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Chapter 17.04INTRODUCTORY PROVISIONSSections:

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17.04.010 Authority. This title is adopted pursuant to and in accordance with the authority vested in the town council by the Statutes of the state of Wyoming, Sections 15-1-103, 15-1-501 through 15-1-512 and Sections 15-1-601 through 15-1-611, as amended. (Ord. 83 §1, 1982)

17.04.020 Short title. This title shall be known, cited and referred to as the Zoning Ordinance of Baggs, Wyoming. (Ord. 83 §2, 1982)

17.04.030 Application and severability. A. Application.

1. These regulations shall apply to all private lands within the corporate limits of the town as those limits may from time to time be amended, and to all public lands within the same area that are legally subject to these provisions.

2. 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.

3. The enactment of this title shall not prohibit the continuance of the use of any land, building or structure for the purpose for which such land, building or structure is used at the time the title takes effect, and it shall not be necessary to secure any permit or certificate permitting such continuance; provided, however, that any significant alteration of or addition to any existing building or structure, or the change in use of any land, building, or structure within any area subject to the provisions of these regulations shall be regulated or prohibited.

4. The existence of restrictive covenants or agreements shall not be a substitute for these zoning regulations.

5. 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 or purpose contrary to the provisions of this title.

6. Burden of proof shall in all instances be assigned to the applicant in proceedings under this title.

B. Severability. If any part or provision of this title or its application is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined to the part, provision, section or application expressly involved in the controversy and shall not affect or impair the integrity or validity of the remainder of the title or its application to other persons, property or circumstances. (Ord. 83 §3, 1982)

Chapter 17.08

DEFINITIONS

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17.08.010 Generally. For the purposes of this title certain words and phrases used herein shall be defined or interpreted as follows:

- A. Words used in the present tense include the future;
- B. Singular words include the plural;
- C. The word "person" includes a corporation as well as an individual;
- D. The word "lot" includes "plot" or "parcel";
- E. The term "shall" is mandatory;
- F. "Occupied" or "used" shall be construed to also include intended, arranged or designed to be used or occupied;
- G. The word "structure" includes the word "building";
- H. The word "use" and the word "used" refer to any purpose for which a lot of land or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use, or erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same. (Ord. 83 §4.1, 1982)

17.08.020 Specific. The following words, terms and phrases set out in Sections 17.08.030 through 17.08.1050 are defined and shall be interpreted in the same fashion throughout this title. The word "shall" is always mandatory. The word "may" is permissive. Words used in the present tense shall include the future tense and words used in the singular shall include the plural. Terms not herein defined shall have the meaning customarily assigned to them. (Ord. 83 §4.2(part), 1982)

17.08.030 Accessory structure. "Accessory structure" means a subordinate detached building, the use of which is incidental to that of a main building located on the same zone lot. (Ord. 83 §4.2(part), 1982)

17.08.040 Accessory use. "Accessory use" means not a permitted use as authorized by these regulations but a subordinate use operated on the same zone lot as the permitted use either in the same structure as the permitted use or an accessory structure. (Ord. 83 §4.2(part), 1982)

17.08.050 Alley. "Alley" means a public or private thoroughfare which provides only a secondary means of access to abutting property. (Ord. 83 §4.2(part), 1982)

17.08.060 Basement. "Basement" means any story or floor of a building having a floor to ceiling dimension of not less than seven feet and where the level of the existing grade adjacent to seventy-five percent or more of the

perimeter of the exterior walls is three feet or less from the ceiling of the story of floor. (Ord. 83 §4.2(part), 1982)

17.08.070 Block. "Block" means a tract of land or a lot or group of lots, bounded by streets, public parks or parkways, railroad rights-of-way, water course or body of water, unsubdivided land, or a boundary line or lines of the county or any combination thereof. (Ord. 83 §4.2 (part), 1982)

17.08.080 Building. "Building" means any permanently affixed, covered structure intended for the shelter, housing or enclosure of persons, animals or goods. (Ord. 83 §4.2(part), 1982)

17.08.090 Building, area of. "Area of building" means the horizontal area measured around the outside of the foundation walls and the floors or roofed porches and roofed terraces inclusive, and including the area of accessory buildings, if any. (Ord. 83 §4.2(part), 1982)

17.08.100 Building frontage. "Building frontage" means that facade of a structure containing a permitted use which is generally parallel to and closest to the front line of a zone lot. (Ord. 83 §4.2(part), 1982)

17.08.110 Building height. "Building height" means the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof. (Ord. 83 §4.2(part), 1982)

17.08.120 Building, main. "Main building" means a building or buildings, in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the main building of the lot on which the same is situated. (Ord. 83 §4.2(part), 1982)

17.08.130 Building permit. "Building permit" means a permit required for the erection, construction, modification, addition of or moving of any building, structure or use in the incorporated area of the town. (Ord. 83 §4.2 (part), 1982)

17.08.140 Building setback line. "Building setback line" means the minimum distance as prescribed by this title between any property line and the closest point of

the foundation or any supporting post or pillar of any building or structure related thereto. (Ord. 83 §4.2 (part), 1982)

17.08.150 Campground. "Campground" means a parcel of land which has been so designated and improved that it is utilized for camping and parking of two or more camping units for a period not to exceed thirty days. (Ord. 83 §4.2(part), 1982)

17.08.160 Camping unit. "Camping unit" means any pickup camper, travel trailer, truck camper, tent trailer, motor home or similar mobile unit which is designed especially for recreation and vacation purposes. (Ord. 83 §4.2(part), 1982)

17.08.170 Car wash. "Car wash" means a lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specially designed for that purpose. (Ord. 83 §4.2(part), 1982)

17.08.180 Chairman. "Chairman" means the elected chairman of the planning commission or, in his or her absence, the vice-chairman or other delegate. (Ord. 83 §4.2 (part), 1982)

17.08.190 Church. "Church" means a building wherein persons regularly assemble for religious worship which is used only for such purposes and those accessory activities as are customarily associated therewith. (Ord. 83 §4.2 (part), 1982)

17.08.200 Commercial development. Within the context of this code, "commercial development" means those uses usually associated with the central business district or community shopping center, and includes shopping facilities generally compatible with residential development; i.e., retail and service oriented businesses. It also includes the sale of commodities or performance of services designed for application on major streets and highways thereof. (Ord. 83 §4.2(part), 1982)

17.08.210 Commission. "Commission" means the planning and zoning commission of the town. (Ord. 83 §4.2 (part), 1982)

17.08.220 Corner lot. "Corner lot" means a zone lot situated at the intersection of two or more streets. (Ord. 83 §4.2(part), 1982)

17.08.230 Council. "Council" means the town council of the town. (Ord. 83 §4.2(part), 1982)

17.08.240 Density. "Density" means a unit of measurement; the number of dwelling units per acre of land.

1. Gross density: the number of dwelling units per acre of the total land to be developed;

2. Net density: the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses. (Ord. 83 §4.2(part), 1982)

17.08.250 Designated engineer. "Designated engineer" means the engineer employed or contracted by the town for the purposes of administering the operation of public facilities and inspecting the plans and construction of these facilities. (Ord. 83 §4.2(part), 1982)

17.08.260 Districts. "Districts" means any section or area of the town for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform. (Ord. 83 §4.2(part), 1982)

17.08.270 District boundary. "District boundary" means the limit and extent of each district classification as shown on the official zoning map. (Ord. 83 §4.2(part), 1982)

17.08.280 Drive-in restaurant or refreshment stand. "Drive-in restaurant or refreshment stand" means any place or premises used for sale, dispensing or serving food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises. (Ord. 83 §4.2(part), 1982)

17.08.290 Dwelling. "Dwelling" means a building or portion thereof designed exclusively for residential purposes, including one-family, two-family and multiple-family dwellings; but not including hotels, boarding and lodging houses, fraternity and sorority houses, rest homes and nursing homes, or child care nurseries. (Ord. 83 §4.2(part), 1982)

17.08.300 Dwelling, single-family. "Single-family dwelling" means a detached residential dwelling unit other than a mobilehome, designed for and occupied by one family only. (Ord. 83 §4.2(part), 1982)

17.08.310 Dwelling units. "Dwelling units" means one or more rooms with provisions for cooking, living, sanitary and sleeping facilities arranged for the use of one family. (Ord. 83 §4.2(part), 1982)

17.08.320 Easement. "Easement" means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property. (Ord. 83 §4.2(part), 1982)

17.08.330 Engineer. "Engineer" means any person licensed to practice professional engineering in the state of Wyoming as specified in W.S. 33-356-368. (Ord. 83 §4.2(part), 1982)

17.08.340 Escrow. "Escrow" means a deposit of cash with the town council in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the zoning officer in a separate account. (Ord. 83 §4.2(part), 1982)

17.08.350 Family. "Family" means one or more persons, related by blood, adoption or marriage, occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, hotel or motel. (Ord. 83 §4.2(part), 1982)

17.08.360 Filling station. "Filling station" means a building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks. A filling station may include accessory facilities for rendering services such as lubrication, washing and minor repairs with hand tools. (Ord. 83 §4.2(part), 1982)

17.08.370 Front line. "Front line" means any boundary line of a zone lot parallel to and abutting the right-of-way line of an officially approved street or highway. (Ord. 83 §4.2(part), 1982)

17.08.380 Grade (ground level). "Grade (ground level)" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of sidewalks, the above ground level shall be measured at the sidewalks. (Ord. 83 §4.2(part), 1982)

17.08.390 Gross floor area. "Gross floor area" means the sum of the areas of the several floors of a building measured between the exterior faces of the walls at each

floor, excluding any floor area used exclusively as parking for motor vehicles. (Ord. 83 §4.2(part), 1982)

17.08.400 Home occupation. "Home occupation" means any use for gain or support carried on within a dwelling located in a residence district only by the occupants thereof; it may be located within the principal building or in an accessory building. There shall be no outside storage of materials and the exterior of the building containing the home occupation shall not be altered to change the residential character of the premises. (Ord. 83 §4.2 (part), 1982)

17.08.410 Hospital. "Hospital" means an institution intended primarily for the medical diagnosis, treatment and care of patients being given medical treatment. A hospital shall be distinguished from a clinic by virtue of providing for bed and patient care. (Ord. 83 §4.2(part), 1982)

17.08.420 Industrial development. Within the context of this code, industrial development means those uses usually associated with light industry; i.e., manufacturing, wholesaling, trucking or storage and those uses usually associated with heavy industry; i.e., lumber mills, mixing plants, factories which emit smoke, glare, heat, odors, vibration, etc. (Ord. 83 §4.2(part), 1982)

17.08.430 Institution. "Institution" means a building or building complex occupied by a nonprofit establishment for public or semipublic use. (Ord. 83 §4.2(part), 1982)

17.08.440 Junkyard. "Junkyard" means outdoor storage of used items for resale and/or more than two unlicensed vehicles on a parcel of property. (Ord. 83 §4.2(part), 1982)

17.08.450 Loading space, off-street. "Off-street loading space" means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street parking space is not to be included as off-street parking space in computation of required off-street parking space. (Ord. 83 §4.2(part), 1982)

17.08.460 Lot. For purpose of this title, a "lot" is a parcel of land at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein

required. Such lot shall have frontage on an approved public street, or on an approved private street. (Ord. 83 §4.2(part), 1982)

17.08.470 Lot area, minimum. "Minimum lot area" means the total horizontal area within the boundaries of a lot. (Ord. 83 §4.2(part), 1982)

17.08.480 Lot frontage. The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "yards" in this section. (Ord. 83 §4.2(part), 1982)

17.08.490 Lot line, front. "Front lot line" means the property line of a lot dividing such lot from the adjoining street which provides primary access to the property. (Ord. 83 §4.2(part), 1982)

17.08.500 Lot line, rear. "Rear lot line" means the property line of a lot opposite the front lot line. (Ord. 83 §4.2(part), 1982)

17.08.510 Lot line, side. "Side lot line" means any lot property line other than a front or rear lot line. (Ord. 83 §4.2(part), 1982)

17.08.520 Lot measurements. A. "Depth of a lot" is considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

B. "Width of a lot" is considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot measured across the rear of the required front yard. (Ord. 83 §4.2(part), 1982)

17.08.530 Lot of record. "Lot of record" means a lot which is part of a subdivision recorded in the office of the county clerk, or a lot or parcel described by metes and bounds, the description of which as been so recorded. (Ord. 83 §4.2(part), 1982)

17.08.540 Master plan. "Master plan" means a comprehensive plan for development of the local government, prepared and adopted by the planning commission, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. (Ord. 83 §4.2(part), 1982)

17.08.550 Membership club. "Membership club" means an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like whose facilities are available only to a limited number of members and guests. (Ord. 83 §4.2(part), 1982)

17.08.560 Mobilehome. "Mobilehome" means a portable unit or structure designed and constructed in such a manner to permit occupancy as a dwelling unit, designed and constructed to be towed on its own chassis. Such a structure shall be considered to be a mobilehome whether or not the wheels originally mounted have been removed and whether or not the structure has been placed upon a foundation. A mobilehome unit or dwelling may contain parts that may be folded, collapsed or telescoped when being towed, or two or more separately towable components designed to be joined into one integral unit. This definition shall not include travel trailers, motorized homes, pickup coaches or camping trailers. (Ord. 83 §4.2(part), 1982)

17.08.570 Mobilehome park. "Mobilehome park" means a parcel of land under contiguous ownership which has been planned and improved for the placement of mobilehomes for nontransient use, consisting of two or more mobilehome units. (Ord. 83 §4.2(part), 1982)

17.08.580 Mobilehome subdivision. "Mobilehome subdivision" means a subdivision consisting of three or more lots and meeting all of the requirements of the subdivision ordinance of Baggs, the lots of which are intended to be sold, leased or assigned for use by mobilehomes to create a suitable environment for long-term residential occupancy. (Ord. 83 §4.2(part), 1982)

17.08.590 Mobilehome space. "Mobilehome space" means a plot of ground within a mobilehome park designed for the accommodation of one mobilehome. (Ord. 83 §4.2(part), 1982)

17.08.600 Mobilehome stand (pad). "Mobilehome stand (pad)" means that part of an individual lot which has been reversed for the placement of the mobilehome. (Ord. 83 §4.2(part), 1982)

17.08.610 Modular homes. (Also including prefabricated and/or factory-built homes). A "modular structure" or "prefabricated structure" as referred to in this title means a structure whose component parts and/or sections are fabricated in one area and assembled as a completed building or structure upon a permanent location, or a building

or structure whose component parts and/or section are fabricated and assembled as a completed unit at a central plant and moved to a permanent site. (Ord. 83 §4.2(part), 1982)

17.08.620 Motel. "Motel" means a building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct, independent access to, and adjoining parking for each rental unit. (Ord. 83 §4.2(part), 1982)

17.08.630 Multiple-family residence. "Multiple-family residence" means a building or group of buildings on the same lot designed to be occupied by three or more families living independently of each other. (Ord. 83 §4.2(part), 1982)

17.08.640 Off-street parking space. "Off-street parking space" means a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. (Ord. 83 §4.2(part), 1982)

17.08.650 Open space. "Open space" means that portion of a zone lot not occupied by a structure, not utilized for parking and not otherwise used in the operation of the permitted use. Setback areas meeting this definition shall be considered as open space. (Ord. 83 §4.2(part), 1982)

17.08.660 Permitted use. "Permitted use" means a use enumerated for a zoning district. (Ord. 83 §4.2(part), 1982)

17.08.670 Performance standards. "Performance standards" means those requirements contained in the industrial district of this title which regulate and control various types of environmental hazards generally associated with industrial development. (Ord. 83 §4.2(part), 1982)

17.08.680 Public facility. "Public facility" means any use of land, whether publicly or privately owned, for transportation, utilities or communications, or for the benefit of the general public, including, but not limited to libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks and cemeteries. (Ord. 83 §4.2(part), 1982)

17.08.690 Public improvement. "Public improvement" means any drainage ditch, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement

or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded. (Ord. 83 §4.2 (part), 1982)

17.08.700 Public notice. "Public notice" means notice of the time and place of a hearing, meeting or proceeding printed in the official newspaper of general circulation to the town. (Ord. 83 §4.2(part), 1982)

17.08.710 Public utility. "Public utility" means 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. (Ord. 83 §4.2(part), 1982)

17.08.720 Public way. "Public way" means an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, tunnel, viaduct, walk or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not. (Ord. 83 §4.2(part), 1982)

17.08.730 Rear line. A. On any zone lot with but one front line, the rear line shall be the boundary of the zone lot opposite the front line;

B. On any zone lot with two front lines, the rear line shall be fixed by the commission, taking into consideration the orientation and location of existing and proposed structures, and the use of the rear portion of zone lots in the district;

C. On any zone lot with three or more front lines there shall be no rear line. (Ord. 83 §4.2(part), 1982)

17.08.740 Recreational facilities. "Recreational facilities" means land and structures, along with accessory equipment, designed and utilized for leisure time activities of a predominately outdoor nature and of more specific purpose than passive park-like open space. (Ord. 83 §4.2 (part), 1982)

17.08.750 Restaurant. "Restaurant" means a retail establishment engaged in the sale of prepared food and drink which is served to customers entirely within the structure housing the permitted use. (Ord. 83 §4.2(part), 1982)

17.08.760 Road, dead-end. "Dead-end road" means a road or a portion of a street with only one vehicular traffic outlet. (Ord. 83 §4.2(part), 1982)

17.08.770 Road, right-of-way width. "Right-of-way width" means the distance between property lines measured at right angles to the center line of the street. (Ord. 83 §4.2(part), 1982)

17.08.780 Sale or lease. "Sale or lease" means any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, interstate succession or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession or other written instrument. (Ord. 83 §4.2(part), 1982)

17.08.790 Sidewalk. "Sidewalk" means that portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. (Ord. 83 §4.2(part), 1982)

17.08.800 Schedule of district regulations. "Schedule of district regulations" means the sections of this title which describe the permitted uses, lot area, width, depth and height requirements, etc., for each of the specific zoning districts enumerated herein. (Ord. 83 §4.2(part), 1982)

17.08.810 Setback lines. "Setback lines" means the lines defining the buildable area of the zone lot and the inside limits of the required yards. (Ord. 83 §4.2(part), 1982)

17.08.820 Side line. "Side line" means any boundary of a zone lot not a front line or a rear line. (Ord. 83 §4.2(part), 1982)

17.08.830 Sign. "Sign" means any device or display of letters, words, models, banners, flags, pennants, symbols or other representations which are in the nature of an announcement or advertisement or calls attention to a product, service, organization, person or event. The word "sign" does not include the flag, pennant or insignia of any nations, state, city or other political unit. (Ord. 83 §4.2(part), 1982)

17.08.840 Sign, advertising. "Advertising sign" means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the property and only incidentally upon the property, if at all. (Ord. 83 §4.2(part), 1982)

17.08.850 Sign, announcement of professional. "Announcement of professional sign" means a sign on a residential building which directs attention to a home professional office in such residential building. (Ord. 83 §4.2(part), 1982)

17.08.860 Sign, business. "Business sign" means a sign which directs attention to a business or profession conducted upon the property where the sign is displayed. (Ord. 83 §4.2(part), 1982)

17.08.870 Sign, identification. "Identification sign" means a sign displayed to indicate the name or nature of building(s) or uses other than commercial or industrial uses located upon the premises. (Ord. 83 §4.2(part), 1982)

17.08.880 Single-family dwelling. "Single-family dwelling" means a single, detached structure having but one dwelling unit for the residential occupancy of any number of persons or persons related by blood, marriage or adoption and complying with the provisions of the Uniform Building Code for dwellings. (Ord. 83 §4.2(part), 1982)

17.08.890 Site area, gross. The "gross site area" of any development includes the net site area thereof, plus the area between the boundaries of all lots located within that development and the center line of adjoining streets. (Ord. 83 §4.2(part), 1982)

17.08.900 Site area, net. The "net site area" of any development includes the area of all lots within that development. (Ord. 83 §4.2(part), 1982)



▨▨▨▨ Gross Area

▩▩▩▩ Net Area

17.08.910 Skirting, mobilehome. "Skirting" means any fire-resistant material approved by the commission used for the purpose of enclosing the area beneath a mobilehome, travel trailer or any other mobile residence. (Ord. 83 §4.2(part), 1982)

17.08.920 Subdivider. "Subdivider" means any person who lays out any subdivision or parts thereof either for the account of the subdivider or others. (Ord. 83 §4.2(part), 1982)

17.08.930 Subdivision. "Subdivision" means, for municipalities, the division of a tract or parcel of land into three or more parts for immediate or future sale or building development. (Ord. 83 §4.2(part), 1982)

17.08.940 Subdivision plat. "Subdivision plat" means the final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the planning commission for approval and which, if approved, may be submitted to the county clerk or recorder of deeds for filing. (Ord. 83 §4.2(part), 1982)

17.08.950 Tent trailer. "Tent trailer" means a vehicle less than twenty feet in length with an expandable enclosure of canvas, fabric or metal constructed in such a manner that temporary facilities for sleeping or dwelling are provided. (Ord. 83 §4.2(part), 1982)

17.08.960 Travel trailer or camping trailer. "Travel trailer or camping trailer" means a portable unit or structure designed and constructed in such a manner as to permit temporary residential occupancy, designed and constructed to be towed on its own chassis behind an automobile and which can be operated independently of utility connections for short durations. The travel trailer or trailer shall not be considered as a dwelling nor occupied as such. (Ord. 83 §4.2(part), 1982)

17.08.970 Travel trailer court. "Travel trailer court" means any place, area or tract of land upon which are located two or more travel trailers, campers, trailer coaches or other similar camping outfits for overnight sleeping purposes of a generally short duration. An overnight rental fee is generally assessed at such establishments. (Ord. 83 §4.2(part), 1982)

17.08.980 Variance. A "variance" is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal

enforcement of the regulations would result in unnecessary and undue hardships. (Ord. 83 §4.2(part), 1982)

17.08.990 Vicinity map. "Vicinity map" means a drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby development or landmarks and community facilities and services within Carbon County in order to better locate and orient the area in question. (Ord. 83 §4.2(part), 1982)

17.08.1000 Walkway. "Walkway" means a dedicated public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not. (Ord. 83 §4.2(part), 1982)

17.08.1010 Yard. "Yard" means a space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward. (Ord. 83 §4.2(part), 1982)

17.08.1020 Yard, front. "Front yard" means the required open space extending across the full width of a zone lot between the front line and an authorized structure. (Ord. 83 §4.2(part), 1982)

17.08.1030 Yard, rear. "Rear yard" means the required open space between the rear lot line and a structure containing a permitted or an accessory use. (Ord. 83 §4.2(part), 1982)

17.08.1040 Yard, side. "Side yard" means the required open space between the side line of the zone lot and an authorized structure on the zone lot. (Ord. 83 §4.2(part), 1982)

17.08.1050 Zone lot. "Zone lot" means a single parcel of contiguous land occupied or intended to be occupied by structures and uses as permitted by this title together with the open spaces required by this title. All zone lots shall abut on a public street or an officially approved way. (Ord. 83 §4.2(part), 1982)

Chapter 17.12ZONING DISTRICTS ESTABLISHEDSections:

- 17.12.010 District classifications.
- 17.12.020 District zoning map.
- 17.12.030 Zone lot for structures.
- 17.12.040 Uniform district regulations.

17.12.010 District classifications. In order to effectively carry out the provisions of these regulations, the lands within the corporate limits of the town shall be divided into the following zoning districts:

- A. R-1 - general residential;
- B. R-II - restricted residential;
- C. C - commercial;
- D. I - industrial;
- E. P - public;
- F. SU - special use. (Ord. 83 §5.1, 1982)

17.12.020 District zoning map. A. The boundaries of these zoning districts are established as shown on a map entitled "Zoning Map, Town of Baggs, Wyoming." This map, and all official amendments thereto, are declared to be a part of this title and are on file in the town clerk's office for public inspection.

B. Unless otherwise defined, "district boundary lines" are intended to be lot lines; the centerline of streets, alleys, channelized waterways or other similar rights-of-way; the centerline of blocks; section of township lines; municipal corporate lines; the centerline of streambeds; or other lines dimensioned or drawn to scale on the zoning map.

C. It is the intent of this title that all lands lying within the jurisdictional boundaries of the town 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 town council and a zoning classification has been established within a reasonable period of time.

D. All territory which shall hereafter be annexed to the town shall be classified by the town council as a part of the annexation and zoning process. A zone district classification, once established, may be amended pursuant

to the procedures established by this title. (Ord. 83 §5.2, 1982)

17.12.030 Zone lot for structures. A. Except in the special use district and industrial district, or as otherwise provided by this title, a separate ground area called the zone lot shall be designated, provided and maintained for each structure containing a permitted use or uses. Each zone lot shall have at least one front line and shall be occupied only by a main structure containing the permitted use or uses and a subordinate structure or structures containing only accessory uses.

B. A zone lot shall consist of a single parcel of contiguous land and shall be designated as a zone lot only by the owner thereof. Where a designated zone lot is not owned by a single individual or entity, or where the ownership of a structure to be placed on the zone lot is different from the ownership of the land, all responsible parties shall agree and participate in the designation of the zone lot. A record of the designation of zone lots shall be kept in the files of the planning and zoning commission.

C. No zone lot shall be designated unless it shall conform to all of the applicable regulations of the zoning district in which the property is located.

D. The land area occupied by a use and/or the building site designated and occupied by each structure existing on the effective date of this regulation shall be deemed the zone lot for such use and/or structure. Upon application to and approval by the commission, the boundaries and area of the zone lot may be amended, provided full compliance can be maintained with all of the requirements of this title.

E. A zone lot may or may not coincide with a numbered and designated lot on a duly recorded plat. (Ord. 83 §5.3, 1982)

17.12.040 Uniform district regulations. The provisions of this title shall apply uniformly within all zoning districts bearing the same classification as designated on the zoning map; provided, however, that:

A. Where an ownership of record is divided by a district boundary line, each parcel thus created equal to or exceeding the minimum zone lot size as established by this resolution shall conform to the regulations pertaining to the zoning district in which each parcel is located;

B. Where an ownership of record is divided by a district boundary line, any parcel thus created which is smaller than the minimum zone lot size for the district in which it is located, may be combined with the larger parcel and used for a use permitted in the zone district in which the larger of the two parcels is located;

C. Where an ownership of record is divided by a district boundary line and both parcels thus created are smaller than the minimum zone lot size for the districts in which they are located, then the parcels may be combined and used for a use permitted in the most restrictive of the zoning districts. (Ord. 83 §5.4, 1982)

Chapter 17.16

R-I GENERAL RESIDENTIAL DISTRICT

Sections:

- 17.16.010 Purpose.
- 17.16.020 Permitted uses.
- 17.16.030 Accessory uses.
- 17.16.040 Special use permit.
- 17.16.050 Property development standards.

17.16.010 Purpose. A. This district provides areas within the town for medium and high density residential developments. This district shall allow the placement of mobilehomes outside of established mobilehome parks on a permanent basis.

B. The district should not be spotted with commercial and industrial enterprises or any other use of land not compatible with the residential intent of this district.

C. Only areas of the town served or capable of being served by adequate public features including streets, water and sanitary sewer systems of sufficient size to accommodate a more intense use of land shall be zoned for this district. (Ord. 83 §6.1, 1982)

17.16.020 Permitted uses. The following uses are permitted in the R-I zone, subject to all provisions of this title:

A. Detached single-family dwellings, but not including travel trailers. (The occupancy of travel trailers shall occur only in permitted mobilehome or travel trailer parks);

B. Gardening;

C. Churches and Sunday Schools provided the minimum off-street parking requirements, as set forth in Section 17.40.160 are met;

D. Public park, playground or athletic field, or other public use;

E. Public or parochial schools;

F. Mobilehomes (located on individual lots outside of established mobilehome parks);

- G. Museum;
- H. Buried underground utility lines;
- I. Library;
- J. Duplexes. (Ord. 83 §6.2, 1982)

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

1. Private garage;
2. Garden shed;
3. Private playhouse;
4. Recreation rooms;
5. Swimming pool (pursuant to Section 17.40.150);
6. Signs (pursuant to Section 17.40.200).

B. Requirements for Accessory Buildings.

1. Accessory buildings shall be located at least twenty feet from the front lot line and at least ten feet from any alley or rear lot line in a residential district. Accessory buildings shall not occupy more than twenty percent of the lot and in the case of a corner lot, shall be located to the back of any required setback building line.

2. Accessory Buildings Erected Prior to Erection of Main Building. An accessory building may be erected prior to the construction of the main building only if:

- a. The accessory building is erected on the rear half of the lot;
- b. The main building is completed within two years from the date of issuance of the permit for the accessory building.

3. No accessory building shall be constructed within ten feet of any rear lot line unless the lot abuts on an alley, in which case, no building shall be constructed within three feet of the rear lot line.

4. Nothing contained herein shall prevent the construction of a private garage as a structural part of a main dwelling; provided, that when so constructed, the exterior garage walls shall be regarded as walls of the main dwelling in applying to the front, rear and side yard regulations, nor within a required side yard.

5. No private garage or other accessory building shall be within a required front yard, nor within a required side yard.

6. No detached garage or other accessory building in a residential district shall exceed fifteen feet in height (at the eave height of the finished ground level, graded).

7. Any access driveway may be located within a required side yard or required front yard.

8. Required accessory buildings and uses shall be on the same lot with the main buildings or on an immediately adjacent lot in the same ownership.

9. No required accessory parking area or off-street truck loading zone shall be encroached upon by buildings, open storage or any other use. (Ord. 83 §6.3, 1982)

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

- A. Day-care centers;
- B. Hospitals and clinics;
- C. Home professional office and home occupation as defined in Chapter 17.08;
- D. Radio and television stations and towers;
- E. Professional office building;
- F. Planned unit development;
- G. Public utility building, structure or facility, and overhead electrical transmission lines of over sixty-nine thousand volts;
- H. The renting of a portion of a single-family dwelling unit;
- I. Fire and police stations;
- J. Multiple-family dwellings;
- K. Mobilehome parks;
- L. Travel trailer parks. (Ord. 83 §6.4, 1982)

17.16.050 Property development standards. A. Lot and Yard Requirements. Where a district line divides a lot into two districts, it shall be treated as a lot line for purposes of the setback provisions of this title.

Minimum lot area (square feet) = 6,000 feet

Minimum lot width* = 60 feet

Minimum corner lot width = 75 feet

Minimum lot depth* = 100 feet

*If adjacent to a street other than a local street, or if adjacent to a retail, highway business, or industrial district, the lot width, when adjacent on the side, shall be increased fifteen feet and the lot depth, when the rear lot line is adjacent, shall be increased twenty feet.

B. Minimum Yards. Each residential lot shall have front, side and rear yards of not less than the depth and the width indicated below. The setback for main and accessory buildings are measured from the property line.

Main Buildings:

Front yard setback = 20 feet

Side yard setback = See subsections (B)(1) or (2) of this section

Rear yard setback = 3 feet (see subsection (B)(2) of this section)

On corner lot, the side yard abutting the street shall be not less than fifteen feet in width.

1. One foot for each two feet of building height but not less than ten feet.

2. If abutting an R-II district, the setback from the line acting as the district boundary shall be not less than twenty-five feet.

Accessory Buildings:

Front yard setback = 20 feet

Side yard setback = 10 feet

Rear yard setback = 3 feet

On a corner lot, the side yard abutting the street shall be not less than fifteen feet in width.

C. Multiple-Family Dwelling.

1. All multiple-family dwellings shall be evaluated for their impacts on the town's water supply and distribution system, sewage system, fire protection and streets.

2. The applicant shall bear the full cost of any expansion and/or extension of town facilities or services, including streets, necessitated by the development.

3. All multiple-family dwellings shall be designed to minimize architectural barriers.

4. All multiple-family dwellings shall be located at least twenty feet from all streets. The distance from the structures to side lot lines shall be one foot for each two feet of building height but not less than ten feet.

5. All multiple-family dwellings shall provide adequate off-street parking at a rate of two spaces per dwelling unit. Such parking shall have adequate lighting and safe access to a public street.

6. Open space surrounding multiple dwellings shall be properly landscaped and maintained by the applicant in accordance with plans approved by the commission.

7. Any street extension not accepted by this town from a multiple-family dwelling to an existing public street shall be considered a private road and shall be maintained by the applicant. Exception may be made to serve the best interest of the town.

8. The owner of the structure shall be responsible for waste disposal and removal. Garbage removal shall be set at regular intervals at periods not less often than once every seven days. Waste containers shall be weather-proof with tight fitting lids and shall be of a size to adequately contain all refuse accumulated.

9. All multiple-family dwelling units shall conform to the provisions of the Uniform Building Code.

D. Open Spaces. A minimum area of not less than twenty-five percent of a multiple-family resident site shall be reserved as open space for the use of residents. Open space shall not include private streets, driveways, parking or loading spaces of utility easements where the ground surface cannot be used appropriately for active or passive recreation, nor other areas primarily designed for other operational functions.

E. Maximum building height: thirty-five feet.

F. Use of land in this district shall also conform to the off-street parking and other general provisions of Chapter 17.40.

G. Site plan approval.

1. Required for all permitted uses pursuant to Section 17.40.210;

2. Required for all special permit uses. (Ord. 83 §§6.5--6.9, 1982)

Chapter 17.20

R-II RESTRICTED RESIDENTIAL DISTRICT

Sections:

- 17.20.010 Purpose.
- 17.20.020 Permitted uses.
- 17.20.030 Accessory uses.
- 17.20.040 Special permit uses.
- 17.20.050 Property development standards.

17.20.010 Purpose. This district is established within the town to provide areas for single-family dwelling and necessary accessory building. The regulations enumerated for this district are designed to encourage and promote the construction of, and the continued use of the land for single-family dwellings, to promote and encourage a suitable environment for family life, to prohibit uses of land which would substantially interfere with development or continuation of single-family dwellings in the districts, and to prevent use of the land for purposes which would overburden the public facilities. Permitted as conditional uses within these districts will be certain structures and uses required to serve the residents such as public schools, churches and noncommercial recreational areas. Areas zoned for R-II shall be those existing low-density residential areas plus certain undeveloped areas

which should develop in a similar manner, according to the comprehensive plan. (Ord. 83 §6.10, 1982)

17.20.020 Permitted uses. The following uses are permitted in the R-II zone subject to all provisions of this title:

A. Detached single-family dwellings, but not including trailers or mobilehomes on a permanent basis. (The occupancy of travel trailers shall be prohibited at all times);

B. Gardening;

C. Churches and Sunday Schools, provided the minimum parking requirements, as set forth in Chapter 17.40, are met;

D. Public park, playground or athletic field;

E. Public or parochial school;

F. A mobilehome for not more than ninety days during construction of a residence of the same premises, which period may be extended for an additional ninety days upon application to the zoning officer;

G. Museum;

H. Buried underground utility lines;

I. Library. (Ord. 83 §6.11, 1982)

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

1. Private garage;

2. Garden shed;

3. Private playhouse;

4. Recreation rooms;

5. Swimming pools as defined in Chapter 17.40;

6. Signs pursuant to Chapter 17.40.

B. Requirements for Accessory Buildings.

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

2. Accessory Buildings Erected Prior to Erection of Main Building. An accessory building may be erected prior to the construction of the main building only if:

a. The accessory building is erected on the rear half of the lot;

b. The main building is completed within two years from the date of issuance of the permit for the accessory building.

3. No accessory building shall be constructed within three feet of any rear lot.

4. Nothing contained herein shall prevent the construction of a private garage as a structural part of a main dwelling; provided, that when so constructed, the exterior garage walls shall be regarded as the wall of the main dwelling in applying to the front, rear and side yard regulations of this title.

5. No private garage or other accessory building shall be within a required front yard, nor within a required side yard.

6. No detached private garage or other accessory building in a residential district shall exceed fifteen feet in height (at the eye height of the finished ground level, graded).

7. Any access driveway may be located within a required side yard or required front yard.

8. Required accessory buildings and uses shall be on the same lot with the main building or buildings or on an immediately adjacent lot in the same ownership.

9. No required accessory parking area or off-street truck loading space shall be encroached upon by buildings, open storage or any other use. (Ord. 83 §6.12, 1982)

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

- A. Day-care centers;
- B. Hospitals and clinics;
- C. Home professional office and home occupation as defined in Chapter 17.08;
- D. Radio and television stations and towers;
- E. Professional office building;
- F. Planned unit development;
- G. Public utility structure or facility, and overhead electrical transmission lines of less than sixty-nine thousand volts;
- H. The renting of a portion of a single-family dwelling unit;
- I. Community service agencies. (Ord. 83 §6.13, 1982)

17.20.050 Property development standards. A. Lot and Yard Requirements. Where a district boundary line divides a lot into two districts, it shall be treated as a lot line for purposes of the setback provisions of this title.

Minimum lot area (square feet) = 8,250

Minimum average lot width = 75 feet

Minimum corner lot width = 95 feet

(If adjacent to a street other than a local street, or if adjacent to a commercial or industrial district, the lot width, when adjacent on the side, shall be increased fifteen feet and lot depth, when the rear lot line is adjacent, shall be increased twenty feet.)

B. Minimum Yards. Each residential lot shall have front, side and rear yards of not less than the depth and width indicated below:

Main Building:

Front yard setback = 20 feet

Side yard setback = 10 feet

Rear yard setback = 3 feet

On a corner lot, the side yard abutting the street shall be not less than twenty feet in width.

Accessory Building:

Front yard setback = 20 feet

Side yard setback = 10 feet

Rear yard setback = 3 feet

Corner yard setback = 20 feet

On a corner lot, the side yard abutting the street shall be not less than twenty feet in width.

C. Maximum building height: thirty-five feet.

D. Use of land in this district shall also conform to the off-street parking and other general provisions of Chapter 17.40.

E. Site plan approval:

1. Required for all permitted uses pursuant to Section 17.40.210;

2. Required for all special permit uses. (Ord. 83 §§6.14--6.16, 1982)

Chapter 17.24

C COMMERCIAL/HIGHWAY BUSINESS DISTRICT

Sections:

- 17.24.010 General requirements.
- 17.24.020 Permitted uses.
- 17.24.030 Special uses.
- 17.24.040 Property development standards.

17.24.010 General requirements. The applicant shall bear the full cost of any extension, expansion or upgrading of town facilities, including streets, necessitated to accommodate the development.

B. All commercial developments inside the town limits must be connected to the town's water and sewer systems and shall be provided with individual hookups.

C. Commercial developments shall provide off-street parking in accordance with Section 17.40.160 for employees and customers, such parking having adequate drainage and lighting, and safe access to public streets. The strict application of this performance standard may be varied, however, for smaller developments where on-street parking will present no traffic congestion or safety hazard. (Ord. 83 §6.17, 1982)

17.24.020 Permitted uses. A. All uses shall be conducted wholly within the confines of a building, except those uses permitted which are customarily conducted in the open, such as off-street parking. Storage shall be limited to accessory storage of commodities sold at retail on the premises and storage shall be within a completely enclosed building:

1. Any use associated with a retail or service business, except for the sale of commodities produced on-site through a process deemed to be industrial in nature;
2. Drive-in theater;
3. Hotels, motels, lodges, tourist lodges;
4. Automobile sales and service (new and/or used);
5. Automobile filling stations and repair garages;
6. Automobile rental agencies;
7. Automobile body repair;
8. Bowling alley;
9. Plant nurseries;
10. Mobilehome and travel trailer sales, service and rentals;
11. Bus terminals, depots and similar transit facilities;
12. Miniature golf courses and driving ranges;
13. Lumber yard;
14. Hospitals for animals, including boarding and lodging; provided, that all facilities will be in sound-proof buildings;
15. Uses customarily incidental and accessory to the permitted uses, including the repair of goods of the type sold in stores in the district;
16. Buried underground utility lines and overhead electrical transmission lines of sixty-nine thousand volts.

B. The specified uses set out in subsection A of this section shall be permitted only under the following conditions:

1. Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes;

2. All repair garages, filling stations and gasoline pumps shall be so placed, as to permit all services to be rendered entirely within the lot lines. No gasoline or oil pump shall be placed within fifteen feet of any street line or side lot line, nor within twenty feet of any residential district boundary line. (Ord. 83 §6.18(part), 1982)

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

- A. Travel trailer courts;
- B. Warehouse distribution centers;
- C. Printing and publishing establishments;
- D. Public utility structure or facility and overhead electrical transmission lines of over sixty-nine thousand volts. (Ord. 83 §6.18(part), 1982)

17.24.040 Property development standards. A. Lot Area. Minimum lot area shall be designed and maintained at three times the total building floor space area to provide for parking, loading, circulations and pedestrian walk.

B. Minimum Yard Requirements. Where a district boundary line divides a lot into two districts, it shall be treated as a lot line for purposes of the setback provisions of this title.

1. Front and Corner Yard. Front and corner (whenever abutting a street), a minimum setback of fifteen feet of which ten feet shall be landscaped.

2. Side Yard. There shall be a ten-foot side yard setback where the side of the lot abuts a public street or highway.

3. Rear Yard. A minimum rear yard setback equal to twice the height of the proposed building shall be maintained where the rear lot abuts a residential district, or abuts an alley which is adjacent to a residential district.

C. Exceptions. Where setback areas specified above may be used for the following purposes:

- 1. Off-street parking and loading and traffic circulation;
- 2. Signs necessary to direct and control vehicular traffic;
- 3. Permitted signs to identify a business.

D. Height Limits.

1. The maximum height of any building located within one hundred fifty feet of any residential zone shall be two stories or thirty-five feet, whichever is less. Vehicular rights-of-way shall be included in calculating distance.

2. The maximum height of all other buildings shall be sixty feet.

E. Distance Between Buildings. Buildings not actually joined shall be provided with a minimum ten-foot separation.

F. Screening. Where the commercial district abuts any residential district, there shall be provided screening not less than six feet or more than eight feet in height on the district boundary line. Such screening shall consist of a masonry wall, or other solid fence subject to the approval of the planning commission.

G. Use of land in this district shall also conform to the off-street parking, sign requirements, and other general provisions of Chapter 17.40.

H. Site plan approval:

1. Required for all permitted uses;
2. Required for all special permit uses. (Ord. 83 §6.19, 1982)

Chapter 17.28

I INDUSTRIAL DISTRICT

Sections:

- 17.28.010 Purpose--General requirements.
- 17.28.020 Permitted uses.
- 17.28.030 Property development standards.
- 17.28.040 Performance standards.
- 17.28.050 Site plan approval.

17.28.010 Purpose--General requirements. A. This district is intended to provide for the orderly development of industries in appropriate locations. The provisions of this district are also intended to protect adjacent nonindustrial areas from the potential hazards of industrial development.

B. All industrial developments inside the town's limits shall connect to the town's water and sewage systems. An application may be rejected if the town's facilities are not adequate to serve the development.

C. The town may require pretreatment of sewage effluent produced by an industrial development before entering the town's sewage system.

D. No industrial development which emits toxic products, odors or particulate matters shall be located upwind from existing residences. The town may exclude an industrial development on the basis of protecting local air quality, even though Wyoming air quality standards are met.

E. Industrial developments generating heavy truck traffic on streets maintained by the town may be required to bear the full cost of resurfacing whenever it is required.

F. Industrial developments may be required to enclose unsightly or unsafe areas in the development area, shield glaring surfaces or muffle noise. An application may be rejected on the basis of unreasonable noises, glare, light or safety hazards.

G. The applicant shall bear the full cost of any extensions, expansion, or upgrading of town facilities, including streets, necessitated to accommodate the development. (Ord. 83 §6.20, 1982)

17.28.020 Permitted uses. Any industrial use, provided that it does not create any danger to health and safety, to surrounding areas, and subject to the following regulations for this district. Examples of industrial development shall include, but not be limited to, the following uses:

- A. Lumber mills;
- B. Mixing plants for concrete and asphalt;
- C. Metal fabrication, forging and boiler works;
- D. Dirt, soil, clay, sand, rock, stone or gravel pit or yard;
- E. Meat packing plant or slaughter house;
- F. Asphalt (hot mix) plants;
- G. Heavy metals fabrication;
- H. Railroad yards, repair shops;
- I. Paper, pulp manufacturer;
- J. Paint, oil, shellac, turpentine or varnish manufacturer;
- K. Food products processing, manufacturing, canning, preserving and freezing;
- L. Cleaning and dyeing plant;
- M. Wholesale business storage buildings and warehousing;
- N. Contractors' storage yards;
- O. Machinery, trucking yards;
- P. Machine shop;
- Q. Furniture manufacturing;
- R. Trailer camper, mobilehome manufacturer or assembly;

- S. Prefabricated buildings manufacturer;
- T. Textile manufacturer. (Ord. 83 §6.21, 1982)

17.28.030 Property development standards. A. Minimum lot area: ten thousand square feet.

B. Minimum lot width: eighty feet.

C. Minimum Yard Requirements.

1. Front and Corner Yard. There shall be a front yard of not less than twenty feet on all lots adjacent or abutting rural or residential districts, or adjacent to major streets or highways, which shall be utilized for landscaping and entrance drives.

2. Rear and Side Yard. If adjacent to a residential district, a minimum setback equal to one-and-one-half times the height of the building is required. In addition, a solid fence or wall not less than six feet in height is required on the zone boundary line.

D. Building Height. No building shall exceed a maximum height of sixty feet. The planning commission may approve a building in this district with a greater height than the maximum stated, if the additional height is not detrimental to the area.

E. Distance Between Buildings. As determined by site plan approval.

F. Access. Access will be as determined by site plan approval. (Ord. 83 §6.22, 1982)

17.28.040 Performance standards. The following performance standards shall apply to any use within the industrial district:

A. Smoke. No emission of smoke from any source shall be permitted to exceed a greater density than that density as No. 1 on Ringelmann Chart. However, smoke may be emitted, which is equal to, but not darker than No. 2 on the Ringelmann Chart, for not more than four minutes during any thirty-minute period. For the purpose of grading and density of smoke, the Ringelmann Chart, as published by the U.S. Bureau of Mines, shall be standard.

B. Glare or Heat. Any activity producing intense glare or heat shall be permitted in such a manner as not to create a nuisance or hazard beyond the boundaries of the district.

C. Odors. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard, beyond the boundaries of the district.

D. Vibration. No vibrating shall be permitted which is discernible beyond the boundaries of the district to the human sense of feeling.

E. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause any damage to health, to animals or vegetation, or which can cause excessive soiling.

F. No physical hazard by reason of fire, explosion, radioactivity or any other similar cause, to property in the same or an adjacent district shall be permitted.

G. The discharge of any waste material whatsoever into any water course or ditch shall be prohibited.

H. The discharge of any waste materials into the public sewage system which endangers the normal operation of such system is prohibited.

I. Use of land in this section shall also conform to the off-street parking, sign requirements, and other general provisions of Chapter 17.40. (Ord. 83 §6.23, 1982)

17.28.050 Site plan approval. Site plan approval is required for all permitted uses pursuant to Section 17.40.210. (Ord. 83 §6.24, 1982)

Chapter 17.32

P PUBLIC USE DISTRICT

Sections:

17.32.010 Purpose.

17.32.010 Purpose. For purposes of this title, all land held by public or governmental entities within the municipal boundaries shall be considered public use. Such property shall be used in a manner consistent with objectives established by the town council as necessary to the public interest. No further application of these regulations shall apply except as decided upon by the town council with the advice of the planning commission. (Ord. 83 §6.25, 1982)

Chapter 17.36

SU SPECIAL USE DISTRICT

Sections:

17.36.010 Purpose.

17.36.020 Permitted uses.

17.36.030 Special permit uses.

Sections: (Continued)

- 17.36.040 Property development standards.
- 17.36.050 Performance standards.
- 17.36.060 District boundaries.

17.36.010 Purpose. This district is intended to carefully limit development in appropriate locations which should be preserved for aesthetic or environmental reasons or for future public applications. (Ord. 83 §6.26, 1982)

17.36.020 Permitted uses. A. Limited to agricultural production and accessory uses related to agriculture. All other uses shall be by special use permit only.

- B. The following are examples of agricultural use:
1. Livestock grazing;
 2. Production of forage crops;
 3. Irrigation systems;
 4. Storage of hay and other agricultural products;
 5. Housing of livestock;
 6. Other uses accessory to agricultural production.
- (Ord. 83 §6.27(part), 1982)

17.36.030 Special permit uses. The following uses will be permitted by special use permit only:

- A. Uses accessory to residential development;
- B. Fee fishing;
- C. Commercial campgrounds with adequate water and sewer development meeting state standards;
- D. Public parks and recreational use. (Ord. 83 §6.27(part), 1982)

- 17.36.040 Property development standards. A. Minimum lot area: none.
- B. Minimum lot width: none.
 - C. Minimum yard requirements: none.
 - D. Building Height. No building shall exceed fifteen feet in height.
 - E. Every effort should be made to preserve natural vegetation, topography and other natural features of this zone.
 - F. Distance between buildings shall be determined through site plan approval process.
 - G. Access shall be determined through site plan approval process. (Ord. 83 §6.28, 1982)

17.36.050 Performance standards. A. Visual: no development which substantially alters the natural appearance of the zone.

B. Waste Disposal. The discharge of any waste materials into any water course or ditch, including septic tank or agricultural waste such as feed lot runoff, shall be prohibited.

C. The permanent storage or abandonment of any vehicle, farm machinery, heavy equipment, building materials, salvage material, logs or any other processed material, except within a permanent building, shall be prohibited. Permanent storage in this case shall be interpreted as more than forty-eight hours in the same location.

Temporary parking of agricultural machinery or related equipment for agricultural production purposes shall be exempted.

D. Site plan approval: required for all permitted uses pursuant to Section 17.40.210. (Ord. 83 §§6.29, 6.30, 1982)

17.36.060 District boundaries. The area of the special use zone is all the area between parallel lines encompassing the Snake River. The area includes river frontage for a perpendicular distance of two hundred feet on either side of the river. (Ord. 83 §6.31, 1982)

Chapter 17.40

GENERAL REGULATIONS

Sections:

- 17.40.010 Chapter applicability.
- 17.40.020 Height regulations.
- 17.40.030 Fences and walls.
- 17.40.040 Projection into required yards of residential buildings.
- 17.40.050 Open spaces.
- 17.40.060 Sidewalks.
- 17.40.070 Sanitation and water supply.
- 17.40.080 Exterior lighting.
- 17.40.090 Use restriction.
- 17.40.100 Required street access.
- 17.40.110 Through lots.
- 17.40.120 Abandoned or junk vehicles.
- 17.40.130 Recreation vehicles.
- 17.40.140 Lot drainage.
- 17.40.150 Private swimming pool.
- 17.40.160 Off-street parking.
- 17.40.170 Required off-street truck loading spaces.
- 17.40.180 Access driveways.

Sections: (Continued)

- 17.40.190 Nonapplicability to existing buildings and uses.
- 17.40.200 Signs.
- 17.40.210 Site plan approval.
- 17.40.220 Livestock and poultry.
- 17.40.230 Nonconformities.
- 17.40.240 Special standards governing overnight facilities for mobilehomes, truck campers and tenting units.
- 17.40.250 Planned unit development (PUD).

17.40.010 Chapter applicability. The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the district regulations appearing elsewhere in this title. (Ord. 83 §7, 1982)

17.40.020 Height regulations. The height limits contained in this title shall not apply to a church spire, cupola, dome, mast, belfry, clock tower, radio transmission line, tower, flag-pole, chimney flue, water tank, elevator or stair bulkhead, stage tower, scenery loft or similar structure. The above-mentioned structures shall not:

- A. Have a lot coverage at the base in excess of ten percent of the lot area;
- B. Be used for residence or tenancy purposes;
- C. Have any advertising sign or device inscribed upon or attached to such structure. (Ord. 83 §7.1, 1982)

17.40.030 Fences and walls. A. Fences and walls may be erected, altered and maintained within the yards; provided, that any such fence or wall in the front yard shall not exceed three and one-half feet in height, and any fence or wall in the side or rear yard may be six feet in height and shall contain openings therein equal to fifty percent of the area of that portion of the wall or fence exceeding six feet.

B. Wood, chain link, stone, block or masonry, and wrought iron are considered acceptable fencing materials in residential districts. Barbed wire, chicken wire or hog fence may be acceptable or permitted as fencing material in a residential district with the permission of the zoning officer. As a general rule, the type of fencing material shall reflect the aesthetics of the neighborhood and shall be in keeping with already established fences in that area.

C. Height Limitations on Fences, Hedges and Shrubbery on Corner Lots. As an aid to freer safe movement of vehicles at and near street intersections and in order to promote more adequate protection for the safety of children, pedestrians, operators of vehicles and for property, for

proposed construction hereafter there shall be limitations on the height of fences, walls, gateways, ornamental structures, hedges, shrubbery and other fixture construction and planting on corner lots in all districts where front yards are required.

1. Such barriers to clear unobstructed vision at corners of intersecting streets shall be limited to a height of not over three and one-half feet above the established elevation of the nearest street line, for a distance of twenty-five feet along both the front and side lot lines, measured from the point of intersection of the said intersecting lot lines.

2. In cases where front yards are terraced, the ground elevation of such front yards shall not exceed three and one-half feet above the established street line elevation at said intersecting streets.

Should any person violate the part of this title which prohibits hedges or plantings from obstructing visibility at intersections and points of ingress and egress to the public right-of-way (hedges and plantings in excess of three and one-half feet in height), then in addition to any other penalties provided for in this title, the town may, after ten days written notice to the property owner responsible for such violation(s), enter upon the property where such violation is taking place and cut and trim the hedge or plantings, causing such violation of a height to conform with the provisions of this title, and upon performing such labor, shall bill the property owner for the actual cost thereof; it being determined by the town council that such hedges or plantings in violation of this title constitute a direct danger to vehicular traffic on the streets of the town, and as such, are within the police power of the town to abate. (Ord. 83 §7.2, 1982)

17.40.040 Projection into required yards of residential buildings. A. Architectural features including sills, chimneys, cornices, eaves and canopies may extend into a required side yard or a space between structures not more than two feet and may extend into a required front or rear yard not more than six feet.

B. No building, or projections thereof, may extend into an easement, public rights-of-way or beyond the property line.

C. Fire escapes, ramps or stairways may project into any required yard or space between buildings not more than four feet. (Ord. 83 §7.3, 1982)

17.40.050 Open spaces. No lot, court or other open space already containing the minimum required area or less than the minimum required under this title shall be further divided or reduced. (Ord. 83 §7.4, 1982)

17.40.060 Sidewalks. Combination curb, gutter and sidewalks shall be built according to the Uniform Building Code and to standards that may be set by the town. (Ord. 83 §7.5, 1982)

17.40.070 Sanitation and water supply. No building permit shall be issued for the erection, alteration or relocation of a building for human use or occupancy within the corporate limits of Baggs which will not be connected to the town water and sewer systems, if available. (Ord. 83 §7.6, 1982)

17.40.080 Exterior lighting. All lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs, shall be directed away from and shall be shielded from adjacent residential districts and shall be so arranged as to not affect driver visibility adversely on adjacent thoroughfares. (Ord. 83 §7.7, 1982)

17.40.090 Use restriction. No portion of a lot or parcel once used in complying with the provisions of this title for yards or lot area, in connection with an existing or proposed building or structure, shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time. (Ord. 83 §7.8, 1982)

17.40.100 Required street access. Except where otherwise provided for in this title, every dwelling, required accessory parking area, and truck loading space shall face and/or have frontage upon a street or have permanent means of access to a street by the way of a public or private easement other than an alley. (Ord. 83 §7.9, 1982)

17.40.110 Through lots. Through lots fronting on two streets shall be considered as having frontage on both for setback purposes. (Ord. 83 §7.10, 1982)

17.40.120 Abandoned or junk vehicles. A. All abandoned or junk vehicles, or vehicles being restored or under major repair shall be stored in an enclosed area by the owner or occupant of the property upon which such vehicle is located, in such a manner as to not be visible from any point lying without the property upon which abandoned or junk vehicle is stored or parked. Any town ordinances shall also be complied with.

B. For the purpose of this section:

"Abandoned or junk vehicles" means a vehicle or any major portion thereof, which is incapable of movement under

its own power and will remain so without major repair or reconstruction.

"Major repair" means the removal from any vehicle or a major portion thereof including, but not limited to, the differential, transmission, head, engine block or oil pan.

"Vehicle" means any self-propelled device in, upon or by which any person or property is or may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks. (Ord. 83 §7.11, 1982)

17.40.130 Recreation vehicles. A recreation vehicle must be parked off-street and must not be parked in front of house longer than seventy-two hours. Otherwise, they must be in line with house frontage. (Ord. 83 §7.12, 1982)

17.40.140 Lot drainage. No lot owner shall grade his lot in such a way as to interfere with the natural drainage of adjoining lots or to divert the drainage of his lot onto adjoining lots nor to interfere with the natural drainage of any lot. (Ord. 83 §7.13, 1982)

17.40.150 Private swimming pool. A. A private swimming pool accessory to a residential use, which is designed to contain a water depth of twenty-four inches or more shall not be located, constructed or maintained on any lot or land area, except in conformity with the requirements of these regulations. A building permit shall be required to locate, construct or maintain a private swimming pool.

B. Such pool shall be located in a rear yard only.

C. Such pool shall be not less than fifteen feet from side and rear lot lines.

D. If the water for such pool is supplied from a private well, there shall be no cross-connection with any public or community water supply system.

E. If the water for such pool is supplied from the public water system, the inlet shall be above the over flow level of said pool with a minimum air gap of six inches.

F. Such pool shall be enclosed by a fence, no less than six feet in height, equipped with self-locking gates.

G. No building permit shall be granted for the installation or construction of such swimming pool unless the zoning officer has certified that the drainage of such swimming pool is adequate and will not interfere with the public water supply system, with existing sanitary facilities, or with the public streets.

H. The construction of any pool for the use by the public (municipal pool, a pool contained in a public or private school, hotel, motel, resort or lodge pool) shall

conform to the regulations prepared by the Wyoming Department of Health and Social Services Division of the Health and Medical Services entitled "Minimum Standards Governing Public Swimming Pools and Beaches." A copy of such regulations is available from the town hall. (Ord. 83 §7.14, 1982)

17.40.160 Off-street parking. Off-street parking spaces for the parking of passenger vehicles shall be provided pursuant to the provisions of this section.

A. Design Standards.

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

2. Parking areas shall be used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind permitted.

3. If lighting is provided, it shall be arranged to reflect away from residential areas.

B. Minimum requirements for accessory garages or parking areas, as indicated in the following schedule:

1. Boarding or lodging house, tourist home, one for each guest bedroom and resident family;

2. Single-family and two-family residential dwelling, two for each dwelling unit;

3. Mobilehome, two for each dwelling unit;

4. Multiple dwellings, two for each dwelling unit;

5. Hotel, motel, one for each guest bedroom plus one space for three employees;

6. Membership club, one for each six members;

7. Professional office in a residential building, one for each one hundred square feet net floor space used by such office;

8. Auditorium, theater, stadium, convention hall or similar place of public use, one for each four seats.

(Note: bench capacity computed at one seat for each twenty inches);

9. Bowling lane, three for each lane;

10. Drive-in restaurant or stand, one for each five hundred square feet of lot area;

11. Hospital, one for each three beds;

12. Industrial wholesale distribution, one for each three employees;

13. Medical office building, one for each one hundred fifty square feet of gross floor space;

14. Offices and office building, one for each two hundred square feet of gross floor space;

15. Public library, gallery, museum, one for each two hundred square feet of gross floor space;

16. Research institute or laboratory, one for each two employees;

17. Business development, retail store, shop or bank, one for each two hundred square feet of gross floor space;

18. Elementary and junior high school, one for each one-half classroom (in addition to parking space required for auditorium);

19. Senior high school, one for each one-quarter classroom (in addition to parking space required for auditorium);

20. Restaurants, bar, cafe, one for each three seats.

C. Other Uses Not Specifically Listed. The same requirements as for the most similar use listed above.

D. Mixed Uses. The total parking spaces required shall equal the sum of the individual uses as listed above.

E. Fractional Space. In all districts when the required parking area or number of parking spaces results in the requirement of a fractional space, any fraction under one-half space may be disregarded, and any fraction one-half and over shall be construed as requiring a full space. (Ord. 83 §7.15, 1982)

17.40.170 Required off-street truck loading spaces.

A. Every building or structure, lot or land hereafter put into use for business or industrial purposes or for a hospital, and which has a total floor area of four thousand eight hundred square feet or more in any nonresidential district, or fifteen thousand square feet or more in any residential district where such uses are permitted, shall be provided with off-street truck loading spaces in accordance with the following schedule:

1. Four thousand eight hundred to twenty-five thousand square feet in any industrial district requires one truck loading space.

2. Fifteen thousand to twenty-five thousand square feet in residential districts requires one truck loading space.

3. Twenty-five thousand one square feet to forty-thousand square feet in all districts requires two truck loading spaces.

4. Forty thousand one square feet to one hundred thousand square feet in all districts requires three truck loading spaces.

5. Each additional sixty thousand square feet in all districts requires one additional truck space.

B. Size of Individual Truck Loading Space. An off-street truck loading space shall have a minimum width of ten feet, a minimum length of twenty-five feet, and a minimum clear height of fourteen feet, including its access from the street. (Ord. 83 §7.16, 1982)

17.40.180 Access driveways. All access driveways for a public garage, public parking area, filling stations, service station or car washing station, located on the same lot may be used for separate or combined entrance and exit. Every separate entrance or exit access driveway shall have a minimum unobstructed width of ten feet. Every combined entrance and exit access driveway shall have a minimum total unobstructed width of twenty feet. (Ord. 83 §7.17, 1982)

17.40.190 Nonapplicability to existing buildings and uses. The provisions of this title shall not apply to any building, structure or use lawfully in existence at the effective date of the ordinance codified in this title, whether continued as a permitted or nonconforming use, or thereafter converted or changed without enlargement to a different lawful use. (Ord. 83 §7.18, 1982)

17.40.200 Signs. A. The erection and maintenance of the following signs shall be permitted in any district:

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

B. The following signs may be permitted in any of the residential districts:

1. Identification signs not exceeding one square foot in area and bearing only property numbers, mailbox numbers, name of occupants or similar identification of premises;
2. An identification sign or signs, not over six square feet in area, fixed to the main wall of a church, parish house, club, school or public or semi-public building shall be permitted, or may be erected in the front yard, but not within ten feet of a street line. Such signs may be interior lighted. No more than two such signs shall be permitted in a lot;
3. A real estate "for sale" or "for rent" sign provided such sign does not exceed six square feet in area and is unlighted. It shall not be erected within an area

closer than one-half of the distance between front of house and lot line. Not more than two such signs shall be permitted on any one property or premises. A vacant lot shall have a minimum setback of ten feet from front lot line;

4. A professional or announcement sign of a home professional office or home occupation not to exceed two square feet in area. It shall not project more than eighteen inches from the main wall of the building. It may be erected in the front yard, but not within ten feet of a street line. Such sign may be interior lighted.

C. The following sign regulations shall apply in the commercial district:

1. All business signs shall be for the identification of the business of products sold on the premises;

2. A total sign area of two square feet for each lineal foot of property frontage shall be allowed. If the building has multiple frontage, an additional sign area of one square foot for each additional lineal foot of property frontage shall be allowed. The total area of all signs erected on the lot and building shall not exceed one hundred twenty square feet;

3. Unilluminated and nonfloodlighted signs which do not exceed thirty-six square feet in area, announcing the construction, remodeling or demolition of a building, the name of the enterprise to be located therein, and the names of the architect and the contractor; provided, however, that only one such sign may be erected at the site of such work on each street frontage;

4. A real estate "for sale" or "for rent" sign, provided such sign does not exceed six square feet in area and is unlighted. Not more than two such signs shall be permitted on any one property or premises;

5. An identification or announcement sign or signs, not over six square feet in area, fixed to the main wall of a club, school or public or semi-public building shall be permitted, or may be erected in the front yard, but not within ten feet of a street line. Such signs may be interior lighted. Not more than two such signs shall be permitted on a lot;

6. No business or advertising sign shall be erected, hung, attached or displayed until a permit has been issued by the zoning officer. The applicant shall pay a twenty-five dollar sign permit fee for one or more signs installed on a business or site within a period of thirty days of the initial application.

D. The following sign regulations shall apply in the industrial districts:

1. Advertising Signs. (Those signs which direct attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the

property) to be no more than two hundred fifty square feet in area;

2. Business signs appearing in the industrial district shall have a total sign area of two square feet for each lineal foot of property frontage. If the building has multiple frontage, an additional sign area of one square foot for each additional lineal foot or property frontage shall be allowed. The total area of all signs erected on the lot and building shall not exceed one hundred twenty square feet;

3. Unilluminated and nonfloodlighted signs which do not exceed thirty-six square feet in area, announcing the construction, remodeling or demolition of a building, the name of the enterprise to be located therein, the new location of the enterprise formerly located therein, and the names of the architect and the contractor; provided, however, that only one such sign may be erected at the site of such work on each street frontage;

4. A real estate "for sale" or "for rent" sign, provided such sign does not exceed six square feet in area and is unlighted. Not more than two such signs shall be permitted on any one property or premises;

5. An identification or announcement sign or signs, not over six square feet in area, fixed to the main wall of a church, parish house, club, school or public or semi-public building shall be permitted, or may be erected in the front yard, but not within ten feet of a street line. Such signs may be interior lighted. Not more than two such signs shall be permitted on a lot;

6. No business or advertising sign shall be erected, hung, attached or displayed until a permit has been issued by the zoning officer.

E. General Sign Regulations.

1. Projection. No sign shall provide more than thirty-six inches (with the exception of home professional or announcement signs) from the building facade to which it is attached, and no private sign shall project over public property.

2. Height. There shall be no rooftop signs or billboards. In no case shall the total height of any sign exceed thirty feet above the average ground level at the base of such sign.

3. Clearance. No sign structure erected directly upon the ground shall have less than six feet of clear space between such sign and the ground, provided that necessary supports may extend through such open space.

4. Length. No sign structure erected directly upon the ground shall have an unbroken length of more than thirty feet.

5. Spacing. A limit of one sign structure erected directly upon the ground will be allowed per business in a business or industrial zone.

6. Relationship to Street Intersection. No sign shall be erected, attached or displayed within twenty-five feet of the point of intersection of the street lines at a street corner, and shall otherwise conform to the corner clearance requirements of this section. No sign or other advertising structures regulated by this chapter shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location whereby reason of the position, shape, color or illumination, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, device or flashing beacons; or, which makes use of the words "stop," "look," "drive-in," "danger" or any other words, phrases, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

7. Illumination. Except where otherwise stated in this section, signs may be illuminated by shielded flood lights. No lights of intermittent or flashing type shall be permitted in any district.

8. Setbacks. Except where otherwise stated in this section, all signs shall meet the setback requirements of the zone in which it will be located. (Ord. 83 §7.19, 1982)

17.40.210 Site plan approval. A. All permitted uses and uses requiring a special permit shall require site plan approval. The site plan shall be submitted in adequate detail to permit the zoning officer and/or planning commission to evaluate the plan to determine its conformance with the provisions of this title. Building permits shall not be issued until said plan is certified as to conformance with this title.

B. The site plan shall include the following information:

1. The boundary lines of the area included in the site plan, an arrow pointing north and lot area of the land included in the site plan;

2. The shape, size, location and height of all proposed structures;

3. Natural features such as woodlots and lakes, and manmade features such as existing roads and structures, with indication as to which are to be retained and which removed or altered. Adjacent properties and their uses shall be identified;

4. A layout of the proposed streets, driveways, parking spaces and sidewalks. The width of streets, drive-

ways and sidewalks and the total number of parking spaces shall be shown;

5. A layout of the proposed lots, parks and open spaces;
6. The size and location of all existing and proposed public utilities;
7. A vicinity sketch showing the location of the site in relation to the surrounding street system;
8. A legal description of the land included in the site plan and of the lot; the name, address and telephone number of the owner, developer and designer;
9. Proposed drainage system;
10. An estimate of the amount of water required by the development on a daily basis;
11. An estimate of the amount and type of sewage effluent to be generated daily;
12. An estimate of the amount of solid waste to be generated daily and a plan for its disposal;
13. An estimate of the number of employees including an estimate of the number who will reside in the town;
14. Any other information necessary to establish compliance with this and other ordinances or the availability of adequate utility capacity. (Ord. 83 §7.20, 1982)

17.40.220 Livestock and poultry. Livestock will be allowed to be raised or boarded in the town limits in accordance with a town livestock permit. (Ord. 83 §7.21, 1982)

17.40.230 Nonconformities. A. Purpose and Intent.

1. It is recognized that there exists within the districts established by this title and subsequent amendments, lots, structures and uses of land and structures which were lawful before this title was adopted, which would be prohibited, regulated or restricted under the terms of this title or future amendments.
2. Such uses are declared by this title to be incompatible with permitted uses in the districts involved. It is further the intent of this title that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
3. To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this title and upon which actual building construction has been diligently carried on. "Actual construction" is defined to include the placing of construction materials in permanent position and fastened

in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

B. Nonconforming Lots. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of the adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided, that yard dimensions and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the planning commission.

C. Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this title as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this title.

2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this title.

3. If such nonconforming use of land ceases for any reason for a period of more than thirty days, any subsequent use of such land shall conform to the regulations specified by this title for the district in which such land is located.

D. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under terms of this title by reason of restrictions on area lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be contained so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity; for example, existing residences on lots of a width less than required

herein may add a rear porch, provided that other requirements relative to yard space are met.

2. Should such structure be destroyed by any means to an extent of more than sixty percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.

3. Should such structure be moved for any reason for any distance, whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

E. Nonconforming Uses of Structures and Land. If a lawful use of a structure or of a structure and land in combination exists at the effective date of adoption or amendment of this title, that would not be allowed in the district under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this title in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this title, but no such use shall be extended to occupy any land outside such building.

3. Any structure housing a nonconforming use which has been damaged by fire or a calamity other than natural deterioration may be restored to its original condition, provided that the floor area which existed prior to such damage remains the same, the work is commenced within six months of such happening, and reconstruction is completed within one year.

4. Any structure, or structure 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 is located, and the nonconforming use may not thereafter be resumed.

* 5. When a nonconforming use or a structure, or structure and premises in combination, is discontinued or ceases to exist for six consecutive months or for eighteen months during any three-year period, the structure or structure and premises in combination, shall not thereafter be used except in conformance with the regulation of the district in which it is located.

F. Mobilehomes. A nonconforming mobilehome may be removed and replaced by another mobilehome, provided replacement occurs within a period of one hundred eighty days

of the date the mobilehome was removed. The home must be replaced with one of equal value or better than the one being replaced.

G. Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of adoption of this title shall not be increased. Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

H. Change of Tenancy or Ownership. There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, providing there is no change in the nature or character of such nonconforming uses. (Ord. 83 §7.22, 1982)

17.40.240 Special standards governing overnight facilities for mobilehomes, truck campers and tenting units.

A. General. The following variances are made only for parks catering to the overnight camper utilizing such facilities as truck campers, travel trailers, tents and tent trailers.

B. Unit Space.

1. Each designated unit space provided for a truck camper, travel trailer, or tent or tenting unit shall contain a minimum of nine hundred square feet.

2. Each designated unit space provided for tenting units shall be provided with a table and provisions for fire building and easy access to disposal of liquid and solid wastes which might create a public health hazard.

3. No unit space serving a dependent trailer, truck camper or tent or tenting unit shall be located farther than three hundred feet radially from the service building. Unit spaces farther than this distance must be designated for and be used by self-contained units only.

C. Water and Sewer Facilities. Adequate water and sewer lines, complying with the town standards, must be installed in each mobilehome park and travel trailer park.

D. Service Building. Each mobilehome park which permits dependent mobilehomes, dependent travel trailers, dependent truck campers or tenting units, defined in Chapter 17.08, shall provide the following: a service building which shall be equipped with toilet and bath facilities for

each sex; the number of facilities required shall be in ratio as stated in the following table:

1. For one to fifteen parking sites; one men's and two women's toilets, two men's and two women's sinks, two men's and two women's showers, two men's urinals.

2. For sixteen to thirty parking sites; two men's and three women's toilets, three urinals, three men's and three women's sinks, two men's and two women's showers.

3. For thirty-one to forty-five parking sites; three men's and four women's toilets, three urinals, four men's and four women's sinks, three men's and four women's showers.

4. For forty-six to sixty parking sites; four men's and five women's toilets, four urinals, five men's and five women's sinks, three men's and five women's showers.

5. For sixty-one to eighty parking sites; four men's and six women's toilets, four urinals, five men's and five women's sinks, five men's and six women's showers.

Other fixtures include a minimum of one slop sink.

E. For determination of the needed plumbing fixtures, all unit spaces not served by a sewer connection and within three hundred feet radially of the service building, will be considered as available for utilization of dependent travel trailers, truck campers, tents and tenting units.

1. Each toilet shall be in a private compartment.

2. A sound retardant wall shall separate the toilet facilities for each sex when provided in a single building.

3. Each bath or shower shall be in a private compartment.

4. A slop sink(s) shall be provided for disposal of liquid wastes and for cleanup and maintenance of the service building(s).

5. The service building shall be of permanent construction and be provided with adequate light, heat and positive ventilation in shower and bathing areas.

6. Interior construction of the service building shall be cleanable and provide moisture resistant materials on walls, ceilings and floors. Surfaces shall be a light color. Slip aspects of floors should be considered.

7. All windows, doors or other openings shall be screened or insect entry prevented.

8. All plumbing shall conform to the Uniform Plumbing Code, latest edition thereof, and the local plumbing code.

9. Hot and cold running water shall be provided at all times in the service building. (Ord. 83 §7.24, 1982)

17.40.250 Planned unit development (PUD). A. A planned unit development (PUD) is intended to replace the rigid requirements of conventional zoning with general appearance and livability guidelines allowing flexibility and innovation in site planning, building arrangement and land-use relationships, while simultaneously insuring substantial compliance with the intent and purpose of this title.

B. Planned unit developments must be approved by the Baggs planning commission. Application shall be made to the planning commission.

C. The applicant shall submit a preliminary site plan including, but not limited to, the following:

1. An explanation of all intended uses;
2. A preliminary plat;
3. An inventory resource statement, with total area proposed in PUD, present and potential energy resources, hydrological resources, data concerning population to be served, the expected value per unit, sewer and water capabilities, soil types and composition, geologic analysis, and proposed pedestrian and automobile circulation patterns.

D. After receiving planning commission approval of the preliminary plan, the developer shall, within one year, submit a final plan including, but not limited to, the final draft of all that is listed in the preliminary plan.

E. No planned unit development shall have an area of less than five acres.

F. The development shall be in single or corporate ownership at the time of the application, or the subject of an application filed jointly by all owners of the property.

G. No piece of land shall be withdrawn from the PUD without the consent to all the property owners and the planning commission.

H. The developer shall prepare and submit to the planning commission copies of any special agreements, restrictions, conditions or covenants which will govern the use, continued protection and maintenance of the PUD and any of its common park areas and facilities.

I. Density and coverage under a conditional use, shall in no case be more than ten percent higher than allowed in the zoning districts.

J. The residential density of a PUD district shall not be greater than eight units per acre and coverage not greater than sixty percent.

K. Buildings uses, building locations, lot area, width, yard, height and coverage regulations proposed, shall be considered and determined acceptable through the process of approving the site development plan.

L. Upon approval of the preliminary plan, and in accordance therewith, the developer may survey and stake the lots, roads, and other proposed areas of the PUD site, but may not commence any further development activity until final approval. The completion of survey and staking work shall in no way obligate the town officials.

M. The general site plan required shall include but not be limited to the following: layout of roads, lots, parks and open space, location orientation, spacing, signing and lighting, water supply and sewage treatment system, natural preservation and drainage areas, landscaping, fencing and screening, and any information including residential density, coverage, and open space characteristics.

N. The planning commission may determine whether all or a part of stream areas, bodies of water and slopes may or may not be included as usable open space.

O. The developer may retain ownership and responsibility for maintenance of the designated open space, and shall commit himself through written agreement with all parties who subsequently acquire ownership of property within the PUD.

P. All planned unit development may be developed in phases. No construction of any kind shall begin in the second or subsequent phases until sixty-five percent of the total development has been sold on the preceding phase. Development or improvements of any phase must be substantially completed within two years from the time of its final approval. (Ord. 83 §7.25, 1982)

Chapter 17.44

MOBILEHOME PARKS

Sections:

- 17.44.010 Construction plans and specifications.
- 17.44.020 Permit--Required.
- 17.44.030 Inspection of mobilehome parks.
- 17.44.040 General provisions applicable to all mobilehome parks.
- 17.44.050 Refuse disposal.
- 17.44.060 Registration of occupants.

17.44.010 Construction plans and specifications. No corporation, municipality, association, institution, firm or person shall construct a mobilehome park as defined by the state standards without prior written approval of the health officer. One copy of the complete plans and specifications for the construction and operation of the pro-

posed mobilehome park shall be submitted to the Division of Health and Medical Services, Environmental Surveillance and Control Services, Wyoming Department of Health and Social Services, Cheyenne, Wyoming, at least forty-five days prior to the proposed date for bid letting or the start of construction. All plans shall show the following:

A. The location area dimension and boundaries of the mobilehome park site;

B. A map or plat illustrating the number, location, size, designated use of all spaces, plus a designation as to specific usage;

C. The location and width of surface materials of roadways and walkways;

D. The location of the service building(s), if provided, plus any other proposed structures (storage buildings, garbage and trash stations, etc.) within the mobilehome park;

E. A floor plan of the service buildings, if provided, shall be prepared showing the number and location of toilets, urinals, showers or baths, lavatories, laundry facilities, service sinks, doors, windows and all other pertinent information (walls, ceiling and floor finishes to be submitted);

F. Plans and specifications of all other structures to be constructed or existing within the mobilehome park;

G. The above information shall also be submitted to the zoning officer of the town. The zoning officer shall review the above information and make appropriate comments. He shall then submit the information to the planning commission for their recommendations and subsequent approval or disapproval.

"Health officer," as used in this chapter means the Administrator of the Division of Health and Medical Services, Wyoming Department of Health and Social Services, or his authorized representative. (Ord. 83 §7.23(A), 1982)

17.44.020 Permit--Required. It is unlawful for any person to operate a mobilehome park in the state of Wyoming who does not possess an unrevoked permit from the Health Officer. Such a permit shall be posted in a conspicuous place. Only persons who comply with the requirements of these standards shall be entitled to receive and retain such a permit. Annual permits shall be issued commencing each May 1st and shall remain in force until April 30th of the ensuing year, if none of the following actions occur. Permits shall not be transferable from one person to another person or to a different location than originally issued.

A. Issuance of Permits. Any person, firm or corporation desiring to operate a mobilehome park shall make writ-

ten application for a permit on forms provided by the Environmental Surveillance and Control Services, Division of Health and Medical Services. Prior to issuance of the permit, the mobilehome park shall be inspected to determine compliance with provisions of these standards. No permit shall be issued if the standards are not complied with.

The permit may be temporarily suspended by the Health Officer upon violation by the holder of the terms of these standards or revoked after an opportunity for a hearing by the Health Officer upon serious or repeated violations. All hearings provided for in this section shall be conducted in accordance with the Administrative Procedures Act at a time and place designated by the Health Officer. No mobilehome park, following temporary suspension or non-issuance of a permit for noncompliance of the standards, shall operate in excess of thirty days. If conditions indicate, special consideration may be granted a mobilehome park that has indicated a willingness and intent to achieve total compliance with the standards, a temporary permit may then be issued. Such temporary permits shall be for a specified time. No additional extension shall be granted for reasons of further noncompliance.

B. Reinstatement of Permit. Any mobilehome park, the permit which has been suspended, may at any time make application for the reinstatement of the permit. After the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated provision or provisions of these standards have been conformed with, the Health Officer shall make a reinspection, and thereafter, as many additional reinspections as he may deem necessary to assure himself that the applicant is, again, complying with requirements; and, in case the findings indicate compliance, shall reinstate the permit. (Ord. 83 §7.23(B), 1982)

17.44.030 Inspection of mobilehome parks. At least once every twelve months, the Health Officer shall inspect every mobilehome park located within the state of Wyoming. In case the Health Officer discovers a violation of any item of these standards, he shall make a second inspection after the lapse of such time as he deems necessary for the defect(s) to be remedied. If, upon subsequent inspection of any mobilehome park, the Health Officer finds violations have not been corrected which have previously been brought to the attention of the owner or operator, he shall then give a second notice in writing to the person to whom the permit was issued that, upon any consecutive violation of the same item on a third inspection shall necessitate immediate suspension of the permit. (Ord. 83 §7.23(C), 1982)

17.44.040 General provisions applicable to all mobilehome parks. A. Every mobilehome park shall be located on a well-drained area, properly graded so as to prevent the accumulation of surface water and to insure proper drainage.

B. Mobilehome lots shall be clearly numbered and the park shall be so arranged so all mobilehomes shall face or abut on a driveway or street not less than thirty-four feet wide, which driveway or street shall be connected in at least two places, to a dedicated public street or highway. Such driveway or street shall be surfaced according to the minimum specifications of the town of Baggs subdivision ordinance. Curb and gutter shall be installed on the streets in accordance with town standards. The owner of the mobilehome park shall make adequate provision for the maintenance of all private streets, walkways, patios and curb and gutter within the park.

C. A mobilehome park shall not be developed at a residential density greater than eight mobilehome spaces per acre.

D. The mobilehome park shall be designed to allow for a minimum of fourteen-foot clearance between each mobilehome. No mobilehome shall be located closer than ten feet from the boundaries of the mobilehome park.

E. Mobilehome lots shall consist of a minimum of four thousand square feet and shall be not less the thirty-two feet in width.

F. Each mobilehome lot shall have a minimal depth of one hundred feet. Each lot shall have its boundaries clearly defined. There shall be no more than one designated living facility on each lot.

G. Adequate water and sewer lines, complying with the town standard, must be installed in each mobilehome park.

H. The electrical system within a mobilehome park must conform to the Uniform Electrical Code, and all electrical and utility lines must be installed underground.

I. Off-street parking for two automobiles per mobilehome lot shall be provided. The off-street parking spaces shall be covered with asphalt, cement, gravel or other suitable ground cover deemed appropriate by the planning commission.

J. Each mobilehome park shall be adequately lighted at night.

K. Provisions shall be made for adequate all-weather walkways extending from the required driveway to the required patio. The patio for each mobilehome site shall consist of a solid four-inch concrete apron of at least two hundred square feet located at the main entrance to the mobilehome.

L. No mobilehome shall be occupied unless it is supported on masonry blocks or jacks and connected to utili-

ties. A skirting extending from the bottom of the walls to ground, made of aluminum or other durable material must be installed within sixty days of occupancy.

M. Screening in the form of shrubbery or a wood or masonry fence no less than five feet in height is required between mobilehome parks which adjoin conventional residential developments.

N. In parks containing ten or more mobilehomes, an area equal to at least ten percent of the total area within the boundaries of the mobilehome park shall be devoted to common open space available for use by all park residents for recreational or other similar uses but not including uses for streets, alleys or parking areas. In order to control dust and provide recreational amenities, the ten percent open space area shall be provided with groundcover in the form of grass, shrubs, trees or other suitable landscaping deemed appropriate by the planning commission.

O. Skirting shall be placed around each mobilehome. The skirting shall be equipped with doors or access panels to permit access to utility connections. Skirting shall be weather proof, rigid, durable, fire resistant material finished in a manner compatible with the appearance of the mobilehome. The skirting must be in place within sixty days after the mobilehome is located on the mobilehome space.

P. Each mobilehome lot shall be provided with one storage facility of at least sixty-four square feet and not exceeding seven feet in height.

Q. Mobilehomes shall be located on lot spaces designated for such use. (Note: this is not to infer that a special parking area may not be provided for unoccupied mobilehomes. When such is the case, the space requirement is waived.)

R. An initial fee of twenty-five dollars shall be paid when an application is filed with the zoning officer for construction of a mobilehome park. If the application is approved, the developer shall pay a fee of ten dollars for each mobilehome lot within the proposed park.

S. Where compliance with provisions of this section would result in undue hardship, a variance may be granted by the planning commission so long as the variance does not impair the intent and purpose of this section. (Ord. 83 §7.23(D), 1982)

17.44.050 Refuse disposal. A. The storage, collection and disposal of refuse shall be in such a manner as to avoid creating an insect or rodent harborage, health hazard or odor nuisance and shall be approved by the health officer.

B. Refuse and/or solid waste containers shall be provided in adequate numbers within one hundred feet of each unit space and shall be provided with protection from animals, rodents and insects.

C. Garbage shall be collected and disposed of a minimum of once weekly and more often if needed.

D. Every mobilehome park shall be kept free of rubbish and maintained in a sanitary condition at all times.

E. All harborages for rodents and insects shall be eliminated and prevented.

F. Flies and mosquitoes shall be controlled by active control measures, when required. (Ord. 83 §7.23(E), 1982)

17.44.060 Registration of occupants. Every mobile-home park owner or operator shall maintain a register containing a record of all mobilehomes and travel trailers. The register shall be current. (Ord. 83 §7.23(F), 1982)

Chapter 17.48

HISTORIC PRESERVATION

Sections:

- 17.48.010 Purpose.
- 17.48.020 Definitions.
- 17.48.030 Historic preservation commission--Created.
- 17.48.040 Historic preservation commission--Duties and powers.
- 17.48.050 Inventory of significant cultural resources.
- 17.48.060 Designation of local cultural resources.
- 17.48.070 Participation in the National Register process.

17.48.010 Purpose. The state of Wyoming and the town have a wide range of cultural resources that include pre-historic and historic sites which are invaluable relics that remain to illustrate our state and town's past. The town council finds that the state of Wyoming and the town are noteworthy for their historic sites and natural beauty. These historical sites include, but are not limited to settlement period historical sites. In recent years many significant structures and historic and archaeological sites have been destroyed without adequate consideration of either the values represented therein or the possibility of preserving the properties for use in economically productive ways. The citizens of Baggs share the belief that Wyoming's cultural resources enhance the quality of life

for all and promote Bagg's general welfare. It is declared a matter of public policy that the protection, enhancement and perpetuation of significant historical, archaeological and architectural relics of value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

A. Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the town's cultural, social, economic, political, engineering and architectural history;

B. Safeguard the town's historic, archaeological and cultural heritage as embodied and reflected in such historic structures, sites and districts;

C. Stabilize and improve property values;

D. Foster civic pride in the beauty and noble accomplishments of the past;

E. Protect and enhance the town's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry to strengthen the economy of the town;

F. Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the people of the town.

The town council enacts this chapter as stated above to help preserve Wyoming's heritage. The town council also endorses the state of Wyoming's certified local government program and agree to participate in this historic preservation program. Baggs has the ability to participate in the CLG program by provisions specified in Wyoming Statutes Section 16-1-101 (1977). (Ord. 100 §1, 1986)

17.48.020 Definitions. For purposes of clarity, the following definitions will apply throughout this part:

"Historic preservation commission" or "commission" means a board, council or commission, or other similar body established by local legislation or regulation.

"Local government" means a city, town, county or any other political subdivision within the state of Wyoming.

"National Register of Historic Places" means the federal government's official list of properties judged to be worthy of preservation. The National Register program in Wyoming is administered by the Wyoming SHPO.

"State Historic Preservation Officer" or "SHPO" means the individual appointed by the Governor to administer Wyoming's historic preservation program. (Ord. 100 §2, 1986)

17.48.030 Historic preservation commission--Created.

A. This chapter authorizes the creation of an historic preservation commission known as the Baggs historical preservation commission.

B. The mayor shall appoint board members to the commission; each appointment will be subject to approval by the town council. The mayor shall attempt to draw upon a wide range of backgrounds and interests to represent Baggs' diverse heritage.

C. The commission shall consist of three members.

D. Members of the commission shall serve without compensation, but may be reimbursed for expenses necessarily incurred in the performance of their duties.

E. At least two members of the commission must reside within the boundaries of the local jurisdiction.

F. All commission members must have a demonstrated interest, knowledge or experience in the fields related to historic preservation as described below.

G. To the extent that such professionals are available in the community, at least two members of the commission shall be professionals in fields related to historic preservation (e.g., history, architectural history, archaeology, historical architecture, planning or other related disciplines such as: American civilization, cultural geography or cultural anthropology). If historic preservation professionals do not reside within the town, then the commission shall be required to seek the appropriate expertise when considering National Register nominations or other actions that will impact properties which are normally evaluated by a professional in such disciplines. Information on the credentials of the commission members must be kept on file and available for public inspection.

H. Minutes or records of the proceedings of the commission shall be transmitted to the Baggs town council as well as to members of the commission. The commission shall monitor and report to the SHPO any activity affecting significant property within its jurisdiction.

I. An annual report of the activities of the commission shall be submitted to the Baggs town council and the SHPO. Such reports shall include but are not limited to items such as: the number and type of cases reviewed, review decisions, proposed nominations, updated resumes of commission members, appointments to the commission, meeting attendance records, progress reports on survey activities and National Register nominations reviewed.

J. Commission meetings must be held at least twice a year.

K. The appointing authority shall act within ninety days to fill a vacancy.

L. Each commission member is required to attend at least one informational or educational meeting per year as sponsored by the SHPO that pertains to the work and functions of the commission or to historic preservation. The SHPO will provide information to all historic preservation commissions.

M. The commission in addition to the appropriations made by the town shall have the right to receive, hold and spend funds which it may legally receive from any and every source both in and out of the state of Wyoming for the purpose of carrying out the provisions of this chapter.

N. The commission shall adopt rules of procedure for the conduct of its business in accordance with the provisions of this chapter. Such rules of procedures shall be filed with the town. Terms of the commission members and the election of officers shall be discussed within the commission's rules of procedure. (Ord. 100 §3, 1986)

17.48.040 Historic preservation commission--Duties and powers. The historic preservation commission shall have powers to:

A. Conduct cultural resource surveys of structures and areas for the purpose of determining those of architectural, historical, cultural and/or archaeological significance; to maintain and revise detailed listings of significant structures and districts;

B. Propose to the town council criteria for the evaluation and designation of districts, buildings, structures, sites or objects located within Baggs' jurisdiction. The criteria should be compatible with the Department of Interior's criteria for evaluation of potential entries to the National Register of Historic Places as listed below.

The quality of significance in American history, architecture, archaeology and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of our history,

2. That are associated with the lives of persons significant in our past, or

3. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, or

4. That have yielded, or may be likely to yield, information important in prehistory or history;

C. Designate districts, sites, buildings, structures and objects which meet the criteria because they are sig-

nificant in American history, architecture, archaeology and culture. This recognition of local districts, sites, buildings, structures and objects shall be entitled locally as specified in Section 17.48.060(A). Ultimately designations by the historic preservation commission shall be submitted to the town council for ratification;

D. Act as advisors on historic preservation issues to appropriate local government agencies and the town council;

E. Act as advisors to residents and property holders on matters of historic preservation;

F. Promote historic preservation awareness through a wide range of activities such as walking tours, educational seminars and published materials;

G. Retain assistance of staff members or consultants to carry out the duties as listed above;

H. Request and receive any appropriate information, cooperation, assistance or studies from any government departments, boards, agencies or commissions. (Ord. 100 §4, 1986)

17.48.050 Inventory of significant cultural resources. A. As stated in Section 17.48.040(A), the historic preservation commission with assistance from local officials and the SHPO shall conduct a cultural resource survey of neighborhoods, commercial and rural areas, for the purpose of evaluating each area's potential for local designation. The inventory shall serve as the data base for preservation decisions and possibly a guide for planning and zoning decisions.

B. The local inventory shall:

1. Be accessible to the public unless access to archaeological or historic information must be restricted for protective purposes;

2. Be updated periodically to reflect new information;

3. Incorporated information about buildings, sites, structures, districts or objects enrolled in, or eligible for, listing in the National Register of Historic Places;

4. Be supplied to the SHPO through the use of duplicates for use in SHPO inventory files.

C. Current historic preservation methodology as established by the Department of the Interior and the SHPO shall serve as a guideline for the cultural resource survey.

D. Cultural resource consultants may be retained to perform the survey duties of the commission. (Ord. 100 §5, 1986)

17.48.060 Designation of local cultural resources.

A. Based upon the results of the cultural resource inventory, the commission shall complete a list of districts, buildings, structures, sites or objects that meet the criteria for eligibility as specified in Section 17.48.040(B), the Department of the Interior's criteria for the National Register of Historic Places. The commission shall establish an official list of locally significant cultural resources and give this list an appropriate title.

B. The commission shall submit the proposed designation of local sites to the town council for ratification.

C. The designation shall contain specific boundaries for proposed designations.

D. A landowner or other interested parties may submit a recommendation to the commission for consideration of local listing. The commission must duly process this petition.

E. Notice of a proposed designation shall be sent by certified mail to the owner of property proposed for designation, describing the property proposed and announcing a public hearing by the commission to consider the designation.

F. All property owners shall be notified of public hearing as above in subsection E of this section. The local government shall advertise the meeting once in each daily local newspaper at least fifteen days prior to the commission meeting.

G. At the public meeting:

1. The commission may solicit expert testimony regarding the historical, architectural, cultural or archaeological importance of the site, building, structure, district or object under consideration for designation.

2. The commission may present testimony or documentary evidence of its own to establish a record regarding the historical and architectural, cultural, or archaeological importance of the proposed designation.

3. The commission shall afford to the owner of the property reasonable opportunity to present testimony or documentary evidence regarding the importance of the proposed designation.

4. The owner of the property proposed for designation shall be afforded the right to representation by counsel and reasonable opportunity to cross-examine witnesses presented by the commission.

5. Any interested party may present testimony or documentary evidence regarding the proposed designation at the public hearing.

6. The commission must submit its decision to the town council within thirty days of the public hearing and the town council must act on the resolution for approval within sixty days of the public hearing.

H. Owners must be notified of the designation decision within fourteen days of the commission meeting. The State Historic Preservation Office and other agencies as appropriate shall be notified of designation by the commission. Within thirty days of the date on which the town council ratifies designation of any site, building, structure, district or object as worthy of preservation, the commission shall cause to be filed with the appropriate legal entity a certificate of notification that such property is designated, and such certificate of notification shall be maintained on the public records until such time as the designation may be withdrawn by the commission.

I. The commission may rescind the designation of a site, building, structure, district or object if, due to professional error, the property was incorrectly designated. The commission shall follow the public notification procedures as specified above to rescind a local designation. (Ord. 100 §6, 1986)

17.48.070 Participation in the National Register process. A. The commission shall review each pending National Register nomination that lies within the boundaries of its specified jurisdiction.

B. The commission will comply with Section 4 of the "Rules and Regulations Pertaining to the Certification of Local Governments" as written by the SHPO and officially approved by the Department of the Interior. (Ord. 100 §7, 1986)

Chapter 17.52

ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.52.010 Enforcement responsibility.
- 17.52.020 Enforcement agent--Authority and responsibilities.
- 17.52.030 Appeals.
- 17.52.040 Variances.
- 17.52.050 Legal action.
- 17.52.060 Liability for damages.
- 17.52.070 Violation--Penalty.
- 17.52.080 Amendments to title and map.
- 17.52.090 Special use requirements.

17.52.010 Enforcement responsibility. A. It is the responsibility of the Baggs town council, the planning commission and its authorized agent to be known as the zoning officer, to administer this zoning ordinance.

B. It is unlawful to locate, erect, construct, reconstruct, enlarge, maintain or use any building or use any land within the incorporation area of Baggs without first obtaining authorization from the planning commission or their authorized agent. No such authorization shall be issued unless the plans for the proposed building, structure, or use fully comply with this zoning ordinance. The Baggs planning commission or their authorized agent shall act upon any application filed with it. They shall grant authorization in all cases where the proposed construction or use complies with the requirements of the zoning ordinance, and if it denies the authorization, shall specify the reasons for such denial. (Ord. 83 §9.1, 1982)

17.52.020 Enforcement agent--Authority and responsibilities. A. The planning commission, with the approval of the town council, may appoint a zoning enforcement agent for the administration and enforcement of the provisions of this title. This agent shall be designated the zoning officer.

B. The zoning officer shall have the authority and responsibility to enter upon public or private premises and make inspection thereof at any reasonable time, and for any proper purpose of enforcing this title. Further, upon reasonable cause or question as to proper compliance, to revoke any authorization and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this title.

C. The zoning officer shall review all site plans and concur with the planning commission on matters requiring joint approval.

D. The zoning officer shall be responsible for the issuance of building permits. No permit for the erection, alteration of or repairs to any building shall be issued unless the proposed development is in conformance with the town building standards and the provisions of this title.

E. The zoning officer, in cooperation with the building inspector, shall be responsible for issuing certificates of occupancy. The following procedures shall be adhered to regarding the issuance of certificates of occupancy:

1. It is unlawful to use or to permit the use of any building, structure, premises, lot or land, or part thereof, hereinafter erected or altered, enlarged or moved, in whole or in part, after the effective date of the ordinance codified in this title, or any building, structure, premises, lot or land, or part thereof, of which the use is changed, until a certificate of occupancy has been obtained by the owner, or his authorized agent.

2. The zoning officer shall, by site inspection, determine that the provisions of the zoning ordinance have been met prior to issuing a certificate of occupancy.

3. Upon written request by the owner or his authorized agent, the zoning officer shall issue a certificate of occupancy for any building or structure, lot or land, existing and in use at the effective date of the ordinance codified in this title; provided, that the zoning officer shall find that such building or structure, lot or land, is in conformity with the applicable provisions of this title.

F. In addition, the zoning officer (or his deputy) shall have the following additional responsibilities:

1. Receive petitions for zone changes, special use permits, appeals and sign permits;
2. Collect fees;
3. Prepare case files;
4. Prepare and have legal notices published;
5. Prepare planning commission agenda;
6. Send agenda to planning commission;
7. File and maintain all records regarding certificates of occupancy, applications and all actions, and notes and minutes of the planning commission related to this title;
8. Prepare a written annual report on the calendar year activities to the planning commission;
9. Attend all planning commission meetings. (Ord. 83 §9.2, 1982)

17.52.030 Appeals. A. The decision of the planning commission may be appealed to the town council by any person aggrieved or affected by any decision of the planning commission or their authorized representative. The town council shall fix a reasonable time for the hearing of the appeal, and give seven days notice in a newspaper of general circulation within the town. Such appeal shall be made within ten days from the date of the action being appealed by the filing of a notice of appeal with the town council. A form for such appeal shall be provided by the zoning officer. The planning commission shall forthwith transmit to the town council all papers constituting the record of the action being appealed. A decision shall be made by the town council within thirty days of the hearing. The decision of the town council may be reviewed by the district court and by the Supreme Court upon an appeal thereto as provided in Section 15.1-707, Wyoming Statutes, 1977.

B. An appeal of a decision by the planning commission or its authorized representative shall stay all proceedings in furtherance of the action appealed, unless the planning commission or its authorized agent shall certify to the town council, after notice of appeal has been filed with both of them, that by reason of facts stated in the certifi-

icate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order, which may be granted by the town council or by a court of record on application or notice to the planning commission or its authorized representative, and due cause shown. (Ord. 83 §9.3, 1982)

17.52.040 Variances. A. Variances from the strict application of the regulations of this title may be granted where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this title, or by reason of exceptional topographic conditions or extraordinary and exceptional situation or condition of such piece of property, the strict application of the provisions of this title would result in undue hardships upon the owner of the property. The Baggs town council may authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this title.

B. Any variance granted by the town council pursuant to the provisions of this section, shall be construed to be nonconforming use.

C. The fact that an owner could realize a greater financial return by using his property contrary to zoning regulations is not a sufficient reason for granting a variance.

D. Every variance granted by the town council shall be based on the specific findings, supported by written evidence and a photograph of the specific problem, where applicable.

E. A variance shall be nothing more than a minimal easing of standards or requirements. (Ord. 83 §9.4, 1982)

17.52.050 Legal action. In case any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, maintained or used, or any land is proposed to be used in violation of any provision of this title, or any amendment thereof, the town council and the attorney for the town, or any owner of real estate within the zoned areas, in addition to other remedies provided by law, may institute injunction, mandates, abatement or any other appropriate action to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use. Appeals from judgments rendered in any action instituted to enforce this title shall be permitted and shall be in accordance with the general appeals provisions of Wyoming Rules of Civil Procedure. (Ord. 83 §9.5, 1982)

17.52.060 Liability for damages. This title shall not be construed to hold the town responsible for any damage to persons or property for reason of the inspection or reinspection authorization herein or failure to inspect for reason of issuing authorization in the administration and enforcement of this title. (Ord. 83 §9.6, 1982)

17.52.070 Violation--Penalty. A. The zoning officer shall declare each violation a nuisance and order, in writing, corrections of all conditions which are found to be in violation of this title.

B. Any one person who violates this title may be punished by fine of not more than one hundred dollars for each offense. Each day's continuance of such violation shall be deemed to be a separate offense. (Ord. 83 §9.7, 1982)

17.52.080 Amendments to title and map. Amendments to this title or map shall be in accordance with the laws of the state of Wyoming and the following general procedure and requirements:

A. Amendments may be made at any time by the town council, by ordinance, on its own motion, upon recommendation from the planning commission, or upon the signed petition of any interested person or persons.

B. An application to amend this title or map shall be submitted to the planning commission for review and processing. The application must be filed thirty days prior to a planning commission meeting. The applicant shall include a fee in the amount of fifty dollars to cover advertising and processing costs.

C. The planning commission shall hold a public hearing on all proposed amendments after at least fifteen days notice of the time and place of the public hearing shall have been given by at least one publication in a newspaper of general circulation within the town.

D. The planning commission shall make a written recommendation to the town council regarding the proposed zoning amendment.

E. Before taking official action, the town council shall hold a public hearing on all proposed amendments after at least fifteen days notice of time and place of the public hearing shall have been given by at least one publication in a newspaper of general circulation within the town.

F. If there is a protest against the zoning amendment, signed by owners of twenty percent or more of the area of the lots included in the proposed change, or of those immediately adjacent within a distance of one hundred forty feet, an amendment will not become effective, except upon the affirmative vote of three-quarters of all members

of the governing body. In determining the one hundred forty feet, the width of any intervening street or alley shall not be included.

G. No portion of an area which has been proposed and acted upon by the town council rezoning may again be submitted to the town council for reconsideration of the same type of rezoning until the expiration of one year. (Ord. 83 §9.8, 1982)

17.52.090 Special use requirements. Due to their unusual and unique features, special permit uses shall be subject to the following requirements to insure the best interests of the health, safety and welfare of Baggs citizens. Special permit uses shall be permitted in districts where designated only after review and approval by the planning commission.

A. Procedure. Application for a special use permit shall be submitted to the planning commission in writing. The application shall include applicable information as required in Section 17.40.210 and such other data, information and plans necessary for full evaluation by the commission. The application must be filed fifteen days prior to a planning commission meeting. The applicant shall include a fee in the amount of twenty-five dollars to cover advertising and processing costs.

B. Public Hearing. A public hearing shall be held by the planning commission on a special use permit application. Notice of the hearing shall be given by at least one publication in the newspaper of general circulation within the town at least ten days prior to the hearing date. The notice shall contain at least the following information:

1. General location;
2. Requested use;
3. Time, place and date of hearing;
4. Telephone number to call to ask questions about

the request.

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

1. The proposed use shall serve an obvious public need;
2. The proposed use will not be detrimental to the surrounding area or to established areas;
3. The adequate and safe access and circulation shall be provided;

4. That any resulting commercial and truck traffic shall not use a residential street nor create a hazard to a developed residential area;

5. That the applicant has taken adequate steps to minimize and control potential environmental problems which may be resulting from the proposed use.

D. Records. Records of all applications made and decisions rendered, together with all maps, drawings, descriptions of conditions applied shall be kept and maintained as described in Section 17.52.020. A copy of the decision rendered and conditions applied shall be transmitted to the applicant.

E. Appeals. Appeals of the planning commission action shall be made in writing to the town council. The council shall hold a hearing in the same manner as prescribed above for the planning commission on special use permits. (Ord. 83 §9.9, 1982)