and safety codes must be met and the site will be inspected upon completion by the city of Lander Structure Inspector.
  - (n) Aesthetics: Commercial Communication Towers and Antennas shall meet the following requirements:
    - (1) Signs - No commercial signs or advertising shall be allowed on a tower or antenna including the base of the tower/antenna.
    - (2) Vandalism to include graffiti - Any vandalism, graffiti or other unauthorized inscribed materials shall be removed or otherwise covered in a manner substantially similar to and consistent with the original exterior finish.
    - (3) Alternative tower structure to include man-made trees, towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers are desirable. When camouflaging is not feasible selection shall include materials, colors, textures, screening and or landscaping that will blend towers into the natural setting and surrounding structures.
  - (o) Fencing - An eight (8) foot fence or wall constructed for safety and to shield against vandalism, shall be required around the base of any tower or antenna.
  - (p) Annual Registration Requirement - To enable the City of Lander to insure safety requirements of commercial communication towers and antennas with the City limits, on an annual basis, no later than June 30 each year, the owner/operator shall submit documentation to the City Clerk's office providing:

- (1) Certification in writing that the commercial communication tower/antenna conforms to the requirements of the Uniform Structure Code and all other construction standards set for by the City Code, federal and state law by filing a sworn and certified statement by an engineer, certified in Wyoming, to that effect. The commercial communication tower/antenna owner/operator may be required by the City to submit more frequent certification should there be reason to believe that the structural and electrical integrity of the tower/antenna is jeopardized. The City reserves the right upon reasonable notice to the owner/operator of the tower/antenna to conduct inspections for the purpose of determining whether the tower/antenna facility complies with the City of Lander adopted structure and safety codes and all other construction standards provided by local, state and federal laws.
- (2) The name, address and telephone number of any new owner, if there has been a change of ownership of the tower/antenna.
- (3) The name, address and telephone number of the operator.

**4-12-1. District Regulations - Agricultural District (A). -**

- (a) Intent. This district is intended to provide for a compatible mixture of single family residential dwellings and agricultural uses at a density slightly lower than that for single family districts alone, plus accessory public and semi-public uses offering services to the surrounding areas. This zone encourages animal husbandry, agriculture, viniculture, horticulture, aquaculture and family or small commercial farming. Such areas will by nature be on the outer fringes of the City.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
  - (i) single family detached dwellings;
  - (ii) manufactured homes;
  - (iii) agricultural (shall include horticultural uses, nurseries and the production of crops and livestock).
- (c) Permitted Accessory Uses: Any use which complies with all of the following conditions may be operated as an accessory use:
  - (i) is clearly incidental and customary to and commonly associated with the operation of the permitted use;
  - (ii) is operated and maintained under the same ownership and on the same lot as the permitted use;
  - (iii) does not include structures or structural features inconsistent with the permitted use;
  - (iv) to include one secondary residential unit;
  - (v) if operated wholly or partly within a structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed 30% of the gross floor area of the permitted use;

- (d) Minimum area of lot: 1 acre.
- (e) Minimum width of lot: 100 feet.
- (f) Minimum setback requirements for structures:
  - (i) front yard: 33 feet;
  - (ii) side yard: 12 feet;
  - (iii) rear yard: 20 feet;
  - (iv) side yard on flanking street or corner lot: 28 feet;
  - (v) When a lot or parcel of ground in the district adjoins a residential district, the setback requirements that apply to the yard area of that residential district shall be required.
- (g) Maximum Number of single family or manufactured homes per lot: one per lot.  
Maximum number of agricultural structures: three per acre.
- (h) Maximum Height of Structures: 30 feet.

**4-12-2. District Regulations - Single Family Residential District (R-1). -**

- (a) Intent. This district is intended to be applied to lands which are suitable for low density residential development within the existing community. The district also allows uses which are compatible with and provide support to a low density residential environment.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
  - (i) single family detached dwellings;
  - (ii) churches;
  - (iii) public or private grade schools;
  - (iv) public park, playground or other public recreational facilities.
- (c) Conditional Use:
  - (i) Child Care;
  - (ii) home business. (Section 4-12-3(c) amended by Ordinance 855, effective 4-23-91.)
  - (iii) bed and breakfast
  - (iv) mortuary/crematory
  - (v) related uses of similar type as approved by the Board of Adjustment.
- (d) Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.
- (e) Minimum Area of Lot: 8,800 square feet.
- (f) Minimum Width of Lot: 80 feet at front setback line.
- (g) Minimum Setback Requirement for Principle Structures:
  - (i) front yard: 33 feet;
  - (ii) side yard: 12 feet;
  - (iii) rear yard: 20 feet or 20% of lot depth, whichever is smaller;
  - (iv) side yard flanking street on corner lot : 28 feet;

- (v) encroachment into the front yard setback and any side yard flanking street setbacks to within 18 feet of the curb line is permitted for use of a covered or uncovered porch or deck structure. That portion of the porch or deck structure within the setback area shall not be enclosed and in no case shall it be allowed beyond the property line.
- (h) Maximum Number of Structures Containing Permitted Use Per Lot: one per lot.
- (i) Maximum Height of Principle Structure: 30 feet.
- (j) Maximum Lot Coverage: 40%.

**4-12-3. District Regulations - Single and Two Family Residential District (R-**

**2)-**

- (a) Intent. This district is intended to provide for a compatible mixture of single and two family dwellings at a density slightly higher than that for single family districts alone, plus the accessory public and semi-public uses offering services to the surrounding area.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
  - (i) single family detached dwellings;
  - (ii) two-family dwellings;
  - (iii) churches;
  - (iv) private or public elementary and secondary schools;
  - (v) public park, playground and other public recreational facilities.
- (c) Conditional Uses:
  - (i) Child Care;
  - (iii) group foster home;
  - (iv) home business;
  - (v) bed and breakfast;
  - (vi) mortuary/crematory
  - (vii) related uses of a similar type as approved by the Board of Adjustment
- (d) Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.
- (e) Minimum Area of Lot. The lot on which there is erected a detached single family dwelling child care facility, foster home, or group foster home shall contain an area of not less than 6,000 square feet. The lot on which there is erected a two-family dwelling shall contain an area of not less than 4,000 square feet per dwelling unit. The lot on which there is erected any other permitted use in the district shall contain an area of not less than 6,000 square feet.
- (f) Minimum Width of Lot: 60 feet at front setback line.
- (g) Minimum Setback Requirements for Principle Structures:
  - (i) front yard: 28 feet;
  - (ii) side yard: 10 feet; except that there shall be no side yard

set back for the common wall side yard of a two-family dwelling, where each living unit, and ½ the land upon which the two-family dwelling is located, are sold separately, provided that the following criteria are met on each family dwelling:

- 1) all provisions of the Uniform Structure Code and Uniform Fire Code are complied with, including but not limited to, an appropriate fire wall; and
  - 2) each family dwelling unit is served by a separate water and sewer line.
- (iii) rear yard: 20 feet or 20% of lot depth, whichever is smaller;
- (iv) side yard on flanking street on corner lot: 23 feet;
- (v) encroachment into the front yard setback and any side yard flanking street setbacks to within 18 feet of the curb line is permitted for use of a covered or uncovered porch or deck structure. That portion of the porch or deck structure within the setback area shall not be enclosed and in no case shall it be allowed beyond the property line.
- (h) Maximum Number of Structures Containing Permitted Use Per Lot: one per lot.
- (i) Maximum Height of Principle Structures: 30 feet.
- (j) Maximum Lot Coverage:
- (i) detached single family dwellings, child care center, foster home, group foster home: 40%.
  - (ii) two-family dwellings, other permitted uses in the district: 50%.

**4-12-4. District Regulations - Single and Multi-Family Residential District (R-3).** -

- (a) Intent. This district is intended to provide for a compatible mixture of single on up to four family dwellings at a density slightly higher than that for single family districts alone, plus the accessory public and semi-public uses offering services to the surrounding area.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
- (i) single family detached dwellings;
  - (ii) two-family dwellings;
  - (iii) multi-family dwellings (up to four units);
  - (iv) manufactured homes on privately owned lots;
  - (v) manufactured home parks: Minimum Area: For the first two (2) manufactured homes there shall be provided an area not less than twelve thousand (12,000) square feet. For each manufactured home after the first two, there shall be provided an area not less than six thousand (6,000) additional square feet per manufactured home.
  - (vi) churches;
  - (vii) public or private elementary and secondary schools;
  - (viii) public parks, playground and other public recreational facilities.
- (c) Conditional Uses:



- (i) Child Care;
  - (iii) group foster home;
  - (iv) recreational vehicle and campground district; (See district regulations 4-13-1)
  - (v) home business;
  - (vi) bed and breakfast;
  - (vii) mortuary/crematory
  - (viii) related uses of a similar type as approved by the Board of Adjustment.
- (d) Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.
- (e) Minimum Area of Lot: The lot on which there is erected a detached single family dwelling, manufactured home or other permitted use of the district shall contain an area not less than 6,000 square feet. The lot on which there is erected a multi-family dwelling shall contain an area not less than 4,000 square feet per dwelling unit for each of the first two dwelling units plus 3,000 square feet for each additional unit.
- (f) Minimum Width of Lot:
- (i) detached single family dwelling,
  - (ii) manufactured homes, multi-family dwellings: 50 feet at front setback line.
- (g) Minimum Setback Requirements for Principle Structures:
- (i) front yard: 20 feet;
  - (ii) side yard: 10 feet; except that there shall be no side yard set back for the common wall side yard of a two-family dwelling, where each living unit, and ½ the land upon which the two-family dwelling is located, are sold separately, provided that the following criteria are met on each family dwelling:
    - 1) all provisions of the Uniform Structure Code and Uniform Fire Code are complied with, including but not limited to, an appropriate fire wall; and
    - 2) each family dwelling unit is served by a separate water and sewer line.
  - (iii) rear yard: 20 feet or 20% of lot depth whichever is smaller;
  - (iv) side yard on flanking street or corner lot: 23 feet;
  - (v) encroachment into the front yard setback and any side yard flanking street setbacks to within 18 feet of the curb line is permitted for use of a covered or uncovered porch or deck structure. That portion of the porch or deck structure within the setback area shall not be enclosed and in no case shall it be allowed beyond the property line.
- (h) Maximum Number of Structures Containing Permitted Uses Per Lot: two per lot.
- (i) Maximum Height of Principle Structures: 30 feet.
- (j) Maximum Lot Coverage:
- (i) detached single family dwellings, manufactured homes: 40%.

- (ii) multi-family dwellings, all other permitted uses in District: 50%.

**4-12-5. District Regulations - Multi-Family Residential District (R-5). -**

- (a) Intent. This district is intended to provide for a compatible mixture of single and multi-family dwellings at a density higher than that for single and two family districts alone, plus the accessory public and semi-private uses offering services to the surrounding area.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
  - (i) single family detached dwellings;
  - (ii) two-family dwellings;
  - (iii) multi-family dwellings;
  - (iv) churches;
  - (v) public or private elementary or secondary schools;
  - (vi) public park, playground and other public recreational facilities;
  - (v) office space for a single user;
  - (vi) family day care home;
  - (vii) professional structures;
- (c) Conditional Uses:
  - (i) Child Care;
  - (ii) group foster home;
  - (iii) clinics and nursing homes;
  - (iv) motels;
  - (v) related uses of a similar type as approved by the Board of Adjustment;
  - (vii) recreational vehicle and campground district;  
(*see district regulations 4-14-1.*)
  - (viii) home business.
  - (ix) bed and breakfast;
  - (x) restaurant;
  - (xi) civic or community center;
  - (xii) mortuary/crematory
- (d) Restrictions on use - Uses shall be subject to the following restrictions and limitations to preserve and enhance desirable neighborhood qualities:
  - (i) Multiple Uses. Any number of permitted uses may be allowed on a single lot/development pad provided the specific use of some lots/development pads or structures may be limited based on access, parking limitations, or potential impacts to adjacent residential uses.
  - (ii) Storage Uses. Storage shall be limited to accessory storage of commodities sold at retail on the premises. All storage shall be completely enclosed within a structure unless otherwise approved by the planning commission. No commercial storage facility will be allowed.
  - (iv) Walls/Fences Between Use Districts. A six-foot-high solid wall/fence or other approved buffer shall be constructed and

maintained on all property lines which abut a residential use or zone district unless the property is separated from the residential use or zone district by a public road or alley. Walls or fences may be required to be set back from streets and alleys so as not to obstruct views.

- (v) Hours of Operation. No business shall be open to the public between the hours of ten p.m. and seven a.m. without a conditional use permit.
- (vi) Uses in Structures. All uses shall be operated primarily within an enclosed structure. Limited seasonal outdoor displays and sales may be permitted if approved in the site plan review or by the Planning Commission.
- (vii) Loading Areas Screened. All loading areas shall be screened from public view or from view from any adjacent residential use or zone district by a maintained wall or screened fence not to exceed ten feet in height.
- (e) Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to permitted use.
- (f) Minimum Area of Lot. The lot on which there is erected a detached single family dwelling shall contain an area not less than 6,000 square feet. The lot on which there is erected a multi-family dwelling shall contain an area not less than 3,000 square feet per dwelling unit in excess of two units. All other permitted uses in the district shall contain an area not less than 5,000 square feet.
- (g) Minimum Width of Lot: 50 feet from front setback line.
- (h) Minimum Setback Requirements for Principle Structures:
  - (i) front yard: shall be 12 feet or within deeded property and shall be no closer than the setback;
  - (ii) side yard: 5 feet; except that there shall be no side yard set back for the common wall side yard of a two-family dwelling, where each living unit, and ½ the land upon which the two-family dwelling is located, are sold separately, provided that the following criteria are met on each family dwelling:
    - 1) all provisions of the Uniform Structure Code and Uniform Fire Code are complied with, including but not limited to, an appropriate fire wall; and
    - 2) each family dwelling unit is served by a separate water and sewer line.
  - (iii) rear yard: 10 feet or 20% of lot depth, whichever is smaller;
  - (iv) side yard on flanking street on corner lot: shall be 12 feet or within deeded property and shall be no closer than the setback; (City Code Section 4-11-9 must also be met)
- (i) Maximum Number of Structures Containing Permitted Use per Lot: two per lot or as otherwise provided herein.
- (j) Maximum Height of Principle Structures: Three stories, not to exceed 40 feet.
- (k) Maximum Lot Coverage: 60%.

**4-12-6. District Regulations - Single Family, Multi-Family Residential and Medical Services District (R-MED). -**

- (a) Intent. This district is intended to provide a compatible mixture of single and multi-family dwellings and general medical services at a density slightly higher than for single family districts alone, plus accessory public and semi-public uses offering services to the surrounding area.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
  - (i) single family detached dwelling;
  - (ii) two-family dwellings;
  - (iii) multi-family dwellings (up to four units);
  - (iv) churches;
  - (v) public or private elementary and secondary schools;
  - (vi) public park, playground and other public recreational facilities;
  - (vii) assisted living facility. (*Section 4-12-8(b) amended Ordinance 895 effective 4-12-93*)
  - (viii) parking lots.
- (c) Conditional Uses:
  - (i) Child Care;
  - (ii) group foster home;
  - (iii) medical clinics\*;
  - (iv) hospitals\*;
  - (v) nursing homes\*;
  - (vi) offices and office structures;
  - (v) home business.
  - (vi) mortuary/crematory

\*If this use encompasses two (2) structures or more on one (1) lot or is housed in one (1) structure having an area of twenty thousand (20,000) square feet or more, it shall only be reviewed by the Planning Commission through the Development Plan process as outlined under Section 4-11-11 of this ordinance. (*Section 4-12-8(c) amended by Ordinance 887 effective 11-30-92*)

- (d) Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.
- (e) Minimum Area of Lot. The lot on which there is erected a detached single family dwelling, child care center, foster or group home or medical clinics and all other permitted uses shall contain an area of not less than 6,000 square feet. The lot on which there is erected a multi-family dwelling shall contain an area not less than 4,000 square feet for each of the first two units, plus 3,000 square feet for each additional unit.
- (f) Minimum Width of Lot: 50 feet front setback line.

- (g) Minimum Setback Requirements for Principal Structures:
  - (i) front yard: 28 feet;
  - (ii) side yard: 10 feet;
  - (iii) rear yard: 20 feet or 20% of lot depth, whichever is smaller;
  - (iv) side yard on flanking street or corner lot: 23 feet.
- (h) Maximum Number of Structures Containing Permitted Use Per Lot: one per lot or as otherwise provided herein.
- (i) Maximum Height of Principle Structures: 30 feet.
- (j) Maximum Lot Coverage:
  - (i) detached single family dwelling, child care or group foster home, medical clinics: 40%.
  - (ii) multi-family dwellings, all other permitted uses in the district: 50%.

**4-12-7. District Regulations - General Commercial District (C). -**

- (a) Intent. This district is intended to provide locations for all retail, commercial, institutional and office uses necessary for a community.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
  - (i) small business machine sales, repair and service;
  - (ii) amusement place (not to include adult rated book store or uses of similar type);
  - (iii) antique shop and store, providing all merchandise is displayed and sold inside a structure;
  - (iv) apparel and accessory store;
  - (v) art and art supply stores;
  - (vi) auditorium and similar places of public assembly;
  - (vii) automobile and manufactured home sales, service and repair, new and used;
  - (viii) auto supply store;
  - (ix) banks and other savings and lending institutions;
  - (x) barber and beauty shops;
  - (xi) bicycle shop;
  - (xii) books and stationery store;
  - (xiii) business and technical school and school for photography, music and dancing;
  - (xiv) carpenter and cabinet shop;
  - (xv) church and parish house;
  - (xvi) cigar and tobacco store;
  - (xvii) clothing and costume rental;
  - (xviii) commercial recreation use;
  - (xix) commercial storage facilities;
  - (xx) custom dressmaking, furrier, millinery, or tailor shop;

(xxi)	delicatessen and catering establishment;
(xxii)	department store;
(xxiii)	drug store and prescription shop;
(xxiv)	dry good and notion store;
(xxv)	dry cleaning and laundry establishment,;
(xxvi)	electric repair shop (household appliances);
(xxvii)	fire station, police station and jail;
(xxviii)	fix-it shop (radio, television, and small household appliances repair);
(xxix)	florist and gift shop;
(xxx)	furniture and home furnishing store;
(xxxi)	garden shop;
(xxxii)	garage (public and private);
(xxxiii)	gasoline filling station;
(xxxiv)	greenhouse and nursery (place where young trees or other plants are raised for experimental purposes for transplanting, or for sale);
(xxxv)	grocery store (including retail meat markets and produce stores);
(xxxvi)	hardware store;
(xxxvii)	hobby, stamp and coin store;
(xxxviii)	hotel and motel;
(xxxix)	household appliance store;
(xl)	implement sales and service;
(xli)	interior decorator's shop;
(xlii)	jewelry and metal craft store;
(xliii)	leather goods and luggage store;
(xliv)	library and museum;
(xlv)	lock and key shop;
(xlvi)	lumber yard;
(xlvii)	mail order catalog store;
(xlviii)	medical, dental and health clinic;
(xlix)	medical and orthopedic appliance store;
(l)	messenger or telegraph service station;
(li)	mortuary/crematory
(lii)	music instrument sales and repair shop;
(liii)	music studio, radio and television store;
(lix)	newspaper office;
(lx)	newsstand;
(lxi)	offices and office structure;
(lxii)	office supply and office equipment store;
(lxiii)	optician and optometrists shop;
(lxiv)	package liquor store;
(lxv)	paint store;
(lxvi)	parking of vehicles;
(lxvii)	pawn shop;
(lxviii)	pet shop;
(lxix)	photographic equipment and supply store;
(lxx)	photographic studio;
(lxxi)	picture frame shop;
(lxxii)	plumbing shop;

- (lxxiii) printing and publishing house (including newspapers);
- (lxxiv) private club, fraternity, sorority and lodge;
- (lxxv) public or private school for elementary or secondary education;
- (lxxvi) radio and television studio;
- (lxxvii) rental store;
- (lxxviii) restaurant and tea room (including "drive-ins");
- (lxxix) self-service laundry;
- (lxxx) sewing machine store;
- (lxxx1) sheet metal shop;
- (lxxx1) shoe store;
- (lxxx2) shoe repair and shoe shine shop;
- (lxxx3) single & multi-family dwellings;
- (lxxx4) sporting and athletic goods store;
- (lxxx5) tailor shop;
- (lxxx6) tavern or lounge;
- (lxxx7) theater, including drive-in theater;
- (lxxx8) tire repair shop;
- (lxxx9) tinsmith shop;
- (lxxxx) toy store;
- (lxxxx1) travel agency;
- (lxxxx2) variety store and shop;
- (lxxxx3) veterinary clinic, providing all animal runs or observation pens are completely enclosed;
- (lxxxx4) vocational school;
- (lxxxx5) wallpaper store and shop;
- (lxxxx6) watch repair shop;
- (lxxxx7) wholesale establishment;
- (lxxxx8) essential public utility and public service installation;

- (c) related uses of similar type as determined by the Board of Adjustment;
- (d) Minimum Area of Lot: None
- (e) Minimum Width of Lot: 30 feet on public street
- (f) Minimum Setback Requirements for Principal Structures:
  - (i) front yard: 8 feet;
  - (ii) side yard on flanking street on corner lot: 8 feet.
  - (iii) When a lot or parcel of ground in the district adjoins a residential district, the setback requirements that apply to the yard area of the residential district shall be required, otherwise no setbacks would be required.
  - (iv) When a parcel of ground or lot adjoins a residential district at the rear yard, a six foot high solid wall/fence or other approved buffer shall be required.
- (h) Maximum Height of Structures: 45 feet
- (i) Conditional Uses:
  - (i) Recreational vehicle and campground district (see district regulations 4-13-01);
  - (ii) gaming (subject to the mandatory conditions et forth in 4-16-1; and the off-street parking requirement of 4-11-10(c);

- (iii) commercial communications towers and antennas;
- (iv) Child Care;
- (v) related uses of similar type as approved by the Board of

Adjustment

**4-12-8. District Regulations - Manufacturing and Light Industrial District (M-1)**

(a) Intent. This district is intended to allow a compatible mixture of light industrial uses which do not require intensive land coverage, generate large volumes of traffic or create obnoxious sounds, glare, dust or odors. District regulations insure compatibility with adjacent or nearby residential areas.

(b) Permitted Uses. The following uses may be operated as permitted uses in this district:

- (i) airport;
- (ii) animal hospital, providing it is completely enclosed in a structure;
- (iii) assembly or fabrication from component parts or from materials already processed or manufactured into their final usable state;
- (iv) armory;
- (v) automobile repair;
- (vi) bottling plant;
- (vii) structure material storage or sales (except for ready-mix concrete);
- (viii) carpenter, cabinet, plumbing or sheet metal shop;
- (ix) contractor's yard for vehicles, equipment and supplies;
- (x) dry cleaning or laundry plant;
- (xi) fire station;
- (xii) frozen food locker;
- (xiii) grain and feed mill;
- (xiv) grain elevator;
- (xv) greenhouse and plant husbandry;
- (xvi) laboratory;
- (xvii) machinery and implement sales, service and repair;
- (xviii) monument making and sales;
- (xi) motor vehicle sales, service, repair and storage;
- (xx) mortuary/crematory
- (xxi) oil field supply sales and storage;
- (xxii) office;
- (xxiii) police station;
- (xxiv) printing and publishing;
- (xxv) parking or storage of vehicles, towing yards not to include crushing and dismantling;
- (xxvi) radio or television transmitting station;
- (xxvii) railway right-of-way;
- (xxviii) restaurant;
- (xxix) storage of used material, auto wrecking, salvage, paper, scrap, bottles or rags;
- (xxx) truck or rail terminal;
- (xxxi) upholstering shop;



- (xxxii) veterinarian clinic,
  - (xxxiii) vocational or training school;
  - (xxxiv) warehousing or storage;
  - (xxxv) welding shop;
  - (xxxvi) wholesaling;
  - (xxxvii) public utility and public service installation.
  - (xxxviii) single Family Dwelling lived in by the owner, caretaker or watchman.
- (c) Conditional Uses.
- (i) Commercial Communications Towers and Antennas;
  - (ii) Junk Yard
  - (iii) Any other manufacturing or industrial use judged by the Board of Adjustment to be no more detrimental to adjacent properties than any of the same type and character as the permitted uses listed above.
- (d) Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use;
- (e) Minimum Area of Lot: None.
- (f) Minimum Width of Lot: None.
- (g) Minimum Setback Requirements: when a parcel of ground or lot adjoins a residential district an eight foot high solid fence or other approved buffer shall be required.
- (h) Maximum Height of Structures: None.
- (i) Maximum Number of Structures Containing Permitted Use Per Lot: None

**4-12-9. District Regulations - Public Land District (P-L). -**

- (a) Intent. This district is intended to provide for the proper location of necessary public utilities, facilities and activities both for the existing and future urban area.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
- (i) essential public utility and public service installation;
  - (ii) governmental structures;
  - (iii) public schools;
  - (ii) public parks;
  - (iii) Hospice Center;
  - (iv) Airport;
  - (v) Parking lot.
- (c) Conditional Use.
- (i) Commercial Communications Towers and Antennas
  - (ii) Any other public facility or activity judged by the Board of Adjustment to be in harmony with the intent of the district.
  - (iii) Child Care;
  - (iv) Assisted living facility
- (d) Accessory Use. Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.
- (e) Minimum Area of Lot: None.

- (f) Minimum Width of Lot: None.
- (g) Minimum Setback Requirements for Principal Structures:
  - (i) front yard: 8 feet;
  - (ii) side yard on flanking street on corner lot: 8 feet.
  - (iii) When a lot or parcel of ground in the district adjoins a residential district, the setback requirements that apply to the yard area of the residential district shall be required, otherwise no setbacks would be required.
  - (v) When a parcel of ground or lot adjoins a residential district at the rear yard, an eight foot high solid fence or other approved buffer shall be required.
- (h) Maximum Height of Principle Structures: None.
- (i) Maximum Number of Structures Containing Permitted Use Per Lot: None.

**4-12-10 Regulating and Restricting the Height of Structures and Objects in the Vicinity of Hunt Field Airport** – Intent. This Ordinance is adopted pursuant to the authority conferred upon the City by Section 10-5-301, Wyoming Statutes, 1977, as amended. It is hereby found that an airport hazard endangers the lives and property of users of Hunt Field Airport, a Municipal airport, and property or occupants of land in its vicinity, and also if the obstruction type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Hunt Field Airport and the public investment therein. The City of Lander declares that:

- (a) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Hunt Field Airport;
- (b) that it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and
- (c) that the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation;
- (d) that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivision may raise and expend public funds and acquire land or interest in land;

**4-12-11. Definitions** – As used in this ordinance, unless the context otherwise requires:

- (a) Airport – Hunt Field Airport, a Lander Municipal airport.
- (b) Airport elevation – The highest point of an airport’s usable landing area measured in feet from mean sea level.
- (c) Airport hazard – Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
- (d) Structure – An object constructed or installed by man, including, but without limitation, structures, towers, smokestacks, earth formations, and overhead transmission lines.
- (e) Tree – Any object of natural growth.
- (f) Non-conforming use – Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance

or an amendment thereto.

(g) Height – For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

(h) Person – An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

(i) Board of Adjustment – Shall mean, for purposes of this ordinance only, the Lander Airport Commission as established by Lander City Code Section 12-3-2.

(j) Runway – A defined area on an airport prepared for landing and takeoff of aircraft along its length.

(k) Visual runway – A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan, a military service's-approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

(l) Utility runway – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

(m) Non-precision instrument runway – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

(n) Primary surface – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(o) Public Works Director – The person appointed as the Public Works Director for the City of Lander, Wyoming.

(p) City – The City of Lander, Wyoming.

(q) Approach, transitional, horizontal, and conical zones – These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in FAR Part 77.

**4-12-12. Airport Zones** - In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to Hunt Field Airport. Such zones are shown within the Lander Municipal Airport Layout Plan consisting of eight (8) sheets, prepared by James Gores and Associates, which is on file at the Lander City Hall. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(a) Utility runway visual approach zone – The inner edge of this

approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.

(b) Runway larger than utility with a visibility minimum as low as ¾ mile non-precision instrument approach zone – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.

(c) Transitional zones – These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at 90-degree angles to the extended runway centerline.

(d) Horizontal zone – The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(e) Conical zone – The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the precision instrument approach zones and the transitional zones.

**4-12-13. Height Limitations** – Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(a) Utility runway visual approach zone – Slopes upward twenty (20) feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(b) Runway larger than utility with a visibility minimum as low as ¾ mile non-precision instrument approach zone – Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(c) Transitional zones – Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation which is 5,586 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface. Where the precision instrument runway

approach zone projects beyond the conical zone, height limits sloping upward and outward seven (7) feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

(d) Horizontal zone – One hundred and fifty (150) feet above the airport elevation or a height of 5,736 feet above mean sea level.

(e) Conical zone – Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(f) Excepted height limitations – Nothing in this ordinance shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height which is not in conflict with any other provision of this ordinance.

Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

**4-12-14. Use Limitations** – Notwithstanding any other provisions of this ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

**4-12-15. Nonconforming Uses** –

(a) Regulations not retroactive – The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.

(b) Marking and lighting – Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Public Works Director to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the city.

**4-12-16. Permits** –

(a) Future uses – No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit thereof shall have been applied for and granted.

(i) However, a permit for a tree or structure of not less than seventy-five (75) feet of vertical height above the ground

shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.

- (ii) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(b) Exiting uses – No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) Nonconforming uses abandoned or destroyed – Whenever the City Public Works Director determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) Variances – Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this ordinance.

(e) Hazard marking and lighting – Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the city, at its own expense, to install,

operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

**4-12-17. Enforcement** – It shall be the duty of the Public Works Director to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Lander Airport Commission upon a form furnished by the City. Applications required by this ordinance to be submitted to the Lander Airport Commission shall be promptly considered and granted or denied by them. Application for action by the Board of Adjustment shall be forthwith transmitted by the Public Works Director.

**4-12-18. Appeals** –

- (a) Any person aggrieved, or any taxpayer affected, by any decision of the Public Works Director made in his/her administration of this ordinance, may appeal to the Board of Adjustment.

(b) All appeals hereunder must be taken within thirty (30) days of the decision of the Public Works Director, by filing with the Public Works Director a notice of appeal specifying the grounds thereof. The Public Works Director shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Public Works Director certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Public Works Director, and on due cause shown.

(d) The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(e) The Board of Adjustment may, in conformity with the provision of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances.

**4-12-19. Penalties** – Each violation of this ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than \$750.00 or imprisonment for not more than six (6) months or both; and each day a violation continues to exist shall constitute a separate offense.

**4-12-20. Conflicting Regulations** – Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

**4-12-21. Severability** – If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**4-13-1. District Regulations – Recreational Vehicle and Campground District.** – Intent. These regulations are intended to allow for development of R.V. parks and campgrounds in a planned environment.

- (a) Maximum Density: 12 units per acre.
- (b) When an R.V. park adjoins a residential district at the rear or side yard, the setback at that rear or side yard shall be 23 feet and a six (6) foot high solid fence shall be placed at the property line or approved buffer shall be required.
- (c) Streets: Individual units within a R.V. park or campground are to be served by a private street system, those streets shall:
  - (i) provide an approved all weather surface of 24 feet consisting of

- soil cement, asphalt, concrete or other approved surface within an easement of 40 feet; and
- (ii) be maintained at all times by the owner and operator of the R.V. park or campground.
- (d) **Parking:** In addition to each R.V. or tent space, an off street parking space shall be provided for each unit.
- (e) **Standards of Operation:**
  - (i) R.V. parks and campgrounds shall not be used as permanent residences except for the owner, operator or permanent full-time maintenance personnel. A permanent residence shall not be construed to be a manufactured home, recreational vehicle or temporary structure.
  - (ii) the entire state of the R.V. park and campground must be constructed and maintained to be graded and well drained. All areas of the R.V. park to campground shall have a form of ground cover designed to prevent erosion and blowing of dust. A minimum 1.2 trees per unit shall be required. Twenty percent of the trees may be consolidated in common areas with the remainder dispersed among the campsites.
  - (iii) generator use shall be limited to the hours of 7:00 a.m. to 10:00 p.m.

**4-14-1. Definitions.** - The following words, terms and phrases are hereby defined and shall be interpreted in the same fashion throughout this ordinance. The word "shall" is mandatory. The word "may" is permissive. Words used in the present tense shall include the future tense and words in the singular shall include the plural. Terms not herein defined shall have the meaning customarily assigned to them.

- (a) **ACCESS:** permission, liberty or ability to enter, approach or pass to and from a place or to approach or communicate with a person or commercial business or any other approved/legal use of a property.
- (b) **ACCESS DRIVE OR ACCESSWAY:** A privately owned, constructed and maintained vehicular access roadway accessing one or more dwelling units or one or more commercial, institutional or industrial principal uses.
- (c) **ACCESSORY STRUCTURE:** A subordinate structure, the use of which is incidental to that of a main structure located on the same lot.
- (d) **ACCESSORY USE:** Not a permitted use as authorized by these regulations but a subordinate use operated on the same lot as the permitted use or any accessory structure.
- (e) **ALLEY:** A minor public right-of-way which provides secondary access to abutting properties.
- (f) **ANIMAL BOARD AND TREATMENT CENTER:** Means an establishment where animals are admitted for examination, treatment or care by a doctor of veterinary medicine. Outside runs are allowed, but kennels must be in an enclosed facility. Boarding for all purposes is allowed.
- (g) **ANIMAL CLINIC, SMALL:** means an establishment where animals are admitted principally for short-term treatment, examination or care by a doctor of veterinary medicine. Board is provided only for-medical purposes or treatment.
- (h) **ANNEXATION AGREEMENT** - shall mean an agreement proposed by



the City and entered into by all landowners whereby each agrees to not oppose annexation into the City of Lander upon prior completion of improvements within the zone and a request to do so by the Governing Body.

- (i) **ASSISTED LIVING FACILITY:** Means a dwelling or rooming house operated by a person, firm or corporation engaged in the business of operating a facility for the purpose of letting rooms for rent and providing meals, personal daily living care and limited nursing care for persons not related to the owner. The facility shall obtain all necessary federal, state and local certifications.
- (j) **BED AND BREAKFAST INN:** An establishment, other than a hotel, that provides meals and one or more guestrooms for lodging for periods of less than thirty (30) days in exchange for compensation. Bed and breakfast inns shall be in private owner occupied homes or other small structures which otherwise conform to the applicable zoning regulations.
- (k) **BOARD:** The Board of Adjustment of the City of Lander, Wyoming.
- (l) **BOARDING HOUSE:** means a structure other than a hotel or motel, where for compensation and by prearrangement for definite periods, lodging and/or lodging with meals are provided for three or more persons, but not exceeding twenty persons who reside on the premises.
- (m) **STRUCTURE HEIGHT:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the structure to the highest point of the structure. This definition does not apply to antennas, chimneys, cupolas and other appurtenances usually placed above the main roof line and not intended for human occupancy.
- (n) **CLINIC:** means an establishment where patients are seen for special study and treatment by licensed healthcare professional and their professional associates.
- (o) **COMMERCIAL STORAGE FACILITY:** A structure or group of structures that contain varying sizes of individual, compartmentalized and controlled access stalls or lockers for the dead storage of articles or goods. This use does not include active retail uses nor shall there be any activities allowed to be conducted within the structure or structures other than the temporary storage of articles or goods. All storage shall be totally contained within the structure or group of structures with no outdoor storage of articles or goods allowed. No heavy equipment nor farm implements shall be allowed to be stored nor any part thereof. No hazardous materials shall be called to be stored.
- (p) **COMMISSION:** Means the Wyoming Limited Gaming Commission.
- (q) **CHILD CARE:** The City of Lander follows the Wyoming Department of Family Services definitions.
- (r) **CREMATORY:** Defined by Wyoming State Statute 33-16-502.
- (s) **DEVELOPED STREET:** For purposes of annexation only a developed street shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities with an unobstructed width of not less than 20 feet. This definition does not apply to subdivision rules and regulations of the

Lander city code.

- (t) **DISTRICTS:** Any section or area of the City of Lander for which the regulations governing the use of land and the use, density, bulk, height and coverage of structures and other structures are uniform.
- (u) **DRIVE-IN RESTAURANT:** A retail establishment engaged in the sale of prepared food and drink which is served to and/or consumed on the premise by the occupants in their vehicles.
- (v) **DWELLING, SINGLE FAMILY:** A detached residential dwelling unit designed for and occupied by one family only.
- (w) **DWELLING, TWO FAMILY:** A detached residential structure containing two dwelling units, designed for occupancy by not more than two families.
- (x) **DWELLING, MULTI-FAMILY:** A residential structure containing more than two dwelling units for family occupancy.
- (y) **DWELLING UNIT:** A structure or a portion thereof used for living purposes or constituting a separate, independent housekeeping unit for permanent residential occupancy.
- (z) **ECONOMIC DEVELOPMENT ZONE** - shall mean an area of land lying within or adjacent to the Lander city corporate boundaries which is designated by the Governing Body by ordinance as such a zone.
- (aa) **FAMILY:** Single housekeeping unit of a more or less permanent living arrangement which is stable, rather than transient living arrangements (except where the handicapped are affected) and/or family as designated and defined by the Wyoming Department of Family Services.
- (bb) **FOSTER CARE:** An activity regulated by the State of Wyoming and providing care for children in a facility or home on a 24 hour-a-day basis. Categories of foster care specified in this ordinance include:
  - (i) foster home: allows for the care of three to six children; and
  - (ii) group foster home: allows for the care of seven to eleven children.
- (cc) **FRONTAGE:** The front part of a piece of property as determined by the main entrance to the structure or use of the parcel.
- (dd) **HOME BUSINESS:** An accessory use of a dwelling unit or accessory structure for gainful employment involving the manufacture, provision or sale of goods and/or services.
- (ee) **HOTEL/MOTEL** - A structure which provides a common entrance, lobby, hall and stairways, and in which temporary lodging is provided for compensation.
- (ff) **JUNKYARD** – means a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, or stored, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel material and equipment; but not including

places where such uses are conducted entirely within a completely enclosed structure.

- (gg) **LOT:** Land occupied or intended to be occupied by a main structure and its accessory structures, together with such open spaces as are required by this ordinance, and having its principle frontage on a public street or officially approved place. A lot is the land shown as a lot on a recorded subdivision plat.
- (hh) **LOT LINES:** The side of the lot in front of the street used for primary vehicle access is the front lot line. The opposite side is the rear lot line. For lots which are not quadrilateral, lot lines shall be determined from a quadrilateral inscribed within the actual boundaries of the lot. The depth of the lot is the distance between the midpoints of the front lot line and the rear lot line. The width is the distance between midpoints of the side lot lines.
- (ii) **LOT OF RECORD:** A lot platted within a subdivision recorded at the Fremont County Courthouse, or a parcel described by meets and bounds so recorded and of legal size at the time of recording.
- (jj) **MANUFACTURED HOME:** A single prefabricated structure designed for transportation after fabrication, on streets and highways on its own wheels and chassis and arriving at the site where it is to be occupied as a dwelling, complete and ready for assembly operations, location on jacks or permanent foundation, connections to utilities and the like, and including all potable contrivances used generally for living and sleeping quarters, towed or transported by another vehicle and cannot qualify as a modular structure. This definition also includes trailer homes with a vehicle identification number.
- (kk) **MANUFACTURED HOME PARK:** A parcel (or contiguous parcels) of two or more lots and meeting all of the regulations of the subdivision regulations of the City of Lander, the lots of which are intended to be sold, leased or assigned for use by manufactured homes with vehicle identification numbers and/or license plates to create a suitable environment for long-term residential occupancy.
- (ll) **MANUFACTURED HOME SUBDIVISION:** A subdivision consisting of two or more lots and meeting all of the requirements of the subdivision regulations of the City of Lander, the lots of which are intended to be sold, leased or assigned for use by manufactured homes with vehicle identification numbers to create a suitable environment for long term residential occupancy.
- (mm) **MORTUARY, FUNERAL ESTABLISHMENT, FUNERAL HOME, FUNERAL CHAPEL:** Defined by Wyoming State Statutes 33-16-502.
- (nn) **PARKING SPACE:** An off-street space available for the parking of one motor vehicle having an area of not less than 162 square feet exclusive of passageways and driveways appurtenant thereto and having direct access to a street or alley.

- (oo) **PERMITTED USE:** A use enumerated for a zoning district.
- (pp) **PLANNING, DEPARTMENT OF:** Shall consist of the City Planner, City Clerk, Structure Inspector and Public Works Director.
- (qq) **PROFESSIONAL STRUCTURE:** the office or offices of a member of a recognized profession maintained for the conduct of that profession excluding retail and wholesale trade.
- (rr) **PRIVATE ROAD:** A private road may or may not be used by the general public, but it primarily benefits those at whose request it was established.
- (ss) **PUBLIC STREET:** Primary access that is publically dedicated on a plat and recorded at the Fremont County Courthouse.
- (tt) **PUBLIC UTILITY:** Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations to the public electricity, gas, steam, communication, telegraph, transportation or water service.
- (uu) **SETBACK:** The required distance between every structure and any lot line on the lot on which it is located. The distance is measured from the foundation line.
- (vv) **SETBACK, FRONT:** The required distance between the front of every structure and the line separating the street side curb and gutter from the street edge, also known as the "lip"; and
- (ww) **SETBACK, SIDE & REAR:** The required distance between every structure and any lot line on the lot on which it is located.
- (xx) **STORAGE STRUCTURES, PORTABLE:** shall be any structure which is so designed and constructed to make it portable and capable of movement from one site to another, designed to be used without a permanent foundation, designed with the purpose of storing tangible property and not for occupancy by persons, and to have a minimum of 32 square feet.
- (yy) **STORAGE STRUCTURES, TEMPORARY:** shall be any transportable structure designed and used primarily for temporary storage of structure materials (before they are utilized for structure purposes) household goods prior to or during moving, and other such materials for use on a limited basis, no longer than 90 days on residential property, with a permit from the City of Lander.
- (zz) **STRUCTURE:** Anything constructed or erected with a fixed location on, above, or below the ground, or attached to something having a fixed location on the ground.
- (aaa) **SUBDIVISION:** The creation of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses.

- (bbb) **TAXIDERMY:** An operation conducted solely within an enclosed structure to include onsite preparation, stuffing and mounting of heads and skins of animals. Exterior storage or processing of carcasses or parts of animals shall be prohibited in residential zones.
- (ccc) **TOWER AND ANTENNA, COMMERCIAL COMMUNICATION:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes radio and television transmission Commercial Communications Towers and Antennas, microwave Commercial Communications Towers and Antennas, common-carrier Commercial Communications Towers and Antennas, cellular telephone and wireless Commercial Communications Towers and Antennas, alternative Commercial Communications Towers and Antennas structures and the like. Tower types include, but are not limited to guyed Commercial Communications Towers and Antennas, wooden poles, lattice Commercial Communications Towers and Antennas and monopoles.
- (ddd) **WIRELESS COMMUNICATIONS FACILITY:** An unstaffed facility for the transmission and/or reception of radio frequency (RF) signals usually consisting of an equipment shelter or cabinet, a support structure and/or other transmission and reception devices.
- (eee) **WIRELESS COMMUNICATIONS FACILITY, ATTACHED:** A wireless communications facility that is affixed to an existing structure (i.e., an existing structure, tower, water tank, utility pole, etc.).
- (i) **Antenna** - Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves. Antenna types include, but are not limited to: omni-directional whip antenna, directional panel antenna, and ancillary antenna. This definition shall not include antennas used in the reception of television services by consumers.
- (ii) **Co-location** - The use of a single support structure and/or site by more than one wireless communications provider.
- (iii) **Public Utility Facilities** - Facilities for the transmission, distribution or collection of electric, telephone, telegraph, cable television, natural gas, water and sewer utility services and the transportation of people.
- (iv) **Related Equipment** - All equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.
- (v) **Equipment Enclosure** - A small structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning and emergency generators.
- (vi) **Guyed Towers** - A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.
- (fff) **YARD:** The area between any lot line and the required setback.

*(Title 4 revised with Ordinance 1198, effective November 1, 2015.)*

**4-15-1. Solar Rights.** - This Section shall be known, cited and referred to as the

Solar Rights Act of the City of Lander, Fremont County, Wyoming.

**4-15-2. Authority.** - This Section is adopted pursuant to and in accordance with the authority vested in the City Council of the City of Lander, Wyoming by the Statutes of the State of Wyoming Sections 34-22-101 through 34-22-106.

**4-15-3. Purpose.** - The purpose of this Section is to protect the health, safety and general welfare of the community by encouraging the use of solar energy systems. The overall objective of this Section is to provide adequate protection from interference by structures, trees, or topography. It is the intent of this Section to provide a means of protection for the use of solar collectors without causing undue hardships on the rights of adjacent property owners and to establish solar collectors as permitted use in all zoning districts.

**4-15-4. Application.** - This Section shall apply to all lands within the corporate limits of the City of Lander, Wyoming, as they may from time to time be amended.

**4-15-5. Administration and Enforcement.** -

(a) Administration. The City of Lander City Administration shall be responsible for the administration of these regulations.

(b) Enforcement. Once a solar collector conforming to these regulations has been constructed, the permit has been approved by the City Administration, and it has been recorded in the County Clerk's office, then a solar property right is established. Violation of the permitted and recorded right is a violation of civil law. The City of Lander will not intervene in disputes over the use of solar energy.

**4-15-6. Permits Required.** -

(a) A solar permit shall be granted only after an application for solar access permit has been submitted to the City Administration. Application for a solar permit shall consist of the following information:

1. a completed Solar Rights Access Permit application;
2. fee shall be according to the City of Lander Fee Schedule.
3. a site plan drawn to scale showing the following detail:
  - (i) owner's name, legal description, street address of the site, and use of the structure(s);
  - (ii) north arrow, scale, and date of preparation;

- (iii) names of all adjacent streets;
- (iv) dimensions of the property;
- (v) dimensions, height and location of all structures on the site;
- (vi) location, height and type of all trees, bushes and shrubs on the between 90 and 270 azimuth of the site and estimated height at full growth;
- (vii) location and height of all walls and fences on the the site;
- (viii) dimensions and location of solar collector surface;
- (ix) direction in which collector is oriented;
- (x) height of collector above ground level;
- (xi) signature block for City Administration;
- (xii) degree line from base of collector, as measured above the horizon.
- (xiii) provide the projected date when this system will be providing beneficial use.
- (ix) is there an alternate location on the premises where this system could be installed.

(b) The application for a solar rights permit, along with the required fee, shall be filed on forms provided by the City Administration.

(c) Upon accepting a complete application for a solar access permit, the City administration shall notify owners of lots or parcels within 150 feet of the property on which the solar access permit is being requested. The notice shall include the information listed in section 4-15-6.

(d) The planning commission shall hold a public hearing on the proposed application no later than 30 days after the City administration accepts a complete application for the solar access permit. After holding the public hearing, the planning commission shall approve, approve with conditions or deny the proposed solar access permit. The planning commission shall consider whether the proposed solar access permit can protect the use of a solar collector without causing undue hardships on the rights of adjacent property owners. The planning commission may postpone action and continue the public hearing if needed. In approving or conditionally approving the solar access permit, the planning commission shall include the following:

- (i) A description of the collector surface or that portion of the collector surface to which the solar access permit is granted;
- (ii) The dimensions of the collector surface;
- (iii) The direction of orientation;
- (iv) The height above ground level and the location of the collector on the solar user's property.

(e) A solar collector shall be put to beneficial use within two years.

(f) The permit holder, within 30 days after the solar collector is first put to a beneficial use, shall notify the City Administration and provide such proof of beneficial use as the City Administration requires, after which the City Administration shall certify such beneficial use by endorsing the same upon the permit.

4-15-7 Recording Procedure - After approval of the solar access permit by the planning commission the City Administration shall record the approved solar access permit and a site plan with the county clerk. The solar access permit shall include a description and square footage dimensions of the collector surface or that portion of the collector surface to which the solar access permit is granted.

**4-15-8. Non-conforming Use and Existing Solar Collectors. -**

(a) Structures or vegetation which existed prior to the time of installation of the solar energy collection system or the effective date of this Section shall not be subject to the requirement of this Section.

(b) Existing solar collector users at the effective date of this ordinance who wish to receive a priority date for their solar rights as of the first date such solar collector was beneficially used shall apply for a permit as required by Section 11-7-7 within five years after the effective date of this Section.

4-15-9 The decision of the City Planning Commission may be appealed to the City Council by any person or agency affected by such decision. Any such appeal shall be taken within 15 days from the date of the action appealed from by filing a written notice of appeal with the City Administration, which notice shall specify the grounds for the appeal. Forms shall be provided for this purpose. Upon receipt of a notice of appeal, the City Administration shall transmit to the City Council the notice of appeal and all of the original documents, or true copies thereof, constituting the record upon which the action appealed from was taken.

**4-15-10. Definitions. -**

- (a) **“azimuth”** is an angular measurement in a spherical coordinate system. It is the angle between the projected vector and a reference vector on the reference plane.
- (b) **“solar collector”** is one of the following which is capable of collecting, storing or transmitting solar energy:
  - 1. a wall, clerestory or skylight window designed to transmit solar energy into a structure for heating purposes;
  - 2. a greenhouse attached to another structure and designed to provide part or all of the heating load for the structure to which it is attached;



3. a trombe wall, drum wall, or other wall or roof structural element designed to collect and transmit solar energy into a structure;

4. a photovoltaic collector designed to convert solar energy into electric energy;

5. a plate-type collector designed to use solar energy to heat air, water, or other fluids for use in hot water or space heating or other applications;

6. a massive structural element designed to collect solar energy and transmit it to internal spaces for heating; or

7. other devices or combination of devices which rely upon sunshine as an energy source.

- (c) "**Solar right**" is a property right to an unobstructed line-of-sight path from a solar collector to the sun which permits radiation from the sun to impinge directly on the solar collector. The extent of the solar right shall be described by that illumination provided by the path of the sun on the winter solstice day which is put to a beneficial use or otherwise limited by these regulations. No solar right is protected by this Section for the period of time before 9:00 a.m. or after 3:00 p.m., Mountain Standard Time, or to a solar collector or portion as which would be shaded by a ten foot wall located on the property line on a winter solstice day.
- (d) "**Winter Solstice Day**" is the solstice on or about December 21 which marks the beginning of winter in the northern hemisphere and is the time when the sun reaches its southernmost point

*(Section 4-15-1 thru 4-15-10 created by Ordinance 1214 effective June 18, 2017)*