

## TITLE 4 ZONING

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

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

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

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

- (a) After the effective date of these regulations, no land shall be used or occupied and no structure shall be erected, altered, used or occupied except in conformance with the provisions of these regulations.
- (b) These regulations shall apply to all private lands within the corporate limits of the City of Lander, Wyoming, as they may from time to time be amended, and to all public lands within the same area that are legally subject to these provisions.
- (c) The existence of restrictive covenants or agreements shall not be a substitute for these zoning regulations.
- (d) When higher or more restrictive standards are established by the provisions of any other applicable statute, resolution or regulations, the provision of such other statutes, resolution or regulations shall apply.
- (e) No person, firm or corporation and no officer or employee thereof

shall knowingly sell, rent, or lease or offer to sell, rent or lease any land or structure for any use of purpose contrary to the provisions of this ordinance.

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

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

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

- (a) The boundaries of these Zoning Districts are hereby established as shown on a map entitled "District Zoning Map, Lander, Wyoming." This map, and all official amendments thereto, are hereby declared to be part of this ordinance.
- (b) The City Clerk shall maintain the District Zoning Map to accurately represent the zoning district and classifications created by ordinance. The map shall constitute prima facie evidence of district boundaries.
- (c) Unless otherwise defined, district boundary lines are intended to be lot lines; the center line of streets, alleys, channelized waterways or other similar rights-of-ways; the center line of blocks; section or township lines; municipal corporate lines; the center line of streambeds or other line dimensions or drawn to scale on the District Zoning Map.
- (d) It is the intent of this ordinance that all lands lying within the corporate boundaries shall be within one of the enumerated zoning districts. If any such land is determined not to be within one of the enumerated districts for whatever reason or cause, then no permits shall be issued for the use of the land or for the erection or alteration of any structures on the land until the area has been examined by the City Council and zoning classification has been established within a reasonable period of time.
- (e) All territory which shall hereafter be annexed to the City of Lander shall be in the R-1, Low Density Residential District unless otherwise designated by the City Council, as a part of the annexation and zoning process. Such a zone district classification,

once established, may be amended pursuant to the procedures established by this ordinance.

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

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

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

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

- (a) Any order or decision of the City of Lander may be appealed to the Board of Adjustment by any person or agency affected by any such order or decision. Any such appeal shall be filed within 30 days from the date of the action appealed from by filing a written notice of appeal specifying the grounds for the appeal with the City of Lander. Forms shall be provided for this purpose by the City of Lander. Upon receipt of a notice of appeal, the City of Lander shall transmit to the Board of Adjustment the notice of appeal and all of the original documents, or true copies thereof, constituting the record upon which the action being appealed from was filed.
- (b) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City of Lander certifies to the Board of Adjustment after notice of appeal has been filed that by reason of

facts stated in the certificate a stay would cause imminent peril to life or property. The Board of Adjustment after receipt of the certificate and after a public hearing may allow the original order or decision to stand or the Board of Adjustment may stay the original order or decision appealed. If the Board reaffirms the order or decision of the City of Lander, proceedings shall not be stayed except by a restraining order which may be granted by a court of record after giving due notice to the City of Lander.

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

**4-5-2. Board of Adjustment - Powers and Jurisdiction.** –  
Wyoming State Statute 15-1-608  
*Amended Ord 1234, March 10, 2020*

4-5-3. **Board of Adjustment – Variances** –  
*Repealed Ord 1234, March 10, 2020.*

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

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- (a) Appeals to the Board of Adjustment may be filed by any person aggrieved by any officer, department or agency of the City affected by any decision of the City of Lander. Such appeal shall be made in writing on forms provided by the City of Lander and shall be filed within 30 days from the date of the action appealed from.
  - (b) Decisions of the Board of Adjustment in regard to appeals from an order or decision of any agency or official or in regard to variances from the provisions of the zoning ordinance shall be reached only after a public hearing. The Board shall fix a reasonable time and place for the hearing and shall proceed in accordance with the following rules:
    - (i) Public notice shall be given of all hearings. Public notice shall consist of one publication of a notice by the City in a newspaper of general circulation at least 15 days prior to the hearing and a public notice mailed to the property owners within 400 feet of the premises. The newspaper notice shall identify the applicant, shall briefly state the nature of the appeal or the variance sought and shall give the date, time and place of the hearing. All hearings shall be open to the public.
    - (ii) At any public hearing, any interested party may appear in person or be represented by an agent or attorney and, after

being duly sworn, may offer evidence and testimony and cross examine witnesses.

- (iii) All witnesses shall be sworn or shall affirm their testimony in the manner required in courts of record.
  - (iv) All testimony and evidence shall be presented publicly.
- (v) The Board shall keep a record of the proceedings for each matter heard which shall be kept on file and copies made available to any party at cost. The record of proceedings may include documents and physical evidence considered in the case.
- (vi) The Board shall render a written decision on each case heard within 30 days of the hearing. Each decision must be accompanied by reasons therefore and based on findings of fact. The record shall show the grounds for each decision and the vote of each member upon each question. The record of proceedings shall be public record. In addition to this record of proceedings, the Board shall cause a description of each variance granted, to be filed with the title of the affected property. The description shall include the nature of the variance, any time limitations and any special conditions imposed by the Board.

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

- (a) Conditional uses are those that would not be appropriate in the designated area unless controlled as to number, area, and location, and include those set out in the Schedule of Zoning District provided by ordinance. Application for a conditional use permit shall be made to the Board of Adjustment and shall include any information the Board may require.
- (b) Public notice shall be given of all hearings. Public notice shall consist of one publication of a notice by the City in a newspaper of general circulation at least 15 days prior to the hearing and a public notice mailed to the property owners within 400 feet of the premises.
- (c) The conditional use permit shall be granted only if after the hearing, the Board finds that the use will be compatible with the character of the area and will not adversely affect the public interest.
- (d) The Board may subject conditional use permits to such conditions as it may deem necessary to preserve and protect the character of the area and the safety of the public. The subsequent violation of any condition shall be deemed a violation of this ordinance as well as grounds for revocation of the permit.
- (e) If the petition protesting the proposed use and signed by 40% or more of the property owners within 400 feet of the premises is presented to the Board before a decision is reached, then the permit

shall not be granted without the affirmative vote of three-fourths of all the Board members or the unanimous vote of those attending the hearing.

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

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

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

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

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

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



types:

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

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

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

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

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

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

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

this ordinance or to the District Zoning Map and after due deliberation, shall certify its findings and recommendations to the City Council in writing.

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

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

#### **4-9-1 Subdivision and Land Use Regulations of the City of Lander, Wyoming**

- (1) **PURPOSE** - These regulations have been promulgated and adopted with the following purposes in mind:
  - (a) To ensure orderly development in conformance with a duly adopted Master Plan.
  - (b) To protect the public health, safety and general welfare of present and future residents of the City of Lander, Wyoming.
  - (c) To establish standards and procedures for the protection of the common interests of the general public, the landowner and the developer.
  - (d) To protect the character and value of lands and buildings throughout the City of Lander and minimize conflicts among the uses of land and buildings.
  - (e) To provide for safe and adequate transportation systems, utilities, and other public facilities.
  - (f) To establish adequate and accurate records of land subdivision.
  - (g) To encourage the use of innovative land planning and urban design techniques.

## **4-9-2 APPLICATION AND EXEMPTIONS**

### **(1) Application: These regulations shall apply to:**

- (a) All of the lands within the boundaries of the City of Lander, Wyoming as they shall from time to time be amended.
- (b) Any proposed division of real property within the City limits of Lander must comply with Section 4-11-2 of the Lander City Codes with application and approval by the Planning Commission. No person shall subdivide any lot or tract of land without first applying for a subdivision, obtaining a recommendation from the Lander Planning Commission and approval of the City Council.
- (c) None of the provisions of these regulations shall be construed to require replatting in any case in which subdivision plats have been made and legally recorded pursuant to any regulations previously in force; and all plats heretofore filed for record and not subsequently vacated are hereby declared valid, notwithstanding the fact that the procedures or the manner and form of acknowledgement may have been different than those prescribed by these regulations. However, if any such subdivision has never been or has partially been improved with paved streets, curb, gutter, sidewalks and proper utility lines, no building permit will be issued for those lots within such subdivision or part thereof that does not have direct access to said improvements until those public improvements have been installed according to the adopted City of Lander Engineering Standards and Specifications Manual - Most Recent Edition. The financial responsibility for installing those improvements rests with the owner(s) of record of that/those lot(s). The owner(s) that must have those public improvements installed shall make application to the City for the establishment of a Public Improvement District as provided under Chapter 15, Title 6, Wyoming State Statutes (1977), as amended, with said District being of sufficient size to encompass the entire subdivision or a portion thereof as determined by the City Engineer/Public Works Director.

### **(2) Exemptions:**

- (a) These regulations shall not apply to:
  - i. The subdivision of land for and the sale of cemetery lots.
  - ii. The sale of land to the State of Wyoming, U.S. Government or any political subdivision thereof.
  - iii. A lot, tract, or parcel of land 35 acres or more in size.

### **(3) Subdivisions within one (1) mile of City Limits:**

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Language to be **deleted** is shown in ~~strikethrough~~

- (a) All Planned Subdivisions within one (1) mile of the City Limits shall be reviewed by the Planning Commission and Certified by the City Council. The Plat shall be reviewed to ensure it:
  - i. Conforms to any adopted street plan of the city, town or county.
  - ii. Contains all areas for streets, roads and alleys that are dedicated rights-of-way.
  - iii. Contains dedicated easements for all existing and proposed utilities; and
  - iv. Contains any additional criteria the governing body of the city or town and the board of county commissioners agree to through a jointly adopted plan or voluntary agreement.
- (b) When executed, acknowledged and approved as provided in this section, the plat shall be filed and recorded in the office of the clerk of the proper county.

#### **4-9-3 ADMINISTRATION AND ENFORCEMENT**

##### **(1) Administration**

- (a) These regulations shall be administered by the City of Lander City Hall Administration.
- (b) All plats submitted to the City Council of the City of Lander shall first have been examined by the City Engineer/Public Works and the Planning Commission in accordance with the procedures established by the City Council. As a part of their examination, the Staff and the Commission may consult with other public or private agencies to determine whether or not the plat as proposed will contribute to the orderly growth and development of the City. The City Hall Administration shall receive all materials required to be submitted by these regulations. Preliminary and final subdivision plats, supporting materials and any Department's recommendations thereon shall be reviewed and evaluated by the Planning Commission. After concluding its examination, the Planning Commission shall, in the case of Preliminary Plats, notify the developer of its decision in writing, and in the case of Final Plats communicate its findings and recommendations to the City Council in writing. The actions of the City Administration, the Commission and the Council shall be governed by the procedures and schedules hereinafter set forth.
- (c) The City shall not extend utilities and services and shall not approve any proposed subdivision of land which by itself or as a part of a larger tract, is contiguous to or completely surrounded by the boundaries of the City unless the Preliminary Plat submitted to the Planning Commission is accompanied by a

properly acknowledged petition for annexation to the City and a separate application for proper zoning.

- (d) The City Administration shall review both the annexation petition and the Preliminary Plat for accuracy and completeness and shall process the plats as if the land were already a part of the City. The required plats and the annexation petition may be considered by the City simultaneously; however, final action by the City Council on the annexation petition and zoning shall precede or be taken concurrently with final action on the Final Plat.

## **(2) Appeals**

- (a) Any developer or landowner aggrieved by the action of the Planning Commission or the administrative staff of the City of Lander in their administration of these regulations, may request a hearing before the City Council. The request shall be in writing, shall be submitted to the City Administration within thirty (30) days of the receipt of such a request, the City Council shall hold a hearing to determine the proper disposition of the matter. At the hearing, the Council shall consider not only the developer's/landowner's appeal, but also the written or verbal comments of the Commission, agency or person appealed from. The Council shall either reaffirm or modify the decision of the Commission, agency or person and note the decision in the record of its hearing. The developer or landowner may then proceed with the subdivision of the land based upon this decision of the Council. This decision shall be binding upon all agencies and administrative personnel of the City of Lander.

## **(3) Variances**

- (a) WY Statute 15-1-608

## **(4) Vacations**

- (a) Any plat may be vacated by the owners or proprietors thereof at any time before sale of any lots, or before the City has made substantial improvements in the subdivision, by submitting a copy of the plat to the Planning Commission along with a written request for the vacation. In cases where lots have been sold, the written request shall be by all of the owners of lots within the plat. The Planning Commission shall make a recommendation on the vacation to the City Council and the Council shall approve or disapprove the vacation. The recording of an instrument vacating the plat shall operate to destroy the force and effect of the recording of the original plat and to divest all public rights in the streets, alleys, common and public grounds laid out or described in such a plat.
- (b) Streets and alleys platted and laid out under the provisions of these regulations or laid out under any prior law of the State of Wyoming regulating private plats may

be altered or vacated in the manner provided by law for the alteration or discontinuance of highways.

- (c) Any part of a plat may be vacated under the provisions, and subject to the conditions of Vacations of these regulations, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in said plat and provided, further, that nothing contained in this section shall authorize the closing or obstruction of any public highways laid out according to law. The request for vacation shall be made by all of the owners of lots within that portion of the overall plat sought to be vacated.
- (d) When any part of a plat shall be vacated as aforesaid, streets, alleys and other public grounds shall be assigned to all lots or parcels adjacent to the public area being vacated in equal proportions.
- (e) The County Clerk shall write in plain, legible letters across that part of said plat so vacated, the word "vacated" and also make a reference on the same to the volume and page in which the said instrument of vacation is recorded.
- (f) Land covered by a vacated plat may be replatted as described by these regulations. Any later replatting of an area already platted and not vacated shall be construed to be a request for the vacation of the original plat or portion thereof. Any such plat, once approved and recorded, shall act to vacate the original plat which it replaces.

#### **(5) Administrative Liability**

- (a) The City shall hold harmless the other city agencies and officials and their official agents and representatives, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by these regulations, or for the omission of any act on the part of the Commission, agency or official or their authorized agents in the discharge of their duties hereunder. Any suit brought against the City or the City Administration because of any such act or omission in the carrying out of the provisions of these regulations shall be defended by the City's legal department through final determination of such proceedings.

### **4-9-4 PROCEDURES AND REQUIREMENTS FOR PLATTING -**

#### **4-9-4.1 Pre-Application**

- (1) Prior to the submission of a Preliminary Plat as required by these regulations, the developer shall contact the City Administration, the City Engineer/Public Works

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Language to be **deleted** is shown in ~~strikethrough~~

Director and any other administrative personnel or public or private agencies to determine:

- (a) Procedures and requirements for filing the preliminary and final plats.
  - (b) Availability of public water and sewer and requirements when public systems are not readily available.
  - (c) Zoning requirements on the property.
  - (d) Transportation Plan, land use, schools, parks and other public open space as directed in the most recently adopted Master Plan.
  - (e) The location and extent of any floodplains as shown by maps located at: FEMA's National Flood Hazard Layer or the City Building Department.
  - (f) Soil types and problems on the property as shown on available soil survey maps prepared by the Natural Resources Conservation Service or a professional engineer.
- (2) As part of this contract, the developer may discuss with the City Administration or any other appropriate agency his tentative proposals for the development of the property.
  - (3) The developer may request that the Planning Commission review and comment on a draft plat prior to his preparation of a Preliminary Plat. The Planning Commission shall make such a review and make their comments known to the developer in writing within five (5) business days from the date of the review.
  - (4) The purpose of this pre-application procedure is to determine any problems with the proposed development before expenses are incurred in the preparation of a Preliminary plat. No official action is required of the City Administration or other agencies other than to offer appropriate comments on the proposal.

#### **4-9-4.2 Preliminary Plat**

- (1) Preliminary Plats shall be submitted in an acceptable electronic format as designated by the City Administration. The Preliminary Plat shall consist of a drawing or drawings and accompanying material and information prescribed by these regulations.
- (2) The Preliminary Plat drawing(s) shall be prepared at a scale of 1" =100' or larger for subdivisions where the majority of lots are less than five (5) acres in size. The scale may be reduced to 1" =200' for subdivisions in which the minimum lot

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size is five (5) acres or more. The face of the drawing shall contain the following information:

- (a) The name of the subdivision shall not duplicate or too closely resemble the name of any subdivision previously filed in the County.
- (b) Date of preparation, scale and north arrow. -
- (c) A vicinity map drawn at a scale of 1" = 1,000' or 1" = 2,000' showing the location of the proposed subdivision in the City and its relationship to surrounding development.
- (d) The names address and phone numbers of the developer or developer, and the individual or firm responsible for the preparation of the Preliminary Plat.
- (e) A legal description of the subdivision boundary.
- (f) The boundary lines of the subdivision in a heavy, solid line and referenced to section or quarter section lines.
- (g) A description of all monuments, both found and set, which mark the boundary of the subdivision, and a description of all control monuments used in the survey.
- (h) Existing contours at a suitable interval may be required by the City Engineer.
- (i) General location and extent of any significant natural features such as wooded areas, streams, drainageways, or lakes.
- (j) Floodplains of designated streams as delineated on maps available through FEMA's National Flood Hazard Layer or on file with the Building Department.
- (k) Location, dimensions, and names of existing roads, streets, alleys, rights-of-ways and structures within and within twenty (20) feet immediately adjacent showing how they relate to the proposed subdivision layout.
- (l) Location, size, and grades of existing sewers, water mains, gas lines, pipelines or other underground utilities or installations within the proposed subdivision or immediately adjacent thereto.



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- (m) Location and dimensions of all easements of record.
  - (n) Existing zoning and land use of proposed subdivision and immediately adjacent areas.
  - (o) Location and width of proposed streets, alleys, pedestrian ways and easements.
  - (p) Layout, numbers and approximate dimensions of proposed lots and blocks.
  - (q) Location, dimension and size in acres of all sites proposed to be used for commercial, industrial, multi-family residential, public or quasi-public use with the use noted.
  - (r) A summary of the total number of acres, number of lots, acreage of commercial or industrial areas, acreage of open space, amount of land in rights-of-way and other descriptive material useful in reviewing the proposed subdivision.
- (3) The following information and material shall be a part of any Preliminary Plat submittal and shall accompany the Preliminary Plat drawing:
- (a) Payment of the total amount of the Preliminary Plat fee.
  - (b) A statement explaining how and when the developer proposes to install water, sewer, paving, sidewalks, drainageways, and other required improvements.
  - (c) A statement describing the development and maintenance responsibility for any private streets, ways or open spaces.
  - (d) The recommendation of a qualified professional engineer or the affected Natural Resource Conservation District regarding soil suitability, including corrosion hazard, erosion control, sedimentation and flooding problems.
  - (e) A description of the phasing and scheduling of phases for the development if the Final Plat is to be submitted in separate phases.
  - (f) A petition for annexation to the City of Lander if the land to be subdivided is contiguous to and, either by itself or as part of a larger tract, is completely surrounded by the boundaries of the city.

- (g) An application for appropriate City zoning for the subdivided area if the area is to be annexed or if the existing zoning district does not allow the type of use proposed.
  - (h) The names and addresses of all owners of subdivided lots and un-platted land contiguous and immediately adjacent to the boundary of the proposed subdivision will be provided by the developer.
  - (i) A subdivision application on the standard forms provided.
  - (j) A completed Preliminary Plat checklist on the standard forms provided.
  - (k) Information as to appurtenant water rights, including but not limited to quantity, source and applicable documents.
- (4) After receipt of the Preliminary Plat and all required supporting material, City Administration/Staff shall schedule the Plat for consideration at the next regular business meeting of the Planning Commission.
- (a) The following is the full explanation of the process:
    - i. After receipt of the Preliminary Plat and all required supporting material, City Administration/Staff shall schedule the plat for consideration at the next regular business meeting of the Planning Commission which shall be at least within AT LEAST twenty-one (21) days from the date on which the Plat was submitted, and shall, within three (3) days transmit copies to appropriate agencies and officials for their review and comment.
    - ii. At a minimum, copies of the plat shall be referred to:
      - The City Engineer/Public Works Director
      - The City Building Inspector
      - Any utility or special district
      - City Parks and Recreation Commission
      - The City Fire Department
- (5) Agencies receiving referral copies of the Preliminary Plat should return written comments on the Plat to the City Administration within fourteen (14) days after receipt of the Plat. Agencies may also present comments on the Plat at the Planning Commission meeting at which the Plat is considered.

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- (6) Upon receipt of all agency comments, or at the end of the fourteen (14) day period, the City Administration will summarize the agency comments, add written comments and recommendations from the City Administration itself, and present the material and recommendations to the Planning Commission for its consideration.
- (7) At least seven (7) days prior to the date of the Planning Commission meeting at which the Plat is to be considered, the City Administration shall, from information provided by the developer as a part of his Preliminary Plat submittal, notify the owners of subdivided lots and owners of un-platted land contiguous and immediately adjacent to the boundaries of the proposed subdivision of the time and date of the meeting.
- (8) The developer and all other interested or affected parties shall be allowed to offer comments on the Preliminary Plat at the Planning Commission meeting. After due deliberation, the Planning Commission shall either approve or disapprove the Preliminary Plat and so notify the developer in writing within ten (10) business days after the date of the meeting at which final action was taken. The Planning Commission may attach conditions to its approval. If the Plat is disapproved, the Planning Commission shall specify conditions under which the Plat may gain approval.
- (9) If the developer contends that conditions of approval attached by the Planning Commission are of such a nature as to make development of his land impractical or if the developer contends that disapproval of his Preliminary Plat by the Planning Commission was a wrongful decision, he may, in writing, request a hearing before the City Council and proceed according to the provisions of 4-9-3.2 of these regulations.
- (10) Approval of the Preliminary Plat either by the Planning Commission, or upon appeal, by the City Council shall be effective for twelve (12) consecutive calendar months from the date of approval. The developer may apply in writing for and the Planning Commission may, for cause shown, grant a six (6) month extension to the twelve-month period. If a Final Plat has not been submitted within this specified period on all or a portion of the land area included in the Preliminary Plat, a Preliminary Plat must be again submitted for approval. In a phased development, any land area for which a Preliminary Plat has been approved and for which a Final Plat has not been submitted within thirty-six (36) months from the date of the approval of the Preliminary Plat, shall not be allowed to proceed with final platting until a new Preliminary Plat is submitted and approved.

#### **4-9-4.3 Final Plat**

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- (1) After approval of the Preliminary Plat, the Final Plat may be prepared and submitted. The Final Plat shall be prepared and certified as to its accuracy by a registered land surveyor licensed to do such work in the State of Wyoming. The Final Plat and required supporting material shall conform to the City of Lander Standards and Specifications.
- (2) Final platting may be accomplished in stages covering reasonable portions of the area of an approved Preliminary Plat. When this is done, each sheet of the Final Plat shall contain a vicinity map showing the location of the portion being submitted in relationship to the area for which the Preliminary Plat was submitted. All Final Plats so submitted shall be of the same scale; shall have identical titles, legends and other information; and shall have match lines so that mosaics of the entire subdivision can be developed. Each stage of the subdivision shall be as nearly self-sustaining and complete as possible, and shall by itself, or in conjunction with previous stages, meet the design standards set forth in these regulations so that if development of the entire subdivision is interrupted or discontinued after one or more stages is completed, a viable development will result. Plats of a phased subdivision may be submitted together for concurrent review by the Planning Commission. If submitted for concurrent review, the plats shall be assessed a single Final Plat fee and shall require a single set of supporting documentation covering all phases.
- (3) The Final Plat shall be clearly and legibly drawn in black, waterproof India ink on tracing linen, mylar or some similar stable base material. Required affidavits, certificates and acknowledgements shall be legibly printed on the Plat in opaque ink. The sheet size of all Final Plats shall be 24" high by 36" wide. Information on the Plat shall be so positioned that a 1-1/2" margin remains on the left side of the sheet and a 1/2" margin is left on the three remaining sides. The scale of the Final Plat shall be 1"=100' or larger. The scale may be reduced to 1"=200' for subdivisions in which the minimum lot size is (5) acres or more. Each sheet of the Final Plat shall be numbered and the total number of sheets comprising the plat shall be stated on each sheet (for example: Sheet 2 of 4). The relationship of one sheet to the other shall be shown by key maps and by match lines.
- (4) An electronic copy of all required supporting material shall be submitted to the City Administration at least fourteen (14) days prior to the Planning Commission meeting at which the Final Plat is to be considered.
- (5) The submitted Final Plat shall contain the notarized signatures of the owner or owners, or others with an equitable interest in the land, and the signature of the registered land surveyor.
- (6) All final plats shall include the following information on the face of the plat.
  - (a) The name of the subdivision at the top center of each sheet.

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- (b) General location of the subdivision by section, township, range, county, and state, entered under the name of the subdivision.
- (c) North arrow, date and scale.
- (d) Boundary lines of the subdivision in a heavy solid line.
- (e) Legal description of the subdivision boundary based on an accurate traverse, giving angles and linear dimensions that result in a maximum allowable error of closure of one part in 10,000.
- (f) The location and description of the point of beginning and its proper reference to the monumented boundary survey.
- (g) Location and description of all monuments.
- (h) Bearings, distances, and curve data of all perimeter boundary lines indicated outside of the boundary lines.
- (i) On curved boundaries and on all curves within the Plat, sufficient data to allow the reestablishment of the curves within the Plat, sufficient data to allow the reestablishment of the curves on the ground.
- (j) The location and layout of lots, blocks, tracts, streets, alleys, easements and other public grounds within and immediately adjoining the Plat, with accurate dimensions in feet and one-hundredths of feet, interior angles, length of radii and/or arcs of all curves.
- (k) Drainage easements clearly labeled as such.
- (l) The names of all streets.
- (m) All lots and blocks logically and consecutively numbered in the center of the lot or block.
- (n) All dimensions shown on irregularly shaped lots.
- (o) Parcels completely or partially surrounded by the area being subdivided shall be clearly marked "EXCEPTED", and the common boundary with the subdivision shown in a heavy solid line with bearings and distances.
- (p) A notation of the total acreage of the subdivision and the total number of lots.

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- (q) The boundary of any floodplain shall be shown on the plat.
- (r) A notarized certificate by all parties having any titled interest in or upon the land, consenting to the recording of the Plat and dedicating public ways, grounds, and easements.

**The certificate shall read:**

Know all men by these present that the undersigned (Official name of the developer), being the owner, proprietor, or parties of interest in the land shown on this plat, do hereby certify:

That the foregoing plat designated as (Name of subdivision or addition), is located in (Section, Township, Range, City, County, State), and is more particularly described as follows: (Insert full legal description) and contains an area of \_\_\_\_\_ acres, more or less, and

That this subdivision, as it is described and as it appears on this plat, is made with the free consent and in accordance with the desires of the undersigned owner(s) and proprietor(s), and that this is a correct plat of the area as it is divided into lots, blocks, streets and easements, and

That the undersigned owner(s) of the land shown and described on this plat does (do) hereby dedicate to the City of Lander, and its licensees for perpetual public use all streets, alleys, easements and other public lands within the boundary lines of the plat as indicated and not already otherwise dedicated for public use.

Utility easements as designated on this plat are hereby dedicated to the City of Lander and its licensees for perpetual public use for the purpose of installing, repairing, re-installing, replacing and maintaining sewers, waterlines, gas lines, electric lines, telephone lines, cable television lines and other forms and types of public utilities now or hereafter generally utilized by the public.

**On plats containing drainage easements add:**

Drainage easements as designated on this plat are hereby dedicated to the City of Lander and its licensees for public use to accommodate the flow or storage of storm waters and shall be kept free of all structures or other impediments.

**Individuals, where applicable, should add:**

All rights under and by virtue of the homestead exemption laws of the State of Wyoming is hereby waived and released.

Executed this \_\_\_\_ day of \_\_\_\_\_ A.D., 2\_\_\_\_,

by: \_\_

(Designation of interest: owner, mortgagee, etc.)

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STATE OF WYOMING            )  
) ss.  
FREMONT COUNTY            )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_. A.D., 2\_\_\_\_\_ by \_\_\_\_\_ as a free and voluntary act and deed.

Witness my hand and official seal.

My commission expires \_\_\_\_\_.

\_\_\_\_\_ Notary Public

**Certificate of a registered land surveyor as follows:**

I, \_\_\_\_\_ do hereby certify that I am a registered land surveyor licensed under the laws of the State of Wyoming, that this plat is a true, correct, and complete plat of (Subdivision Name) as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements and streets of said subdivision as the same are staked upon the ground in compliance with City of Lander regulations governing the subdivision of land.

Registered Land Surveyor

**Certificate of review of the City Engineer/Public Works Director as follows:**

Data on this plat reviewed this \_\_\_ day of \_\_\_\_\_, 2\_, by the City Engineer/Public Works Director of Lander, Wyoming.

City Engineer/Public Works Director

**Certificate of approval by the City of Lander Planning Commission as follows:**

This plat approved by the City of Lander Planning Commission this \_\_\_ day of \_\_\_\_\_ A.D., 2\_\_\_\_\_.

Chairman

Secretary

**Certificate of acceptance and approval by the City Council of the City of Lander as follows:**

Approved by the City Council of the City of Lander, Wyoming this \_\_\_ day of \_\_\_\_\_ A.D., 2\_\_\_  
\_\_\_\_\_.

Mayor

City Clerk

**Certificate for recording by the County Clerk and Recorder as follows:**

This plat was filed for record in the Office of the Clerk and Recorder at \_\_\_ o'clock \_\_.m., \_\_\_\_\_  
\_\_\_\_\_.

2\_\_\_, and is duly recorded in Plat Cabinet \_\_\_\_\_, Page no. \_\_\_\_\_ Document.

\_\_\_\_\_  
County Clerk and Recorder/Deputy Clerk

- (7) The Final Plat shall be accompanied by the total amount of the Final Plat fee.
- (8) After receipt of the Final Plat, the City Administration shall review the submittal for completeness and for conformance with the approved Preliminary Plat. The City Administration may refer copies of the Final Plat to and seek comment from other officials and agencies. Any such comments should be made known to the City Administration within fourteen (14) days after the date of submittal of the Final Plat.
- (9) The Final Plat shall be scheduled for consideration of the Planning Commission at its next regular meeting after the minimum fourteen (14) day review period. After due deliberation, the Planning Commission shall approve, conditionally approve or disapprove the Final Plat. Approval of a Final Plat by the Planning Commission shall remain effective for twelve (12) calendar months.
- (10) The developer shall be notified of the action of the Planning Commission. If the Plat is disapproved, the developer may request a hearing before the Board of Adjustment, according to the provisions of 4-9-3.2 if these regulations.
- (11) A complete Final Plat submittal shall consist of the Final Plat and all required supporting materials. Prior to, or upon receiving notification of approval of the Final Plat by the Planning Commission, the developer shall submit the following supporting material relating to the Final Plat to the City Administration:

- (a) A Final Plat checklist on standard forms provided.



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- (b) Drawings and specifications as prescribed by the City Engineer/Public Works Director, showing over lot grading and the size, location and type of water, sewer and drainage lines and facilities.
- (c) A State of Wyoming Department of Environmental Quality permit for utilities where required.
- (d) Profiles, cross sections, plans and specifications of roads, streets and bridges as required by the City Engineer/Public Works Director.
- (e) If access to the subdivision or any part thereof must be gained across property outside of the subdivision, a certified copy of an appropriate recorded instrument granting the right of public access shall be submitted.
- (f) When applicable, a warranty deed conveying to the City of Lander or other appropriate public agency any public lands other than streets, alleys or easements shown on the Final Plat, and title insurance on the subject parcel.
- (g) Payment of any fees in lieu of public land dedication, or any initial payment and payment schedule keyed to subdivision development.
- (h) Evidence satisfactory to the City Council that the subdivided land is free of all encumbrances and that the person who offers any part of the subdivision for sale or who solicits any offers for the purchase thereof, directly or through agents, may convey merchantable title, subject only to noted reservations or restrictions of record but free of encumbrances and subject only to a proportionate share of real property taxes or assessments charged or assessed for the year in which any such sale may be legally effected; or that binding arrangements have been made by the person who offers any part of the subdivision for sale, directly or through an agent, to assure purchasers of any part of the subdivision that upon full payment of the purchase price a warranty deed can and will be delivered conveying merchantable title subject only to a proportionate share of such taxes and assessments thereon as may be levied or assessed for the year in which such sale may be legally effected.
- (i) The developer will provide a “Subdivision Guarantee” that is obtained through a valid Title Insurance Company and which verifies the names on the dedication of the plat. This guarantee will state ownership and encumbrances of the land that is to be subdivided.
- (j) If the developer proposes to utilize adjoining property for any right-of-way or easement, the developer shall provide copies of binding and

recorded rights-of-way and easements from each property owner over whose land such services shall extend with all rights-of-way and easements having a width of not less than twenty (20) feet.

- (k) The original of a brief disclosure statement to be placed on file with the County Clerk pointing out any hazards or problems associated with all or any part of the subdivision. The disclosure statement will note difficult soil conditions, high water tables, excessive slopes or other conditions which might have an adverse impact on the uses intended for the subdivided land. The words in capital letters "DISCLOSURE STATEMENT ON HAZARDS OR PROBLEMS ASSOCIATED WITH THIS SUBDIVISION ON FILE WITH THE COUNTY CLERK" shall appear on all offers, solicitations, contracts, agreements, and plats relating to the subdivision. Neither the City, nor its employees, agents, commissions, or consultants shall in any way guarantee the reliability of the information contained in the statement but shall make copies available to interested parties upon request.
  - (l) A performance and payment bond, an irrevocable letter of credit, funds in escrow or other appropriate commitment to guarantee the complete and timely development of any facilities or improvements which is the developer responsibility. The commitment shall be for one hundred twenty-five (125) percent of the cost of improvements as estimated by the developer licensed professional engineer and approved by the City Engineer/Public Works Director.
- (12) Upon receipt of all required supporting materials to the Final Plat, City Administration shall review them for completeness to determine whether a complete Final Plat submittal has been made and shall refer material to appropriate agencies for review and comment. Upon being notified of the comments and any necessary approvals of reviewing agencies, the City Administration shall forward the Final Plat, comments, and approvals of reviewing agencies, pertinent supporting materials and the recommendations of the Planning Commission to the City Council. Incomplete Final Plats or Final Plats for which necessary approvals have not been secured shall not be forwarded to Council for action.
- (13) Within a reasonable time after receiving the recommendations of the Planning Commission along with the Final Plat and accompanying materials, the City Council shall either approve the Final Plat, or disapprove the Final Plat and notify the developer of the conditions to be met to gain approval. If a disapproved Final Plat is modified and resubmitted to the City Council at a later date for their consideration, the Council may require the concurrent submittal of an updated ownership and encumbrance report or title opinion.

- (14) Upon approval by the City Council of the Final Plat, the developer shall be notified to submit payment for the recording fee to the City Administration who shall transmit the developer recording fee and the fully approved and executed Final Plat to the County Clerk and Recorder for the filing of the Final Plat among the official records of the County.
- (15) As an alternate procedure and at the request of the developer, the City Council may approve a Final Plat and instruct the City Administration to withhold the approved Final Plat from recording for a period of time to allow the developer to install all of the required public improvements according to the plans and specifications approved by the City Engineer/Public Works Director. This procedure, when approved by the Council, shall be in lieu of the guarantees for installation of improvements as set forth in 4-9-4.3 (11)(i) of these regulations. An executed standard contract as approved by the City Attorney regarding installation of improvements shall still be submitted with the Final Plat. The contract shall require that all improvements be completed no later than twenty-four (24) months from the date the Final Plat was approved by the City Council. If required by the City Engineer/Public Works Director, the developer shall also submit with the Final Plat a signed and acknowledged instrument in recordable form dedicating to the City those easements shown on the plat which may be needed in advance of the plat being recorded. The developer shall also agree to cooperate with the City Engineer/Public Works Director in the necessary inspections of the construction of subdivision improvements. When the completed improvements are inspected and approved by the City Engineer/Public Works Director and, if proposed for City maintenance, accepted by the City, the plat shall be recorded and the sale of lots may proceed according to the approved and recorded plat. The City Council may repeal the approval of the plat should the developer fail to meet the terms of the contract.
- (16) Building permits shall not be issued until all public improvements have been installed, approved by the City Engineer/Public Works Director and accepted by the City Council. However, the developer may appeal to the City Council to allow the issuance of building permits only if the developer can demonstrate that he is proceeding in good faith and has, at a minimum, installed sewer and water lines as well as has a suitable temporary street surface as determined by the City Engineer/Public Works Director. Certificates of occupancy shall not be issued until all public improvements have been installed, approved by the City Engineer/Public Works Director and accepted by the City Council.

#### **4-9-5 Minor Plats**

- (1) For subdivisions consisting of five lots or less, where street dedications are not required, and/or on the determination of the City Administration, the developer may proceed directly to the preparation of the Final Plat. The City Administration shall designate those information requirements from the

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preliminary and final plat processes that will be necessary for the Planning Commission to adequately evaluate the subdivision.

#### **4-9-6 Corrected Plats, Replats and Re-subdivisions**

(1) Corrected Plats

(a) If, after the approval and recording of a Final Plat, errors are found in the language or numbers on the recorded Plat, the developer shall file a properly signed, corrected or revised original mylar or linen with the City Administration. The Plat shall be noted CORRECTED PLAT under the name of the subdivision. Notations shall be made on the face of the Plat listing all corrections made and the book and page numbers where the original plat was recorded. The City Administration shall review the Plat for correction, secure the signatures of the proper public officials on the corrected plat and present the plat to the City Council for the reaffirmation of their approval and to the County Clerk for recording. The recording of the corrected plat shall void the incorrect original plat and the County Clerk shall note VOID across the face of the incorrect plat.

(2) Replats

(a) If, after the approval and recording of a Final Plat, a developer wishes to modify the location of lot lines on a part or all of the recorded plat, and if there is no change in the location or size of the dedicated streets, the developer shall submit a new Final Plat drawing the revised lot arrangement. The City Administration shall determine which of the required supporting documents shall be resubmitted with the revised Final Plat. The plat shall be marked under the name of the subdivision, REPLAT and shall be processed as a Final Plat.

(3) Re-Subdivision

(a) If, after the approval and recording of a Final Plat, a developer wishes to change the street layout, add lots, or add un-platted land to a part or all of the platted area, the resulting subdivision shall be treated as a new submittal with both a Preliminary Plat and a Final Plat required. Based on the currency of the information submitted with the original plat, the City Administration shall determine which of the required supporting documents must be resubmitted. The subdivision shall be identified as the existing name of the Subdivision, RESUBDIVISION.

#### **4-9-7 Planned Unit Development (PUD)**

#### **4-9-7.1 Intent**

- (1) This chapter for planned unit developments (PUD) is intended to provide for the growing demand for housing of all types and designs and for necessary supportive commercial facilities conveniently located to such housing, to create functional and attractive development, to minimize adverse impacts, and to ensure that projects will be assets to the community. It is the purpose of this chapter:
  - (a) To promote and permit flexibility that will encourage innovative and imaginative approaches in land development and renewal which will result in a more efficient, aesthetic, desirable and economic use of land while maintaining density and intensity of use consistent with the applicable adopted plans, regulations and policies of the city.
  - (b) To promote development within the city that can be conveniently, efficiently and economically served by existing municipal utilities and services or by their logical extension.
  - (c) To promote design flexibility including placement of buildings, use of open space, pedestrian and vehicular circulation systems to and through the site and off-street parking areas in a manner that will best utilize potential on-site characteristics such as, topography, geology, geography, size and proximity;
  - (d) To provide for the preservation of historic or natural features where they are shown to be in the public interest, including but not limited to such features as: drainage ways, flood plains, existing topography or rock outcroppings, unique areas of vegetation, historic landmarks or structures;
  - (e) To provide for compatibility with the area surrounding the project site.
  - (f) To provide for usable and suitably located open space such as, but not limited to, bicycle paths, playground areas, park-yards, tennis parks, swimming pools, planned gardens, outdoor seating areas, outdoor picnic areas, and similar open space;
  - (g) To minimize adverse environmental impacts of development.
  - (h) To improve the design, quality and character of new development.

#### **4-9-7.1 General**

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(1) A planned unit development shall be consistent with the statement of purpose for planned unit development and the following criteria:

(a) Density

- i. The maximum gross density of the PUD is based on the zone in which it is located. Actual density shall be computed by dividing the total number of dwelling units of the Planned Unit Development by the total acres of the development. The density for portions of the PUD may exceed the maximum gross density for the underlying zone as long as the maximum gross density for the entire PUD does not exceed the maximum gross density allowed in that zone, as described in ii below. The net density of the particular phase of the PUD shall be the number of dwelling units divided by the acreage of the phase. The total acreage shall be that area contained in the planned development application and include all proposed streets, common area, public parks and dwelling sites and similar areas within the proposed development. When such computation ends with more than 0.5 of a dwelling unit, the maximum density will be increased to the next whole number.
- ii. The maximum density shall be based on the applicable zoning designation as follows:

<b>Zone</b>	<b>Maximum Density</b>	<b>Zone</b>
R-1	4 residential units per gross acre.	R-1
R-2	10 residential units per gross acre.	R-2
R-3	18 residential units per gross acre.	R-3
R-5	44 residential units per gross acre.	R-5

- iii. For PUDs in the General Commercial District, the maximum density allowed would be the same as the R-3 zone: eighteen residential units per acre.

(b) Density bonuses may be awarded as set forth in 4-9-7.10.

(c) Ownership.

- i. Each application shall be signed by the owners of all the property to be included in the planned unit development. At the time of filing any final development plan under this chapter, the owner shall file a recordable agreement between the owner and the city in the office of the county clerk providing for a mandatory homeowners' association when ownership of the property is divided. When used in this chapter, the term "developer" means the same as "owner."

(d) Common Areas.

- i. Before final plan approval, the developers shall specify the manner of holding title to common areas or facilities of joint use.
- ii. Such areas and facilities shall be retained in title by the developers of the planned unit development or deeded to an organization composed of all owners in the development.
- iii. The method used by the developers is subject to approval by the city attorney.

(e) Standards.

- i. Planned unit developments shall meet the use and development standards in 4-9-7.11 and all use and development standards and requirements in this code. Where the standards and requirements of this chapter conflict with the requirements of other earlier enacted sections of this code, the provisions of this chapter shall apply.

(f) Permitted Uses.

- i. Except as otherwise permitted or restricted, all uses permitted in the R-1, R-2, R-3 and R-5 districts are permitted in a PUD provided that any commercial uses proposed for the PUD must meet the satisfaction of the City Administration and that such uses, if any, shall not change, injure, or destroy, temporarily or permanently, the predominantly residential character of the PUD.

#### **4-9-7.2 Procedures**

- (1) Conceptual development plan.
  - (a) The developer may request an informal review of a conceptual plan for a development by representatives of the City Administration, public works department, water/wastewater department, fire department and building division.
  - (b) Developers seeking a conceptual plan review shall submit the items required in 4-9-7.7 no less than fourteen (14) days before the developer wishes to have a conceptual plan meeting.
  - (c) Neither the developer nor the city is bound by any conceptual plan review.
- (2) The Preliminary Development Plan.
  - (a) Not less than fifteen (15) business days before the regular Planning Commission meeting at which the developer wants a Preliminary development plan to be considered, the developer shall file a Preliminary development plan with the city clerk's office. The Preliminary Development Plan shall be considered as filed with the Planning Commission on the date of the Planning Commission meeting at which it is presented.
  - (b) Before the Planning Commission makes a recommendation on a Preliminary Development Plan, it shall hold a public hearing giving the same notice as required for a Preliminary Plat as defined in the City of Lander Subdivision Rules and Regulations.
  - (c) After the hearing on the Preliminary Development Plan, the Planning Commission shall either recommend to the city council (1) preliminary approval of the plan as submitted; (2) preliminary approval subject to specified conditions not included in the plan submitted, or (3) denial of preliminary approval. At the developer's request, action may be postponed.
  - (d) Before taking action, the City Council shall hold a public hearing on the Preliminary Plan. The city council shall cause notice of such hearing to be given at least fifteen days in advance of the hearing in a newspaper of general circulation in the city. The owner of the property for which the PUD is sought, and all owners of property located within 140 feet of the subject property, excluding streets and alleys, shall be sent a notice of the



public hearing by first class mail using either the street address or the address of record in the office of the county assessor.

- (e) Following the public hearing, the city council shall act on the recommendation of the Planning Commission concerning the Preliminary Development Plan within thirty days after the plan is formally presented to the council. The city council shall determine whether the Preliminary Development Plan shall be approved, approved with conditions or disapproved and shall cause notice of its decision to be given to the developer. At the developer's request, action may be postponed.
- (f) If a Final Plan has not been recorded, as provided by 4-9-7.5, five years after the date of approval of the Preliminary Plan and plat by the City Council, or from the recording date of the last Final Plan, whichever is later, the Preliminary Plan and Plat shall become null and void and of no further force and effect.

#### **4-9-7.3 Status of Preliminary plan after approval**

- (1) An approved Preliminary Plan shall operate as a Plat of the Planned Unit Development for recording purposes.
- (2) A plan which City Council has given Preliminary approval as submitted, or which has been preliminarily approved with conditions (and provided that the developer has not defaulted nor violated any of the conditions of Preliminary approval) shall not be modified or revoked nor otherwise impaired by action of the City Council pending an application or applications for final approval, without the consent of the developer; provided that an application for final approval is filed, or in the case of phased development, provided that applications are filed within the time or times specified in the granting of Preliminary approval.
- (3) If a developer chooses to abandon a plan that has been given Preliminary approval he or she may do so before final approval by a signed notice delivered to the City Clerk's office in writing.
- (4) If the developer fails to file an application or applications for final approval within the required time period, the approval shall be deemed to be revoked, and the Preliminary development plan shall be null and void.
- (5) Substantial or significant changes in the planned unit development as determined by the Planning Commission shall be made only after rehearing and re-approval of the Preliminary plan.

#### **4-9-7.4 Filing of statement**

- (1) Within fifteen business days after approval of a preliminary development plan by the city council, the developer City Administration shall file in the office of the County Clerk the properly executed and signed documents. A statement that such a plan has been filed with the Planning Commission and has been approved and that such planned unit development is applicable to certain specified legally described land and that copies of the plan are on file with the City Clerk. Such statement filed in the office of the County Clerk shall specify the nature of the plan, the proposed density or intensity of land use and other pertinent information sufficient to notify any prospective purchasers or users of the land of the existence of such a plan. The recorded statement shall specify that the Preliminary development plan shall become binding upon all successors and assigns unless amended in conformance with this ordinance. The recorded statement shall also state that substantial or significant changes in the planned unit development shall be made only after rehearing and re-approval of the Preliminary plan. The developer shall be responsible for all costs incurred in filing the statement.
- (2) Before filing an application for final approval, the developer shall provide the City Clerk with a copy of such recorded statement.

#### **4-9-7.5 The final development plan**

- (1) At the risk of the developer, the Preliminary and final development plans may be filed concurrently for review.
- (2) After receiving notice of the action of the City Council approving the Preliminary development plan, if a developer desires to proceed, he or she shall file the final development plan with the City Administration not less than 21 business days before the regular Planning Commission meeting at which the developer wants a final development plan to be considered. The final development plan shall be considered officially filed with the Planning Commission on the date of the Planning Commission meeting at which such plan is presented.
- (3) A public hearing on the application for final approval of the plan or part thereof shall not be required provided that the plan or part thereof submitted for final approval is in substantial compliance with the plan given Preliminary approval as determined by the City Administration. The burden shall be upon the developer to show the Planning Commission good cause for any variation between the plan as preliminarily approved and the plan as submitted for final approval.

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- (4) The Planning Commission shall act on the final development plan within thirty days after official filing, unless the time is extended by agreement with the developer.
- (5) The Planning Commission shall recommend to the City Council whether the final development plan be approved, approved with conditions or disapproved. If recommended for approval, the chairman of the Planning Commission shall affix his or her signature to the plan. If disapproved, the Planning Commission shall cause the reason for the refusal to be given to the developer in writing within 30 business days of the decision.
- (6) The City Council shall act on the recommendation of the Planning Commission concerning the final development plan within thirty days after the Planning Commission recommendation is formally presented to the city council. If a final development plan is not in substantial compliance with the plan which received Preliminary approval, the City Council may refuse, after meeting with the developer, to grant final approval if the City Council finds that the final plan is not in the public interest. The City Council shall advise the developer in writing of the refusal, setting forth the reasons why one or more of the variations are not in the public interest.
- (7) A plan or any part thereof which has been given final approval by the City Council, shall be so certified upon the face of the final development plan by the mayor and filed in the office of the County Clerk. If the developer chooses to abandon a plan or portion thereof after it has been given final approval, he or she shall so notify the City Council in writing within 90 days. In the event the developer shall fail to commence the planned unit development within eighteen months after final approval has been granted, then such final approval shall terminate and shall be deemed null and void unless the time period is extended by the City Council upon written application by the developer shall record the approved final development plan, signed by the Mayor, in the office of the County Clerk within thirty days after the date of approval; otherwise, the approval of the City Council shall be deemed to have been withdrawn and the approval shall be null and void.

#### **4-9-7.6 Alterations of the final development plan**

- (1) The final development plan, as passed by the City Council, shall not be altered during the construction of the planned unit development, except as hereinafter set forth:
  - (a) Minor alterations in locations, setting, alignments, bulk of structures, placement or types of plant material, changes in grades, heights, or

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character of structures, change by no more than five percent in the approved residential density of the proposed development, an increase by no more than five percent in the total number of bedrooms of the proposed development or other similar alterations may be authorized by the Planning Commission.

- (b) All other alterations in use, intent, rearrangement of lots, realignment of major circulation patterns, density levels, provisions governing common or open space, or the ratio thereof, or any other alterations that, in the discretion of the City Administration office substantially change the planned unit development must be approved by the Planning Commission and passed by the City Council at public meetings for which public notice as required for the Preliminary development plan is given. The same type and quality of data shall be required as is necessary for the original final approval and passage.

#### **4-9-7.7 Conceptual development plan submittal**

- (1) The conceptual development plan shall include:
  - (a) A drawing showing the proposed location of the boundaries of the planned unit development, uses of land, major streets, and significant features such as drainages, easements, steep slopes, floodplain, etc.
  - (b) A written statement regarding the developer's intent, the site conditions and characteristics, surrounding land uses, available community facilities and utilities.

#### **4-9-7.8 Preliminary development plan submittal**

- (1) The Preliminary development plan may be submitted electronically with all of the information required on and filed with a Preliminary plat as set forth in the City of Lander Subdivision Rules and Regulations, except lot lines.
- (2) The Preliminary plan shall constitute a Preliminary plat.
- (3) In addition, the Preliminary development plan shall include three sets of the following:
  - (a) Written Documents:
    - i. Application forms.

- ii. A schedule showing the proposed time and sequence within which the applications for final approval of all portions of the planned unit development are intended to be filed. The development phases as shown on the schedule shall also be indicated on the plan. As part of the development time schedule each phase shall have a summary of the number of units of each type of use, the number of dwelling units, the acreage devoted to residential, nonresidential, commercial, recreation, open space, common space un-encroachable area, streets (both public and private), off-street parking, and other major land uses, density, public lands (existing and proposed), and the total number of acres contained in each development phase;
- iii. A summary of the total number of units of each type of use, number of dwelling units, the number of bedrooms per each type of use, the acreage devoted to all major land uses, the acreage of public lands and areas proposed for public ownership, the acreage of the total area proposed to be developed, and the overall net density of the development;
- iv. A statement as to the form of ownership proposed to own and maintain the common open space, recreation facilities, un-encroachable area and any other area within the area proposed to be developed that is to be retained primarily for the exclusive use and benefit of the residents, lessees and owners of the planned unit development;
- v. A statement as to the substance of the covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities.
- vi. A statement specifying any variances, modifications, reductions and waivers of this code being requested as part of the plan approval and setting forth reasons why, in the opinion of the developer, such should be allowed.

(b) Site Plan.

- i. Existing zoning.
- ii. The type and location of all existing structures including historically significant structures or sites, formally registered on federal or state lists of historic places.

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- iii. The location, dimension, and capacity of all proposed off-street parking areas in the area to be developed.
- iv. The location, dimension, acreage, and ownership of all proposed public and private recreation areas, open space and un-encroachable areas.
- v. Significant natural features including wildlife areas and vegetative cover.
- vi. Dimensions and notes adequate to show compliance with the development standards of this chapter.
- vii. Proposed signs and locations.
- viii. Snow removal plan and storage site.
- ix. Storage of association equipment, such as snow removal equipment, lawn mowers, etc.
- x. Surrounding land uses and zoning within one hundred forty feet of the PUD boundary, exclusive of rights-of-way.
- xi. Preliminary Landscape Plan including irrigation, stormwater, and surface drainage.
- xii. Submit plat electronically.
- xiii. Any other information or studies that the Planning Commission or City Council may deem necessary.

#### **4-9-7.9 Final development plan submittals**

- (1) The final site plan and supporting information shall include one set of the following information:
  - (a) Written Documents.
    - i. Application forms;
    - ii. A summary of the total number of units of each type of use, number of dwelling units, the number of bedrooms per each type of use. the acreage devoted to all major land uses, the acreage of public lands and areas proposed for public ownership, the

acreage of the total area proposed to be developed, and the overall net density of the development.

- iii. Proof of the establishment of an entity to own, manage and maintain the common open space, recreation areas, recreation facilities, un-encroachable areas, private streets and any other area within the development that is to be retained for the exclusive use and benefit of the residents, lessees and owners;
- iv. Copies of all restrictions or covenants that are to be applied to the development area.
- v. A copy of proposed articles of incorporation and bylaws of any landowners' organization or similar corporation to be organized.
- vi. Electronic Drawings showing scale, bulk, and architectural character of structures.
- vii. A statement specifying any variances, modifications, reductions and waivers being requested as part of the plan approval and setting forth reasons why, in the opinion of the developer, such should be allowed, and,
- viii. A schedule showing the proposed time and sequence within which the applications for final approval of all portions of the planned unit development are intended to be filed. The development phases as shown on the time schedule shall also be indicated on the plan. As part of the development time schedule each phase shall have a summary of the number of units of each type of use, the number of dwelling units, the acreage devoted to residential, nonresidential, commercial, recreation, open space, un-encroachable area, streets (both public and private), off-street parking, and other major land uses, density, public lands (existing and proposed), and the total number of acres contained in each development phase.
- ix. A performance and payment bond, an irrevocable letter of credit, funds in escrow or other appropriate equivalent fiscal commitment to guarantee the complete and timely development of any facilities or improvements which are the developer's responsibility. The commitment shall be on one hundred twenty-five (125) percent of the cost of improvements as estimated by the licensed professional engineer as retained by the developer and approved by the City Engineer/Public Works Director.

- x. Building permits shall not be issued until the developer can demonstrate that he is proceeding in good faith and has, at a minimum, installed sewer and water lines as well as has a suitable temporary street surface as determined by the City Engineer/Public Works Director. Certificates of occupancy shall not be issued until all public improvements have been installed, approved by the City Engineer/Public Works Director and accepted by the City Council.

(b) Final Site Plan.

- (a) The site plan submitted by the developer as part of the application for final approval shall be prepared at a scale no smaller than one inch to one hundred electronically which include the following information:
  - i. All information required on the Preliminary site plan except contours.
  - ii. Lot lines, easements, public rights-of-way per final subdivision plat.
  - iii. The location of each outdoor trash storage facility.
  - iv. Location, width, surfacing and layout of all streets, parking areas and pedestrian walks.
  - v. Area lighting plan.
  - vi. Location, size, height, and orientation of all signs in excess of one hundred forty-four square inches; and
  - vii. Location, height and material of all screening walls, fences, and screen plantings.

(c) Final Landscape Plan.

- (d) A typical lot site plan shall be provided for each type of land use (e.g. single-family, multi-family, patio home, etc.).

(e) Final plat.

- (f) All documents included in the site plan shall include space for certification of approval in accordance with the form used for subdivision platting including the following statement: "We hereby dedicate to the city of Lander the right to regulate any construction over



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the area designated as common space, open air recreation area, and un-encroachable area and to prohibit any construction within said areas and spaces inconsistent with the public interest."

- (g) One rendered set (not folded) each of site plan and landscape drawings which shall be submitted following staff review.
- (h) Eight and one-half inch by eleven-inch reduction of all plans and architectural drawings which shall be submitted following staff review.
- (i) Any other information or studies that the Planning Commission or City Council may deem necessary.

#### **4-9-7.10 Density Bonuses**

- (1) Subject to the limitation in subsection (vi) of this section, a residential density bonus shall be given as follows:
  - (a) If the developer commits to the provision of low income housing units, per HUD Section 8 guidelines (eighty percent of median county income), by assurances submitted to the City Administration and approved by the city attorney, a bonus equivalent to the percentage of the total number of dwelling units for low income housing shall be granted;
  - (b) If the developer commits to the provision of accessible housing as defined by American National Standards Institute (ANSI) Section A117.1, by assurances submitted to the City Administration and approved by the City Attorney, a bonus equivalent to the percentage of the total number of dwelling units for handicapped accessible housing shall be granted;
  - (c) If the developer installs automatic fire extinguishing systems in each dwelling unit a bonus of fifteen percent of the total number of dwelling units shall be granted.
  - (d) If the developer provides additional open space, public or private, over and above the minimum required, a bonus equivalent to the percentage provided above the minimum shall be granted.
  - (e) A bonus of five percent for every fifty acres included in the development shall be granted.

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- (f) The total density bonus given by the City shall not exceed fifteen percent of the maximum total density as calculated per 4-9-7.1 (i) for the development.

#### **4-9-7.11 Development standards**

- (1) The planned unit development shall conform to the following standards:

(a) Minimum Lot Standards.

- i. Minimum lot area, width, and yard requirements of other districts do not apply in the PUD.

(b) Open Space.

- i. A minimum of twenty percent of the total land area shall be retained as usable open space. Open space shall be defined as an open area designed and developed primarily for the use and benefit of the residents of the development to include but not be limited to, recreation, whether private or public, parks, gardens, or parking for open space uses; it shall not include space devoted to required yards, streets and parking for residential and nonresidential uses;
- ii. The City may accept or refuse for any reason the dedication of land or any interest therein for public use and maintenance.

(c) Open Space Maintenance and Guarantee.

- i. The developer shall establish an entity for the ownership and maintenance of recreation areas and common open spaces where such are to be retained in private ownership.
- ii. The developer shall submit to City Administration, and approved by the City Attorney, a contract providing for the permanent care and maintenance of open spaces, recreational areas and communally owned facilities and parking lots.
- iii. The final development plan shall not be accepted until the agreement required by this subsection is approved as to legal form and effect.
- iv. If the common open space is deeded to a homeowners' association, the developer shall file the proposed documents

governing the association with the Fremont County Courthouse.  
Such documents shall meet the following requirements:

- A. The homeowners' association must be established before any lots or residences are sold.
  - B. Membership in the association must be mandatory for each residence owner.
  - C. Open space restrictions must be permanent and not for a period of years.
  - D. The homeowners' association must be made responsible for sidewalk maintenance, snow removal plan and storage area, liability insurance, taxes and maintenance of recreational and other facilities.
  - E. The association must have the power to levy assessments which can become a lien on individual premises for the purpose of paying the cost of operating and maintaining common facilities; and
  - F. The governing board of any such association shall consist of at least five members who shall be owners of property in the planned unit development.
- v. If the entity established to own and maintain the common open space and recreation areas or any successor entity shall at any time fail to fulfill any obligation imposed on such entity as a condition of approval of the planned unit development, the city may give written notice to the entity or to the residents and owners of the planned unit development or both, setting forth the manner in which the entity has failed to fulfill its obligation.
- vi. The notice shall include a demand that such deficiencies be cured within the time specified within the notice. If such deficiencies are not cured within the specified time, the city, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space and recreation areas from becoming a public nuisance, may enter upon the common open space and recreation areas and maintain the same and perform the other duties of the entity until the entity shall again resume its obligations.

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- vii. All costs incurred by the city in carrying out the obligations of the entity shall be assessed against the properties within the planned unit development and shall become a tax lien on the properties.
- viii. Open space shown on the approved final plan shall not be used for the construction of any structures not shown on the final plan.

(d) Access.

- i. Each PUD shall have at least two direct accesses to a collector or arterial street as designated on the major street and highway plan.
- ii. No individual residential building lot shall be created that has direct access to a collector or arterial street.
- iii. Each individual residential lot must have access to a street, public or private, which has been constructed to the public street standards of the city.

(e) Sidewalks.

- i. Sidewalks built to city specifications shall be required along one side of all streets, public or private or other approved pedestrian friendly walkway or pathway.

(f) Building Requirements.

- i. The maximum building height shall be the same as for the zone district in which the PUD is located, except that a greater height may be approved if surrounding open space within the PUD, building setbacks, and other design features are used to avoid any adverse impact due to the greater height;
- ii. All individual buildings or structures shall be separated by a minimum distance of ten feet. A waiver from this minimum distance to permit zero lot line developments may be permitted if the structures are designed and constructed to meet more stringent building and fire code requirements as adopted by the city council.
- iii. The front of a dwelling structure shall not face upon the rear of another, unless approved by the city council as part of the plan.

(g) Landscaping.

- i. The landscape plan shall be prepared by a certified landscape architect and shall identify existing and proposed trees, shrubs, and groundcover; natural features such as rock outcroppings; and other landscaping elements. Where existing plantings are to be retained, the plan shall include proposed methods of protecting them during construction. Reasonable landscaping should be provided at site entrances, in public areas, and adjacent to buildings. The type and amount of landscaping required may vary with type of development. All areas not used for buildings, structures, parking, streets, or accessways shall be landscaped with a sufficient mixture of grass, trees, and shrubs, except those areas designated to be left natural.
- ii. Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture. Trees shall have at least a one- and three-quarter inch caliper at planting.
- iii. The landscape plan shall be approved by the Planning Commission.

(h) Signs.

- i. Signs within the residential portion of a planned unit development shall be permitted as follows:
  - A. One ground sign which identifies the development is allowed at each entrance to the development provided such sign does not exceed twenty-four square feet in area, is not located in, or projecting over, a required yard, and is no more than six feet in height,
  - B. Development identification signs shall follow a design theme that is related and complementary to other elements of the overall site design, as determined by the Planning Commission or his designated representative.
- ii. Signs within the commercial portion of the planned unit development shall be permitted at a location, size and height that

is determined by the city council to be appropriate in relation to the residential character of the development.

(i) Perimeter.

- i. If topographical or other barriers within thirty-five feet of the boundaries of a planned unit development do not provide reasonable privacy for existing uses adjacent to the development, the City Council shall impose either of the following requirements or both:
  - A. Structures located along the boundary must be set back from the boundary a distance which is approved by the City Council; and
  - B. Structures located along the boundary must be well screened in a manner which is approved by the city council.

(j) Commercial Requirements.

- i. Commercial development shall be deemed to include commercial buildings and associated parking, required yard areas, and all other areas accessory to such commercial usage.
- ii. The developer must show to the satisfaction of the City Council that nonresidential uses of a commercial character, if any, shall not change, injure, or destroy, temporarily or permanently, the predominantly residential character of the PUD.
- iii. No commercial facilities shall be permitted in any planned residential development which has a gross acreage of less than fifteen acres, or less than one hundred dwelling units, except with prior approval of the City Council.
- iv. Unless approved by the unanimous vote of the City Council, no building permit shall be issued for an approved commercial use until fifty percent of the dwelling units have been constructed and are ready for occupancy.
- v. Snow removal plan and storage site.

(2) Off-Street Parking.

- (a) Off-street parking shall be provided for residential dwellings in

accordance with the requirements of 4-11-10 of this code unless the reduced street standards for a PUD are used for the development in which case the one family dwelling off-street parking requirements shall be: 1 - 3 bedrooms: 2 spaces, 4 - 5 bedrooms, 3 spaces.

- (b) Off-street parking spaces for all commercial uses and all nonresidential uses of an educational, cultural, recreational or religious nature shall be the same as set forth for such uses in Section 4-11-10 of this code, unless a reduction is approved by the city as part of the plan.

(3) Buffering standards

- (a) Buffering is required with the following factors to be considered in determining the buffer, adequacy of the type and extent of the buffer:
  - i. The purpose of the buffer, for example, to decrease noise levels, absorb air pollution, filter dust or to provide a visual barrier or to gradually change the residential density from the existing density abutting the PUD to the proposed density of the development.
  - ii. The size of the buffer needed in terms of width and height to achieve the purpose.
  - iii. The location of the buffer.

**4-9-8 DEDICATION OF PUBLIC LANDS AND WATER RIGHTS-**

- (1) The purpose of green space is to preserve and enhance natural and/or man-made features, provide a consistent and high level of design to incorporate affordable maintenance for all of the elements of the green space, achieve a degree of safety for users of the green space and to provide and maintain visual and psychological relief in all areas around Lander.
- (2) Consideration shall be given to the adequate provision and location of such public sites and facilities in the design of the subdivision connecting present pathways, schools and green spaces as presented in the LAPS plan. The City of Lander Parks and Recreation Commission and the Greenway Committee strive to provide a broad range of conveniently located, quality recreational opportunities for all citizens and visitors of Lander.

SCHEDULE OF MUNICIPAL GREEN SPACE STANDARDS AND PRIORITIES			
Priority	PARK TYPE		RECOMMENDED

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		SERVICE AREA
1	Increase Lander City Park with adjacent/contiguous lands	City of Lander
2	Linear/Greenway/Water Detention Areas	Community Wide
3	Community/Neighborhood Park	1-mile radius
4	Open/Green Space/Water Detention Areas	Community Wide

(3) Required amount of land to be dedicated as park, greenway and/or open space should be determined in accordance with the following table.

TABLE OF PUBLIC DEDICATED LANDS BY ZONE		
ZONE/SIZE	ACCEPTABLE PARK TYPE	DEDICATED LAND (not including streets and R-O-W) (include on plat and in checklist) <b>MINIMUM REQUIREMENTS</b>
AG, any size	Green space or Fee-in-lieu	10%
R-1, R-2 < 10 acres	Neighborhood, greenway and/or open space	5%
R-1, R-2 > 10 acres	Neighborhood and/or open space	8%
R-3, R-5 < 5 acres	Greenway/or open space	5%
R-3, R-5 > 5 acres	Community/Neighborhood Park	8%
Commercial	Green space or Fee-in-lieu	8%

(4) Any land dedicated to meet the requirements of this section shall be reasonably suited for the public use for which it is intended and shall be at a location convenient to the people served.

(a) When the area designated by the owner is not suitable, or if the site is not consistent in type or size with the tables above or the city master plan, the Planning Commission and/or City Council will require that an alternate parcel be dedicated or may allow a Fee-in-lieu land compensation.



- (5) In the event that the application of these standards would result in sites too small to be usable negative recommendation from the Parks & Recreation Commission and the City Council determines that suitable public sites cannot properly be located in the area covered by the plat, then a payment of a fee-in-lieu of the land dedication shall be required for park development.
- (a) The amount of the fee shall be as designated on the City of Lander fee schedule per lot in a single-family subdivision.
  - (b) The land dedication fee is to be set aside for future park land acquisitions.
  - (c) This fee shall be paid prior to the filing of the final plat of the subdivision.
- (6) Land dedicated in a phased development shall be taken at the time of Phase 1 for the entire development, unless land in a future phase is identified as superior and held via Restrictive Covenant. The Mayor is hereby authorized to sign such covenants.
- (7) The potential for additional dedication through future subdivision of abutting parcels should be considered when choosing location and shall be consistent with the Master Plan.
- (8) Prior to acceptance of the Final Plat, by the City Council, the developer shall be required to dedicate, transfer and assign to the City of Lander sufficient water to meet all of the anticipated water needs of the subdivision upon full development as determined by the Engineering Supervisor in accordance with guidelines as approved by the City Council.
- (a) When it is alleged that the above requirement for conveyance of water will create an unnecessary hardship on the developer, application may be made to the City Council for a variance in such requirement.
    - i. In lieu of meeting such requirement and after the City Council does not grant relief therefrom, either in whole or in part, the developer shall pay reasonable costs to the City for the acquisition of such water which the developer is unable to provide.
    - ii. The cost of the acquisition of such water shall be determined by the Engineering Supervisor in accordance with guidelines as approved by the City Council.
    - iii. Such fund shall be kept in a separate fund and be used by the City only for the purpose of purchasing water.

#### **4-9-9 DESIGN AND ENGINEERING STANDARDS**

(1) General Standards

- (a) Subdivisions should comply with the general policy and land use recommendations of the Lander Master Plan.
- (b) No subdivision shall be approved which includes features not in conformance with the zoning regulations of the City of Lander or which would obviously generate requests for variances from the provisions of the Zoning Ordinance.
- (c) In designing the subdivision, the developer shall consider the topography and its influence on street patterns and drainage, the preservation of natural areas, and the separation of pedestrian activities from vehicular activities.
- (d) A drainage report, over lot grading plan, and design drawings of drainage facilities must be submitted for review by the City Engineer/Public Works Director.
- (e) Land subject to flooding shall be reserved for uses which do not increase the danger of flooding or are not endangered by flooding which might occur, or they shall be set aside in a designated drainage easement. Subdivisions which include flood plains or designated drainage easements within their boundaries, shall be platted in such a way that the proposed buildable area for habitable structures is outside of the easement or area subject to flooding.
- (f) Lands subject to other natural hazards shall be identified and shall not be subdivided until the hazards have been eliminated or until adequate plans have been submitted and approved for eliminating or ameliorating the hazard.
- (g) Where permanent easements are needed for utility service, they shall be provided ten (10) feet in width of each side of the appropriate rear or side lot lines for a total minimum easement width of twenty (20) feet. Easements for water and sewer mains shall be no less than 30' wide. If any block of the proposed subdivision does not provide for alleys, then a front yard utility easement of ten (10) feet in width shall be provided.
- (h) Drainage easements shall be provided where required by the City Engineer/Public Works Director. No drainage easement shall be allowed on residential side lot lines unless drainage improvements are placed underground.
- (i) Utility easements for streetlights and other electrical services shall be provided where required by the City Engineer/Public Works Director.
- (j) All utilities including water lines, gas lines, electrical lines, telephone lines and cable television lines shall be placed underground, except in cases where the City

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Engineer/Public Works Director determines that topography, bedrock or underground water conditions would result in excessive costs to the developer.

(2) Roads, Streets and Alleys

- (a) The arrangement of arterial roads and streets shall conform to the duly adopted Major Street Plan Transportation Plan as it shall from time to time be determined.
- (b) The arrangement of streets in a new subdivision shall make provisions for the continuation of important streets from adjoining areas.
- (c) Streets that are obviously in alignment with already existing platted and named streets shall bear the name of the existing street. Other street names shall be subject to the approval of City Administration and Fremont County Planning and Rural Addressing.
- (d) To provide for convenient circulation and means of entry for emergency vehicles from a public street.
- (e) Whenever a dedicated or platted half street or alley exists adjacent to the tract to be subdivided, the other half of the street or alley shall be dedicated as a public way.
- (f) Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation, the variation from a right angle shall be no more than thirty (30) degrees.
- (g) Cul-de-sacs shall conform to standards and specifications adopted by the City Council and contained in the City of Lander Engineering Standards and Specifications Manual - Most Recent Addition.
- (h) If a street jogs at an intersection street and does not continue in a straight alignment, the centerline offset of the two parts of the street approaching the intersection street shall be not less than one hundred fifty (150) feet.
- (i) Platting shall be accomplished in such a way that local streets and driveways access directly onto arterial streets as little as possible.
- (j) No more than two (2) streets shall intersect at one point

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- (k) Alleys shall be provided in commercial and industrial districts unless definite provisions are made for service access. Alleys may be provided in residential districts.
  - (l) Alleys shall be permitted only between the rear yards of lots within the same block.
  - (m) Where a residential subdivision abuts a major highway, a railroad right-of-way, or a limited access freeway, a state highway, a frontage road shall be required.
  - (n) Dead end streets are prohibited except where they may be necessary to provide future access to adjacent undeveloped property. In that event, temporary turnarounds may be required on the dead-end street until the adjacent property is developed and the street is extended.
  - (o) If the developer encourages the use of solar energy within the subdivision, streets should be designed with a predominant east-west configuration.
- (3) Tracts, Blocks and Lots
- (a) Subdivisions shall consist of, in addition to public ways, an integrated and logical arrangement of tracts, blocks and lots. All blocks and all lots within each block shall be consequently numbered. Numbering of blocks and lots in later phases of a phased subdivision shall continue the sequence established in earlier phases.
  - (b) A tract is a land area, usually larger in size than a typical lot, set aside for a special use or not otherwise included within the normal subdivision pattern of blocks and lots. Tracts shall bear a letter designation, such as Tract A. Letter designations of tracts shall be sequential and shall not duplicate designations of tracts in earlier phases of a phased subdivision.
  - (c) Blocks in residential subdivisions shall be not less than five hundred (500) feet long and not more than twelve hundred (1200) feet long, except as expressly allowed by the Planning Commission or the City Council.
  - (d) In a residential development, the block width shall normally be sufficient to allow two (2) tiers of lots. Blocks for business or industrial use shall be of suitable width and depth.
  - (e) In a standard subdivision, the depth to front ratio of lots shall not exceed 2.5 to 1. An average depth shall be determined for irregularly shaped lots. Lot sizes and shapes for cluster development or other innovative subdivision designs shall be judged on their merits.

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- (f) The lot size, width, depth, shape and orientation shall be appropriate for the type of development contemplated. Developers encouraging the use of solar energy within the subdivision should consider orienting the length of each lot on an east-west axis.
- (g) Corner lots and lots with streets on three sides for residential use shall have extra width to allow for a proper setback from both streets.
- (h) Double frontage lots (blocks with one lot in width and streets bordering both sides) shall be avoided, except where these lots back upon a major street. Where this is the case, access to those lots from the major street shall be prohibited.
- (i) Every lot shall abut and have access to an officially approved street or road, except for lots in a cottage cluster development which meet the standards of section 4-11-14.
- (j) Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.
- (k) Whenever a plat is re-subdivided, the newly created lots shall be numbered to avoid duplication of any original lot numbers. A letter may be used in conjunction with a number, for example lot 2A.

#### (4) Manufactured Home Parks

- (a) Manufactured home parks and manufactured home subdivisions shall be established only in accordance with all of the provisions of these regulations and the Zoning Ordinance of the City of Lander.
- (b) Manufactured home parks may be served by private streets or dedicated streets. Dedicated streets shall be constructed to the standards required by the standards and specifications established by the City Council. Private streets shall have an asphalt or concrete surface of at least twenty-four (24) feet in an access easement of at least forty (40) feet. All such private streets shall have unobstructed access to a public street or highway.
- (c) Each Manufactured home unit shall have direct access to the public or private street system which serves the Manufactured home park.
- (d) Each Manufactured home space shall be conspicuously numbered pursuant to Section 4-11-12.
- (e) Adequate sidewalks shall be provided to serve each Manufactured home unit in the Manufactured home park.

- (f) Manufactured home park areas shall be graded and well-drained and with adequate ground cover in open areas to prevent wind and water erosion of soil.
- (g) Provision shall be made for adequate night lighting for the entire Manufactured home park area.
- (h) Manufactured home parks shall provide on-site fire hydrants as directed by the Fire Department and as provided by the adopted City of Lander Engineering Standards and Specifications Manual - Most Recent Addition.
- (i) Manufactured home lots may allow for an east-west placement of Manufactured homes to maximize solar exposure for each lot.

#### **4-9-10 IMPROVEMENTS**

- (1) Prior to the approval of any Final Plat by the City Council the developer shall either:
  - (a) Request that Council proceed according to the provisions of 4-9-4.3 (15) of these regulations regarding delaying the recording of the Final Plat until improvements are installed and approved or,
  - (b) Guarantee the installation of the necessary public facilities by complying with the provisions regarding financial commitments and by executing a standard contract on forms provided by the City.
    - i. The standard contract shall, among other things, specify that the required improvements be installed within the time stated, in accordance with the requirements of the contract, and where applicable, the requirements of the Wyoming Department of Environmental Quality.
    - ii. The time specified for the completion of the required improvements shall not exceed twenty-four (24) months from the date the Final Plat was approved by the City Council.
      - A. As improvements are completed, inspected, and approved by the City Engineer/Public Works Director, the developer may apply to the City for a release of a proportionate part of any collateral deposited with the City Council.
      - B. All public improvements must be designed by a professional engineer licensed to do such work in the State of Wyoming.

- C. As provided in the contract, the developer shall install the improvements in a timely manner and in accordance with plans, specifications and data as approved by the City Council.
- iii. Monuments at the corners of all tracts, blocks, and lots and at all subdivision boundary corners. Permanent concrete monuments shall be accurately set and established at the intersections of all outside boundary lines of the subdivision, at the intersection of those boundary lines with all street lines; at the beginning and end of all curves; at points or curves where the radius of direction changes; and at such other points as are necessary to establish definitely all lines of the plat. Concrete monuments shall be at least thirty-six (36) inches long and at least six (6) inches in diameter and shall be provided with an appropriate center point. Solid iron pins or iron pipe monuments at least one (1) inch in diameter and at least thirty (30) inches long may be used at all other points.
  - iv. Grading, drainage and drainage structures for streets and highways and for areas within the subdivision. Special precautions may be required to prevent erosion and dust control during and after construction.
  - v. Road improvements including base, surfacing, gutters, and curbs. Sidewalks will be installed per the City of Lander Standards and Specifications.
  - vi. Streetlights, street name signs.
  - vii. Water mains and fire hydrants of a size, type and at locations designated by the City Engineer/Public Works Director.
  - viii. Sanitary sewer mains, laterals, and facilities.
  - ix. Storm sewer mains and laterals as approved on the drainage plan.
  - x. Water distribution lines and facilities.
  - xi. Utilities such as gas, telephone and electric.
  - xii. Other facilities or improvements as may be specified in the contract and agreed to by the developer.
- (c) Prior to the approval of any completed improvements, as built plans must be submitted to the City Engineer/Public Works Director.
- i. The plans shall be submitted on electronically.

- ii. The plan submittal shall contain:
  - A. A cover sheet
  - B. The subdivision plat
  - C. The overall street layout
  - D. The overall water system
  - E. The overall sanitary sewer system
  - F. The overall drainage plan
  - G. Additional detail sheets as necessary at 1"=50' scale, with title block and sheet numbers in the lower right-hand corner of each page and showing the detailed location of all utilities to include service lines to lots.
  - H. A permanent benchmark shall be described on each sheet.
- (d) The developer will be responsible for any damage incurred to the improvements, until the improvements are accepted by the City Engineer/Public Works Director.
- (e) Construction inspection
  - i. The developer shall pay the estimated cost of inspection by the City Fee Schedule
  - ii. The developer, before being issued a construction permit, will sign an agreement with the City on the terms and conditions of inspection and post a bond guaranteeing the agreement.
  - iii. Construction of public improvements must be inspected by a city registered engineer in the State of Wyoming throughout construction.
  - iv. Inspection reports and as-builts will be required for final acceptance by the City of Lander.
- (f) Final Inspection
  - i. Upon written notice of completion of all the improvements and submission of "as built" construction plans by the developer, the City Engineer/Public Works Director will make a final inspection.



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- ii. After correction of any items needing repair, completion or alteration, the City Engineer/Public Works Director will advise the City Council that the improvements are accepted.
- (g) At any time after the completion of construction of public streets and their inspection by the City Engineer/Public Works Director, the developer may request that the City accept maintenance of the streets.
- i. The Council may accept the maintenance responsibility at its discretion.
  - ii. The developer shall provide a one-year warranty on the construction from the time of the acceptance by the City.

#### **4-9-11 SEVERABILITY**

- (1) If any section of this regulation be held to be unconstitutional or otherwise invalid by any park of competent jurisdiction, then such section shall be considered separately and apart from the remaining provisions of these regulations said section to be completely severable from the remaining provisions of these regulations and the remaining provisions of these regulations shall remain in full force and effect.

#### **4-9-12 LEGAL STATUS**

- (1) No Final Plat shall be approved unless it conforms to both these regulations and the Lander Zoning Ordinance. Whenever there is a discrepancy between the requirements of these regulations and any other official City regulations, the most restrictive shall apply.

#### **4-9-13 DEFINITIONS**

- (1) For the purpose of interpreting these regulations the following definitions shall apply:
- i. ACCESSORY DWELLING UNIT: A second or third dwelling unit created on a lot with a house, manufactured home, or duplex. The ~~second~~ additional unit(s) is created auxiliary to and is always smaller than the primary dwelling. The unit includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside. Accessory dwelling units may not be occupied as a short-term rental or used as a boarding house.

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- ii. ALLEY: A minor public right-of-way which provides secondary access to abutting properties.
- iii. BLOCK: A parcel of land, intended for urban development, entirely surrounded by public streets or lands, streams, railroads or highways.
- iv. CITY ADMINISTRATION: shall mean the City Planner, City Engineer, City Clerk or other appointed employee.
- v. COMMISSION: The City of Lander Planning Commission.
- vi. COTTAGE: A dwelling unit in a cottage housing development. Dwellings in a cottage housing development may not be occupied as short-term rental or used as a boarding house.
- vii. COTTAGE CLUSTER: Cottage cluster relates to the configuration of cottages. A cluster is a grouping of four to ~~12~~ sixteen (16) cottage dwellings arranged on a development site around or abutting usable open space. A cottage housing development may contain more than one cluster. See section 4-11-14 Cottage Housing Development.
- viii. COTTAGE HOUSING DEVELOPMENT: A type of site development or subdivision where individual lots are created, both built in conjunction with shared open space and other common tracts of land that are intended to serve small-scale dwellings that interact together as a small community. See section 4-11-14 Cottage Housing Development.
- ix. COUNCIL: The City of Lander City Council.
- x. COUNTY: Fremont County, Wyoming
- xi. CUL-DE-SAC: A street having one end connected to a public street and being terminated by a vehicle turnaround at its other end.
- xii. DEVELOPER: Any person who lays out any subdivision or part thereof for the account of the developer or others.
- xiii. DRAINAGE EASEMENT: A land area designated on a plat and set aside to accommodate the calculated and approved flow or storage of storm waters, which can also serve as a pathway and/or greenway.
- xiv. EASEMENT: A designated area on a tract, block or lot of land which the owner has set aside for the use of others, particularly, public utilities.

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- xv. ENCUMBRANCE: A mortgage or other lien or record securing or evidencing indebtedness and affecting land to be subdivided, including liens for labor and materials. Taxes and assessments levied by a public authority are not an encumbrance, except such taxes and assessments as may be delinquent.
- xvi. ENGINEER: A licensed professional engineer registered within the State of Wyoming.
- xvii. IMPROVEMENTS: Man-installed physical features such as pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs, structures, landscaping and other items for the welfare of the property owners and the general public.
- xviii. INSTRUMENT: A formal document as a deed or contract.
- xix. MONUMENTS – An object set in the ground to mark a boundary.
- xx. OWNER: Any person having a legal or equitable interest in land.
- xxi. PLAT: A map or drawing prepared in accordance with the adopted subdivision regulations and showing the developer plan for the subdivision.
- xxii. PROPRIETOR: Any person having a legal or equitable interest in land.
- xxiii. REPLAT: Any change in lot lines within an already approved and recorded plat and any boundary line adjustments within the City Limits.
- xxiv. RE-SUBDIVISION: A re-subdivision shall be any change in dimension or alignment of a platted road, addition to the number of lots or addition of un-platted area to an already approved and recorded plat except for the correction of any drafting or surveying errors.
- xxv. RIGHT-OF-WAY: A strip of land dedicated for public use.
- xxvi. SELL: Includes sale, contract to sell, lease, assignment, auction, award by lottery, or any offer or solicitations of any offer to do any of the foregoing, concerning a subdivision or any part of a subdivision.
- xxvii. STREET, COLLECTOR: A public street which collects traffic from local neighborhood streets and carries it to a major street or highway as shown on the Master plan.

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- xxviii. STREET, LOCAL: A street which affords primary access to abutting private properties.
- xxix. STREET, ARTERIAL: A street of considerable continuity and traffic-carrying capacity connecting the various parts of the City as shown on the adopted street plan.
- xxx. SUBDIVISION: The creation of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses.
- xxxi. UNDUE HARDSHIP: Special or specified circumstances that partially or fully exempt a person from performance of a legal obligation so as to avoid an unreasonable or disproportionate burden or obstacle.

*4-9-1 – 4-9-13 Amended by Ordinance 1234, March 10, 2020*

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

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

- (a) Intent\_ – Within the zoning districts established by this title and amendments that may later be adopted, there exists land and uses of land which were lawful before this title was passed or amended, but which would be affected by the terms of this title of future amendments. Therefore, it is the intent of this title to permit these nonconforming uses to continue. It is further the intent of this title that these nonconforming uses shall not be used as grounds for allowing other uses prohibited elsewhere in the district.
- (b) Any existing structure devoted to a use not permitted by this ordinance in the zone in which it is located shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zone in which it is located.
- (c) Any nonconforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use at the time of adoption, as defined in section 4-2-2 (a), or amendment of

the ordinance, but no such use shall be extended to occupy any land outside such structure.

- (d) If no structure alterations are made, any nonconforming use of the structure, or structures and premises, may be changed to another nonconforming use provided that the Board of Adjustment with jurisdiction on the property shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment with jurisdiction on the property may require appropriate conditions and safeguards in accordance with the provisions of this chapter. Any proposed change from one nonconforming use to another nonconforming use shall be processed and reviewed in accordance with city code section 4-4-1-
1. The nature and purpose of the existing nonconforming use.
  2. The difference in quality and character of the proposed use.
  3. The difference in the degree of the use of the proposed use, including but not limited to hours of operation and parking requirements.
  4. The reasons for the proposed change; and
  5. The overall impact of the proposed use on the surrounding property.
- (e) Any structure, or structures and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure(s) is located, and the nonconforming use may not be thereafter resumed.
- (f) When a nonconforming use of a structure, or structures and premises in combination, is discontinued or abandoned for one (1) year or more, the structure, or structures and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Abandonment shall include, but not be limited to, cessation of the use for one (1) year or more. The owner, occupant or user shall have the burden to show that the structure, lot or use was lawfully established.
- (g) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time of destruction.

#### **4-11-2. General Requirements – Division of Lots.**

No division of any lot may create a lot smaller than the applicable minimum size and dimensions as described within these Regulations, except for lots created for individual units in a cottage housing development, subject to the provisions of section 4-11-14. Application must be made for any proposed division of real property within the City limits of Lander. Any division shall follow the procedures laid out in the current City of Lander Subdivision Regulations and must be recommended by the Planning Commission and approved by City Council.

*Amended by Ordinance 1234, March 10, 2020*

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

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

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

- (i) Such use shall be conducted entirely within a dwelling unit or accessory structure and carried on by the inhabitants living there and no others.
- (ii) Such use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and shall not change the residential character thereof.
- (iii) The total area used for such purposes shall not exceed twenty (20) percent of the gross floor area of either the dwelling or up to 600 sq ft of an accessory structure.
- (iv) There shall be no exterior storage on the premises of material or equipment used as a part of the home business.
- (v) There shall be no offensive noise, vibration, smoke, dust odors, heat or glare noticeable at or near the property line.
- (vi) There shall be no traffic generated by the home business that would adversely affect the residential character more than would normally be expected in a residential neighborhood.
- (vii) There shall be at least one off-street parking space provided for clientele.
- (viii) No sign shall be allowed except for one non-illuminated name plate attached to the wall of the dwelling unit, showing name/occupation only, no larger than a square foot in area.

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

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

- (i) Where will such use be conducted?
- (ii) How many employees are proposed?
- (iii) Will this use change the residential character of the neighborhood? If not, why?
- (iv) What is the percentage of the gross square footage of the area to be used for such?

- (v) Will there be exterior storage, if so please describe.
- (vi) Will there be any of the following:  
offensive noise, vibration, smoke, dust, odors; or  
heat or glare noticeable at or near the property line.
- (vii) What is the expected traffic for the home business?
- (viii) Will there be a sign, please give location and dimensions of  
the sign.
- (ix) What other issues exist with this proposed home business?

Home Business and home businesses may be reviewed and inspected by the City building inspector at any time to insure compliance. If three or more written complaints, from property owners within 400', are filed with the City of Lander, a public hearing before the Board of Adjustment shall be required to determine the continuance of the home business. Any expansion or alteration of existing uses must come before the Board of Adjustment for approval. The Board of Adjustment can grant or reject all applications.

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

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

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

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

- (a) Any use which complies with all of the following conditions may be operated as an accessory use:
  - (i) is clearly incidental and customary to and commonly associated with the operation of the permitted use.
  - (ii) is operated and maintained under the same ownership and on the same lot as the permitted use.
  - (iii) does not include structures or structural features inconsistent with the permitted use.
  - (iv) does not include residential occupancy.
  - (v) if operated wholly or partly within a structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed 30% of the gross floor area of the permitted use.
  - (vi) if in a separate, detached structure from a permitted use, the gross floor area devoted to the accessory use shall not exceed the gross floor area as defined in the International

- Residential Code (IRC).
- (vii) home business provided the conditions set forth under Section 4-11-4 are met.
  - (viii) in all districts, accessory structures shall be located behind the setback line, as defined that that district's regulations from all streets.
  - (ix) in all residential districts the following setback regulations shall apply side yard 5 feet, rear yard 5 feet.
  - (x) maximum height of detached accessory structures: 20 feet.

(b) Accessory dwelling units constructed in accordance with the provisions of section 4-11-15 are exempt from the standards pertaining to all other accessory uses in section 4-11-8(a).

**4-11-9. General Requirements - Clear Vision Area.** - Except in the C District, a clear vision area shall be maintained at all intersections so that traffic is clearly visible from two and one-half feet to eight feet above the center grade of the street within an area described by an isosceles triangle in which the equal sides are congruent with the intersection curb lines and are 15 feet in length in all zoning districts, except that in residential zones the length shall be 30 feet. (see Drawing 1.)

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

- (a) The following general requirements shall apply in certain zones:
  - (i) off-street parking and loading shall be provided and maintained as required by this Section for all permitted uses which are established after the effective date of this ordinance.
  - (ii) these requirements shall not be retroactive to permitted uses existing on the date this ordinance becomes effective but shall apply to any expansion of these uses which occurs after that date.
  - (iii) in residential districts, required off-street parking shall be provided on the same lot to which the parking pertains. In other districts, such parking may be provided either on the same lot or on another lot in the R-5 or P-L Districts, located not farther than 1,000 feet from the structure or use they are required to serve.
  - (iv) groups of more than four parking spaces shall be designed so that no backing movements onto a street will be required.
  - (v) no structure shall be erected or enlarged, nor shall any use be enlarged, if such action will eliminate the required off-street parking areas.
  - (vi) The requirements of 4-11-10, may be waived at the discretion of the Planning Commission with regards to structures with frontage on Main, Lincoln or Garfield



- Streets located between First Street and Ninth Street.
- (vii) The businesses within business parks that are specifically designed with off street parking will be allowed to count overflow off-street parking for their total parking spaces per use.
- (b) Off-street parking and loading will be designed, used and maintained in accordance with the following specifications:
- (i) individual off-street parking spaces shall be at least nine feet wide and 18 feet long.
  - (ii) individual off-street loading spaces shall be located only in the side or rear yards of the lot and shall be at least 12 feet wide, 50 feet long and have a minimum height clearance of 14 feet;
  - (iii) areas used for required parking and maneuvering of vehicles shall have an all-weather surface of asphalt or concrete or alternatives approved by the Planning Commission and shall be designed in a manner which avoids the flow of water across public sidewalks.
  - (iv) each parking or loading space must be usable and readily accessible and arranged so that no part of any parked vehicle extends beyond the property line.
  - (v) required parking and loading areas shall be provided with designated entrances and exits located so as to minimize traffic congestion and avoid undue interference with public use of streets, alleys and walkways.
  - (vi) parking and loading areas provided in accordance with the requirements of this ordinance shall not be used for the sale, repair, assembly or disassembly, storage or servicing of vehicles or equipment.
- (c) At the time a structure is being erected or enlarged, or the use of an existing structure is changed, off-street parking spaces shall be provided as follows:
- (i) Home business - 1 per 200 sq. ft. or fraction thereof.
  - (ii) Residences/Dwelling - There shall be provided off-street parking spaces described as follows (garage may be counted as a parking space):
    - ~~One Bedroom Residences: 1 spaces~~
    - ~~Two Bedroom Residences: 1.5 spaces~~
    - ~~Three Bedroom Residences: 1.75 spaces~~
    - ~~Four Bedrooms and Over: 2 spaces~~

<b>Zone District</b>	<b>Requirement</b>
<b>GC</b>	<b>0.5 spaces per dwelling unit</b>
<b>R-1</b>	<b>One bedroom dwelling unit: 1 space</b>

	<p><u>Two bedroom dwelling unit: 1.5 spaces</u>  <u>Three bedroom dwelling unit: 1.75 spaces</u>  <u>Four or more bedroom dwelling unit: 2 spaces</u></p>
<u>All other zone districts</u>	<p><u>Accessory Dwelling Unit:</u></p> <ul style="list-style-type: none"> <li>• <u>R-2 zone: 1 space per dwelling unit</u></li> <li>• <u>All other zones: None required</u></li> </ul> <p><u>All other dwelling units:</u></p> <ul style="list-style-type: none"> <li>• <u>One bedroom dwelling unit: 0.75 spaces</u></li> <li>• <u>Two bedroom dwelling unit: 1.25 spaces</u></li> <li>• <u>Three bedroom dwelling unit: 1.5 spaces</u></li> <li>• <u>Four or more bedroom dwelling unit: 2 spaces</u></li> </ul>

- (iii) Boarding houses - 1 per each sleeping or living unit.
- (iv) Retirement homes, housing project for senior citizens - .5 per dwelling unit plus 1 for manager.
- (v) Motel or hotel - 1 per sleeping room plus 1 for manager.
- (vi) Clubs or lodgers - Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
- (vii) Convalescent hospital, nursing home - .4 X lawful number of occupants plus 1 per each staff member on duty on maximum shift.
- (viii) Hospital - 1 per bed plus .75 X maximum number of employees on duty on a maximum shift.
- (ix) Churches - .35 X seating capacity of sanctuary.
- (x) Preschool, nursery or kindergarten - 2 spaces per teacher.
- (xi) Elementary or junior high school - 1 per each employee and each faculty member
- (xii) High school and vocational schools - 1 per each employee and each faculty member plus 1 per five students.
- (xiii) Stadia, areas, theaters, auditoriums or meeting rooms - .35 X seating capacity or, if no fixed seats, 1 space per 50 square feet of floor area.
- (xiv) Bowling Alley - 5 per lane.
- (xv) Dance Hall or skating rink - 1 per 80 square feet of floor area.
- (xvi) Retail and repair shops, including shoe repair, contractors' showrooms, galleries, structure material supply stores, package beverage stores with no seating - 1 per 1000 square feet of floor area plus one per three employees.
- (xvii) Restaurants and beverage establishment with

- (xviii) seating 1 per 100 sq ft of customer floor area.  
Barber shops and Cosmetology Shop - 1 plus 1.5 per chair.
  - (xix) Banks and business or professional offices (except medical and dental clinics) - 1 per 300 square feet of floor area.
  - (xx) Medical and dental clinics - 2 per staff person.
  - (xxi) Gas stations - 1 per nozzle plus 2 per lift (in addition to stopping places adjacent to pumps).
  - (xxii) Mortuary - 1 space per 4 seats or 8 feet of bench length in the chapel.
  - (xxiii) Laundromats - .5 per machine.
  - (xxiv) Other retail and service establishments - 1 per 300 square feet of floor area and outdoor sales space.
  - (xxv) Warehouses, storage and wholesale business, and freight terminals – 2 spaces plus, 1 space per employee on maximum shift. And sufficient space to park all company owned or leased vehicles, including passenger auto manufacturers, trucks, tractors, trailers and similar company owned or leased motor vehicles.
  - (xxvi) Manufacturing uses, research testing and processing, assembly, all industries - 1 X number of employees on a maximum shift.
  - (xxvii) Uses not specified - Shall be determined by the City of Lander.
  - (xxviii) Gaming, one space per every 75 square feet of gaming area or any portion thereof.
- (d) Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

(e) Credit for On-Street Parking.

- (i) Applicability. A credit for on-street parking spaces is allowed in all zones except the R-1 and R-2 zones.
- (i) Credit. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the frontage of the development. The frontage is limited to one side of the property as determined by the location of the main entrance, pursuant to the definition of frontage in section 4-14-1.
- (ii) Standards. On-street parking must follow the established or approved configuration of existing on-street parking.

except that angled parking may be allowed for some streets, where permitted by the City. One on-street parking space shall be defined as follows:

- (1) Parallel parking, each 24 feet of uninterrupted curb, where allowed;
- (2) Forty-five-degree diagonal, each with 14 feet of curb, where allowed;
- (3) Ninety-degree (perpendicular) parking, each with 12 feet of curb, where allowed;
- (4) Curb space must be connected to the lot that contains the use;
- (5) Parking spaces will not obstruct a required clear vision area or violate any law; and
- (6) On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or action limiting general public use of on-street spaces is permitted.

- (f) When it is alleged that the minimum off-street parking standards will create an unnecessary hardship on the property owners, application may be made to the Board of Adjustment for a variance in the minimum off-street parking requirements. In lieu of meeting such off-street parking requirements and after the Board of Adjustment does not grant relief there-from, either in whole or in part, the property owners shall pay reasonable costs to the City for each required parking space of which the owner may be unable to provide. The cost of those spaces shall be per square foot of current market value for property in that area. Such funds shall be kept in a separate fund and used by the City only for the purpose of purchasing off-street parking and the development of walk/bike ways within the City.
- (g) At least the following amounts of off-street loading shall be provided, plus an area adequate for maneuvering and walk/bike ways, ingress and egress:

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

5	80,000 to 100,000
6	100,000 to 150,000

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

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

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

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

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

each additional participant or change of ownership.

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

with the City limits, on an annual basis, no later than June 30 each year, the owner/operator shall submit documentation to the City Clerk's office providing:

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

#### **4-11-14 General Requirements – Cottage Housing Development**

(a) Purpose. The purpose of this section is to:

- (i) Provide a housing type that responds to differing household sizes and ages (e.g., retirees, small families, single-person households), and offers opportunities for affordability;
- (ii) Provide opportunities for small dwellings in several residential zoning districts by creating special land division and on-site development regulations that allow this type of use;
- (iii) Encourage creation of usable open space for residents of the development through flexibility in density and development standards;
- (iv) Support growth management through efficient use of urban residential land; and
- (v) Provide regulations to ensure compatibility with surrounding uses.

(b) Applicability. Cottage housing developments (CHD) are allowed in the following districts: Mid Density Residential District (R-2), High Density Residential District (R-3), Maximum Density Residential District (R-5), Single Family, Multi-Family Residential and Medical Services District (R-MED) and General Commercial District (GC). Where the regulations of this section are not specific, the standards of the relevant zoning district



prevail.

- (c) Review Procedure. The procedures and criteria of section 4-9 of this Title apply to cottage housing developments that propose a subdivision with cottage dwellings on individual lots. The procedures and criteria of City of Lander Building permit process apply to a cottage housing development with multiple cottage dwellings on a single lot.
- (d) Development Standards. Cottage housing developments must conform to the development standards specified in Table 4-11-14.1 and the additional standards of subsection (e).

*Table 4-11-14.1 – Cottage Housing Development Standards*

<b>Standards</b>	<b>R-2, R-3 and R-MED Zone</b>	<b>R-5 Zone</b>	<b>GC Zone</b>
<b>Site area and dimensions</b>			
<u>Minimum site area</u>	<u>1,200 sf per unit, no less than 7,500 sf</u>	<u>1,000 sf per unit, no less than 7,500 sf</u>	<u>1,000 sf per unit, no less than 7,500 sf</u>
<u>Minimum street frontage</u>	<u>75 ft</u>		
<b>Building types and size</b>			
<u>Number of dwellings in one cluster <sup>1</sup></u>	<u>Minimum of four (4) dwellings Maximum of 16 dwellings</u>		
<u>Permitted building types</u>	<u>Detached dwelling Building with two (2) attached dwellings</u>	<u>Detached dwelling Building with three (3) attached dwellings</u>	<u>Detached dwelling Building with four (4) attached dwellings</u>
<u>Maximum footprint per building</u>	<u>1,600 sf</u>	<u>1,800 sf</u>	<u>2,000 sf</u>
<u>Maximum footprint per dwelling</u>	<u>1,000 sf</u>	<u>1,200 sf</u>	<u>1,200 sf</u>
<u>Minimum floor area per dwelling</u>	<u>500 sf</u>		
<u>Maximum floor area per dwelling <sup>2</sup></u>	<u>1,200 sf</u>	<u>1,400 sf</u>	<u>1,600 sf</u>
<b>Building height</b>			
<u>Maximum height</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>
<u>Maximum height between 5-10 feet of side and rear lot line</u>	<u>15 ft</u>	<u>None</u>	<u>None</u>
<b>Setbacks</b>			
<u>Minimum separation between eaves of individual buildings <del>exterior walls</del></u>	<u>6 <b>10</b> ft</u>		
<u>Minimum site setback – side/rear</u>	<u>10 ft</u>	<u>5 ft</u>	<u>5 ft</u>

Language to be **added** is underlined **8/7/20 revisions** **8/11/20 revisions**  
 Language to be **deleted** is shown in ~~strikethrough~~

<u>Minimum site setback – front/street side</u>	<u>20 ft</u>	<u>12 ft</u>	<u>8 ft</u>
<b>Common open space and lot coverage</b>			
<u>Minimum area of common open space</u>	<u>100 sq. ft. per dwelling</u>		
<u>Minimum average width of common open space</u>	<u>20 ft</u>		
<u>Maximum building coverage (site)</u>	<u>50%</u>	<u>50%</u>	<u>60%</u>
<b>Notes</b>			
<sup>1</sup> <u>A cottage housing development may contain more than one cluster.</u>			
<sup>2</sup> <u>Garages are not included in the calculation of the total floor area. The maximum floor area is defined as the area included within the surrounding walls of a cottage building on all levels.</u>			

(e) Additional Development Standards.

(i) Construction Standards. Cottage dwellings must meet the following minimum construction standards:

- (1) Any structure classified as a manufactured homes, mobile homes, or recreational vehicle may not be sited in a cottage housing development.
- (2) Cottage dwellings must be attached to a permanent foundation.
- (3) The minimum floor area of a cottage dwelling is 500 square feet.
- (4) Cottage dwellings must conform to all applicable provisions of the residential building code and receive building permit approval.

(ii) Lot Size for Individual Cottage Dwellings. There is no minimum lot area requirement for individual cottage dwelling units. The entire cottage cluster site must meet the minimum size requirements of Table 4-11-14.1

(iii) Parking. A minimum of one (1) parking space is required per dwelling. Parking must be located on the site and identified on the tentative subdivision plan and/or site plan or on adjacent streets in accordance with section 4-11-10(e). On-site parking must meet the following standards:

- (1) Parking may be located within an enclosed garage, carport or unenclosed parking space.
- (2) Parking may be located in common tracts if intended to be

shared by the entire CHD in groups of not more than five adjoining spaces separated by at least four feet of landscaping.

- (3) Parking is allowed between or adjacent to structures only when it is located toward the rear of the cottage and is served by an alley or private driveway.
- (4) Individual detached garages cannot exceed 450 square feet of floor area and no more than 18 feet in height. Only one garage is allowed per cottage.
- (5) All parking must provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and/or parking areas.
- (iv) Frontage Requirements. Individual cottage lots created as part of a CHD subdivision are not required to have frontage on a public or private street. However, the development site must have a minimum of 75 feet of street frontage.
- (v) Public Utilities. All lots must be served by individual services from a private or public distribution main. Any deviations from City standards need to be approved by the City Engineer. All individual service lines that cross property must be placed in an easement.
- (vi) Existing Uses. On a site to be used for a CHD, existing detached single-family dwellings, which may become nonconforming with respect to the standards of this section, are permitted to remain, but the extent of the nonconformity may not be increased. The nonconforming dwelling units must be included in the maximum permitted number of dwellings.
- (f) Site and Building Design Standards.
- (i) Common Open Space. Common open space is intended to be an amenity shared by all residents of the cottage housing development. The amount of common open space must meet the dimensional requirements of Table 4-11-14.1

  - (1) Provide a centrally located open space area for the cottage housing development and have cottages abutting at least two sides.
  - (2) At least 50 percent of the cottages must abut a common open space.
  - (3) Each cottage must be connected to the common by a

pedestrian pathway.

- (4) Areas such as utility vaults, perimeter setbacks and common parking areas and driveways are not counted in the common open space requirements.
  - (5) Required common open space must be provided at ground level in a contiguous commonly owned tract with an easement indicating that it benefits all lots in the CHD.
  - (6) The common open space must be owned and maintained in accordance with the requirements that apply to open space in Planned Unit Developments pursuant to section 4-9-7.11(1)(c).
- (ii) Cottage Design. Cottages are intended to be designed to create a community-oriented setting within the cluster and to provide an active and interesting experience from the street.
- (1) At least 50 percent of the cottages must be oriented around and have their main entrance facing the common open space.
  - (2) Each cottage must include a covered entry and/or an uncovered patio or deck. Cottages that abut the common open space must orient the covered entry and/or uncovered patio or deck to the common open space. Conformance with these standards are achieved when each cottage includes one of the following:
    - A covered entry of at least 80 square feet with a minimum dimension of six feet on any side;
    - An uncovered patio or deck of at least 80 square feet with a minimum dimension of six feet on any side.
    - A combination of a covered entry or uncovered patio or deck is at least 80 square feet with a minimum dimension of six feet on any side.
- (iii) Walkways. Pedestrian walkways must be included to provide for movement of residents and guests from parking areas to homes and other amenities. These pathways must be shown on the subdivision tentative plan or site plan and be part of the common areas/tracts.
- (iv) Accessory Structures. Accessory structures for common usage are allowed in the common open space areas. Other accessory

structures (except garages) are prohibited.

#### **4-11-15 General Requirements – Accessory Dwelling Units**

- (a) Purpose. Accessory dwelling units are allowed in certain situations to:
- (i) Create new housing units while respecting the look and scale of single-family development;
  - (ii) Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
  - (iii) Allow more efficient use of existing housing stock and infrastructure;
  - (iv) Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- (b) Applicability. Accessory dwelling units are allowed in the following districts: **Mid Density Residential District (R-2), High Density Residential District (R-3), Maximum Density Residential District (R-5), Single Family, Multi-Family Residential and Medical Services District (R-MED), and General Commercial District (GC)**. Where the regulations of this section are not specific, the standards of the relevant zoning district prevail.
- (c) Number of Accessory Dwelling Units on One Lot.
- (i) Up to two accessory dwelling units are allowed on a lot with a house or manufactured home, except for lots in **R-2** zone, where a maximum of one accessory dwelling unit is allowed. If there are two accessory dwelling units on the lot, only one may be attached to or within the primary structure.
  - (ii) One accessory dwelling unit is allowed on a lot with a duplex. In this case, the accessory dwelling unit must be detached.
- (d) Development Standards.
- (i) Construction Standards. Accessory dwelling units must meet the following minimum construction standards:
    - (1) Any structure classified as a manufactured homes, mobile homes, or recreational vehicle may not be used as an accessory dwelling unit.
    - (2) Accessory dwelling units must be attached to a permanent

foundation.

- (3) Accessory dwelling units must conform to all applicable provisions of the residential building code and receive building permit approval.
- (ii) Maximum Size. The floor area of the accessory dwelling unit may be no more than 800 square feet. However, accessory dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would be more than 800 square feet.
- (iii) Parking. No off-street parking is required for an ADU, except in the R-2 zones, where one off-street parking space is required per ADU.
- (iv) Height. The maximum height of a detached accessory dwelling unit is 25 feet.
- (v) Setbacks. Accessory dwelling units are exempt from the rear setback requirements of the underlying zoning district provided all of the following are met with the exception of R-1 where all setbacks must be retained:
  - (1) The building is setback at least 5 feet from rear lot lines.
  - (2) The portion of the building within 10 feet of any rear lot line is less than 15 feet high; and
  - (3) The building does not have a rooftop deck.
- (vi) Privacy Standard. Privacy standards are required on or along wall(s) of a detached accessory dwelling unit, or portions thereof, that are within 10 feet of a side or rear lot line and face the lot line of an adjacent residential property. The standard may be met in two ways:
  - (1) All windows on the wall must be placed at least 6 feet above the finished floor level.
  - (2) Visual screening is in place along the portion of a property line next to the wall of the accessory dwelling unit, plus an additional 10 lineal ft beyond the corner of the wall. The screening shall be at least 6 ft high; and must consist of a fence or wall.

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

- (a) Intent. This district is intended to provide for a compatible mixture of single-family residential dwellings and agricultural uses at a density slightly lower than that for single family districts alone, plus accessory public and semi-public uses offering services to the surrounding areas. This zone encourages animal husbandry, agriculture, viniculture, horticulture, aquaculture and family or small commercial farming. Such areas will by nature be on the outer fringes of the City.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
  - (i) single family detached dwellings.
  - (ii) manufactured homes.
  - (iii) agricultural (shall include horticultural uses, nurseries and the production of crops and livestock).
- (c) Permitted Accessory Uses: Any use which complies with all of the following conditions may be operated as an accessory use:
  - (i) is clearly incidental and customary to and commonly associated with the operation of the permitted use.
  - (ii) is operated and maintained under the same ownership and on the same lot as the permitted use.
  - (iii) does not include structures or structural features inconsistent with the permitted use.
  - (iv) to include one secondary residential unit.
  - (v) if operated wholly or partly within a structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed 30% of the gross floor area of the permitted use.
- (d) Minimum area of lot: 1 acre.
- (e) Minimum width of lot: 100 feet.
- (f) Minimum setback requirements for structures:
  - (i) front yard: 33 feet.
  - (ii) side yard: 12 feet.
  - (iii) rear yard: 20 feet.
  - (iv) side yard on flanking street or corner lot: 28 feet.
  - (v) When a lot or parcel of ground in the district adjoins a residential district, the setback requirements that apply to the yard area of that residential district shall be required.
- (g) Maximum Number of single family or manufactured homes per lot: one per lot.  
Maximum number of agricultural structures: three per acre.

- (h) Maximum Height of Structures: 30 feet.

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

- (a) Intent. This district is intended to be applied to lands which are suitable for single family residential development within the existing community. The district also allows uses which are compatible with and provide support to a low-density residential environment.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
- (i) single family detached dwellings.
  - (ii) churches.
  - (iii) public or private grade schools.
  - (iv) public park, playground, or other public recreational facilities.
- (c) Conditional Use:
- (i) Child Care.
  - (ii) home business. (Section 4-12-3(c) amended by Ordinance 855, effective 4-23-91.)
  - (iii) bed and breakfast/**short term rental**
  - (iv) mortuary/crematory
  - (v) related uses of similar type as approved by the Board of Adjustment.
- (d) Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.
- (e) Minimum Area of Lot: 8,800 square feet.
- (f) Minimum Width of Lot: 80 feet at front setback line.
- (g) Minimum Setback Requirement for Principle Structures:
- (i) front yard: 33 feet.
  - (ii) side yard: 12 feet.
  - (iii) rear yard: 20 feet or 20% of lot depth, whichever is smaller.
  - (iv) side yard flanking street on corner lot: 28 feet.
  - (v) encroachment into the front yard setback and any side yard flanking street setbacks to within 18 feet of the curb line is permitted for use of a covered or uncovered porch or deck structure. That portion of the porch or deck structure within the setback area shall not be enclosed and in no case shall it be allowed beyond the property line.
- (h) Maximum Number of Structures Containing Permitted Use Per Lot: one per lot
- (i) Maximum Height of Principle Structure: 30 feet.
  - (j) Maximum Lot Coverage: 40%.

**4-12-3. District Regulations – ~~Single and Two Family~~ Mid Density Residential**



**District (R-2).** -

- (a) Intent. This district is intended to provide for a compatible mixture of single and four family dwellings at a density slightly higher than that for single family districts alone, plus the accessory public and semi-public uses offering services to the surrounding area.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
  - (i) single family detached dwellings.
  - (ii) two-family dwellings.
  - (iii) multi-family dwellings (up to four units).
  - (iv) cottage housing developments, subject to the provisions of section 4-11-14.
  - ~~(iii)~~ v) churches.
  - ~~(iv)~~ vi) private or public elementary and secondary schools.
  - ~~(v)~~ vii) public park, playground, and other public recreational facilities.
- (c) Conditional Uses:
  - (i) Child Care.
  - (iii) group foster home.
  - (iv) home business.
  - (v) bed and breakfast/**short term rental**.
  - (vi) mortuary/crematory
  - (vii) related uses of a similar type as approved by the Board of Adjustment
- (d) Permitted Accessory Uses.
  - (i) Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.
  - (ii) Accessory dwelling units, subject to the provisions of section 4-11-15.
- (e) Minimum Area of Lot – Interior Lots:
  - (i) The lot on which there is erected a detached single family dwelling, child care facility, foster home, or group foster home shall contain an area of not less than ~~6,000~~ 3,750 square feet.
  - (ii) The lot on which there is erected a two-family or multi-family dwelling (up to four units) shall contain an area of not less ~~4,000~~ 1,875 square feet per dwelling unit and no less than ~~6,000~~ 3,750 square feet in total.
  - (iii) The lot on which there is erected any other permitted use in the district shall contain an area of not less than ~~6000~~ 3,750 square feet.
- (f) Minimum Area of Lot – Corner Lots:
  - (i) The lot on which there is erected a detached single-family dwelling or manufactured home shall contain an area not less than ~~6,000~~ 3,750 square feet.
  - (ii) The lot on which there is erected a two-family or multi-

- family dwelling (up to four units) shall contain an area of not less ~~4,000~~ 1,875 square feet per dwelling unit and no less than ~~6,000~~ 3,750 square feet in total.
- (iii) The lot on which there is erected any other permitted use of the district shall contain an area not less than ~~6,000~~ 3,750 square feet
- (f g) Minimum Width of Lot: ~~60~~ 50 feet at front setback line.
- (g h) Minimum Setback Requirements for Principle Structures:
- (i) front yard: 28 feet.
- (ii) side yard: 10 feet; except that there shall be no side yard set back for the common wall side yard of a two-family dwelling, where each living unit, and ½ the land upon which the two-family dwelling is located, are sold separately, provided that the following criteria are met on each family dwelling:
- 1) all provisions of the Uniform Structure Code and Uniform Fire Code are complied with, including but not limited to, an appropriate fire wall; and
- 2) each family dwelling unit is served by a separate water and sewer line.
- (iii) rear yard: 20 feet or 20% of lot depth, whichever is smaller.
- (iv) side yard on flanking street on corner lot: 23 feet.
- (v) encroachment into the front yard setback and any side yard flanking street setbacks to within 18 feet of the curb line is permitted for use of a covered or uncovered porch or deck structure. That portion of the porch or deck structure within the setback area shall not be enclosed and in no case shall it be allowed beyond the property line.
- (h i) Maximum Number of Structures Containing Permitted Use Per Lot: one per lot, except as allowed for accessory dwelling units or cottage housing developments.
- (i j) Maximum Height of Principle Structures: ~~30 feet~~
- (i) 25 feet to the base of the eaves on a pitched roof or the highest point of a flat roof
- (ii) 35 feet to the highest point of a pitched roof
- (j k) Maximum Building Dimensions. The following maximum building dimensions apply to two-family and multi-family dwellings.
- (i) Maximum building width: 50 feet
- (ii) Maximum building depth: 65 feet
- (k l) Maximum Lot Coverage:
- (i) detached single family dwellings, childcare center, foster home, group foster home: 40%.
- (ii) two-family and multi-family dwellings (up to four units), other permitted uses in the district: 50%.

#### **4-12-4. District Regulations – ~~Single and Multi-Family~~ High Density**

**Residential District (R-3).** -

- (a) Intent. This district is intended to provide for a compatible mixture of single on up to ~~four family~~ eight multi-family dwellings at a density slightly higher than that for ~~single family~~ low density districts alone, plus the accessory public and semi-public uses offering services to the surrounding area.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
  - (i) single family detached dwellings.
  - (ii) two-family dwellings.
  - (iii) multi-family dwellings (up to ~~four~~ eight units).
  - (iv) cottage housing developments, subject to the provisions of section 4-11-14.
  - ~~(iv v)~~ (v) manufactured homes on privately owned lots.
  - ~~(v vi)~~ (vi) manufactured home parks: ~~Minimum Area: For the first two (2) manufactured homes there shall be provided an area not less than twelve thousand (12,000) square feet. For each manufactured home after the first two, there shall be provided an area not less than six thousand (6,000) additional square feet per manufactured home.;~~
  - ~~(vi vii)~~ (vii) churches.
  - ~~(vii-viii)~~ (viii) public or private elementary and secondary schools.
  - ~~(viii ix)~~ (ix) public parks, playground, and other public recreational facilities.
- (c) Conditional Uses:
  - (i) Child Care.
  - (iii) group foster home.
  - (iv) recreational vehicle and campground district; (See district regulations 4-13-1)
  - (v) home business.
  - (vi) bed and breakfast/short term rental.
  - (vii) mortuary/crematory
  - (viii) related uses of a similar type as approved by the Board of Adjustment.
- (d) Permitted Accessory Uses.
  - (i) Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.
  - (ii) Accessory dwelling units, subject to the provisions of section 4-11-15.
- (e) Minimum Area of Lot – Interior Lots:
  - (i) The lot on which there is erected a detached single family dwelling, manufactured home or other permitted use of the district shall contain an area not less than ~~6,000~~ 3,750 square feet.
  - (ii) The lot on which there is erected a two-family dwelling shall contain an area not less than 3,750 square feet.
  - (iii) The lot on which there is erected a multi-family dwelling

shall contain an area not less than ~~4,000~~ 1,250 square feet per dwelling unit and no less than 3,750 square feet in total. for each of the first two dwelling units plus 3,000 square feet for each additional unit.

**(f)** Minimum Area of Lot – Corner Lots:

- (i)** The lot on which there is erected a detached single-family dwelling or manufactured homes shall contain an area not less than 2,500 square feet.
- (ii)** The lot on which there is erected a two-family dwelling shall contain an area not less than 2,500 square feet.
- (iii)** The lot on which there is erected a multi-family dwelling shall contain an area not less than 925 square feet per dwelling unit and no less than 3,750 square feet in total.-
- (iv)** The lot on which there is erected any other permitted use of the district shall contain an area not less than 3,750 square feet

**(f g)** Minimum Width of Lot:

- (i)** detached single family dwelling,
- (ii)** manufactured homes, multi-family dwellings: 50 feet at front setback line.

**(g h)** Minimum Setback Requirements for Principle Structures:

- (i)** front yard: 20 feet.
- (ii)** side yard: 10 feet; except that there shall be no side yard set back for the common wall side yard of a two-family dwelling, where each living unit, and ½ the land upon which the two-family dwelling is located, are sold separately, provided that the following criteria are met on each family dwelling:
  - 1) all provisions of the Uniform Structure Code and Uniform Fire Code are complied with, including but not limited to, an appropriate fire wall; and
  - 2) each family dwelling unit is served by a separate water and sewer line.
- (iii)** rear yard: 20 feet or 20% of lot depth whichever is smaller.
- (iv)** side yard on flanking street or corner lot: 23 feet.
- (v)** encroachment into the front yard setback and any side yard flanking street setbacks to within 18 feet of the curb line is permitted for use of a covered or uncovered porch or deck structure. That portion of the porch or deck structure within the setback area shall not be enclosed and in no case shall it be allowed beyond the property line.

**(h i)** Maximum Number of Structures Containing Permitted Uses Per Lot: two per lot, except as allowed for accessory dwelling units or cottage housing developments and manufactured home park.

**(i j)** Maximum Height of Principle Structures: ~~30 feet.~~

- (i)** 25 feet to the base of the eaves on a pitched roof or the highest point of a flat roof

- (ii) 35 feet to the highest point of a pitched roof
- (j k) Maximum Building Dimensions. The following maximum building dimensions apply to two-family and multi-family dwellings.
  - (i) Maximum building width: 50 feet
  - (ii) Maximum building depth: 65 feet
- (j l) Maximum Lot Coverage:
  - (i) detached single family dwellings, manufactured homes: 40%.
  - (ii) multi-family dwellings, all other permitted uses in District: 50%.

**4-12-5. District Regulations – ~~Multi-Family~~ Maximum Density Residential District (R-5).** -

- (a) Intent. This district is intended to provide for a compatible mixture of single and multi-family dwellings at a density higher than that for ~~single and two family~~ mid density districts alone, plus the accessory public and semi-private uses offering services to the surrounding area.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
  - (i) single family detached dwellings.
  - (ii) two-family dwellings.
  - (iii) multi-family dwellings.
  - (iv) cottage housing developments, subject to the provisions of section 4-11-14.
  - (v) manufactured homes on privately owned lots;
  - (vi) manufactured home parks;
  - (~~vii~~ vii) churches.
  - (~~viii~~ viii) public or private elementary or secondary schools.
  - (~~ix~~ viv) public park, playground and other public recreational facilities.
  - (~~x~~ x) office space for a single user.
  - (~~xiii~~ xi) family day care home.
  - (~~xii~~ xii) professional structures.
- (c) Conditional Uses:
  - (i) Child Care.
  - (ii) group foster home.
  - (iii) clinics and nursing homes.
  - (iv) motels.
  - (v) related uses of a similar type as approved by the Board of Adjustment.
  - (vii) recreational vehicle and campground district.  
(see district regulations 4-14-1.)
  - (viii) home business.
  - (ix) bed and breakfast/short term rental.
  - (x) restaurant.

- (xi) civic or community center.
  - (xii) mortuary/crematory
- (d) Restrictions on use - Uses shall be subject to the following restrictions and limitations to preserve and enhance desirable neighborhood qualities:
- (i) Multiple Uses. Any number of permitted uses may be allowed on a single lot/development pad provided the specific use of some lots/development pads or structures may be limited based on access, parking limitations, or potential impacts to adjacent residential uses.
  - (ii) Storage Uses. Storage shall be limited to accessory storage of commodities sold at retail on the premises. All storage shall be completely enclosed within a structure unless otherwise approved by the planning commission. No commercial storage facility will be allowed.
  - (iv) Walls/Fences Between Use Districts. A six-foot-high solid wall/fence or other approved buffer shall be constructed and maintained on all property lines which abut a residential use or zone district unless the property is separated from the residential use or zone district by a public road or alley. Walls or fences may be required to be set back from streets and alleys so as not to obstruct views.
  - (v) Hours of Operation. No business shall be open to the public between the hours of ten p.m. and seven a.m. without a conditional use permit.
  - (vi) Uses in Structures. All uses shall be operated primarily within an enclosed structure. Limited seasonal outdoor displays and sales may be permitted if approved in the site plan review or by the Planning Commission.
  - (vii) Loading Areas Screened. All loading areas shall be screened from public view or from view from any adjacent residential use or zone district by a maintained wall or screened fence not to exceed ten feet in height.
- (e) Permitted Accessory Uses.
- (i) Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.
  - (ii) Accessory dwelling units, subject to the provisions of section 4-11-15.
- (f) Minimum Area of Lot – Interior Lots.
- (i) The lot on which there is erected a detached single family dwelling, manufactured home or other permitted use of the district shall contain an area not less than ~~6,000~~ 3,750 square feet.
  - (ii) The lot on which there is erected a two-family dwelling shall contain an area not less than 3,750 square feet.
  - (iii) The lot on which there is erected a multi-family dwelling

- shall contain an area not less than ~~3,000~~ 925 square feet per dwelling unit and no less than 3,750 square feet in total.
- (iv) All other permitted uses in the district shall contain an area not less than ~~5,000~~ 3,750 square feet.
- (i) The lot on which there is erected a detached single family dwelling shall contain an area not less than ~~6,000~~ 3,750 square feet.
- (g) Minimum Area of Lot – Corner Lots.
- (i) The lot on which there is erected a detached single family dwelling or manufactured home shall contain an area not less than 2,500 square feet.
- (ii) The lot on which there is erected a two-family dwelling shall contain an area not less than 2,500 square feet.
- (iii) The lot on which there is erected a multi-family dwelling shall contain an area not less than 625 square feet per dwelling unit and no less than 3,750 square feet in total.
- (iv) All other permitted uses in the district shall contain an area not less than 3,750 square feet.
- (g h) Minimum Width of Lot: 50 feet from front setback line.
- (h i) Minimum Setback Requirements for Principle Structures:
- (i) front yard: shall be 12 feet or within deeded property and shall be no closer than the setback.
- (ii) side yard: 5 feet; except that there shall be no side yard setback for the common wall side yard of a two-family dwelling, where each living unit, and ½ the land upon which the two-family dwelling is located, are sold separately, provided that the following criteria are met on each family dwelling:
- 1) all provisions of the Uniform Structure Code and Uniform Fire Code are complied with, including but not limited to, an appropriate fire wall; and
  - 2) each family dwelling unit is served by a separate water and sewer line.
- (iii) rear yard: 10 feet or 20% of lot depth, whichever is smaller.
- (iv) side yard on flanking street on corner lot: shall be 12 feet or within deeded property and shall be no closer than the setback; (City Code Section 4-11-9 must also be met)
- (i j) Maximum Number of Structures Containing Permitted Use per Lot: two per lot or as otherwise provided herein and as allowed for accessory dwelling units or cottage housing developments and manufactured home parks.
- (j k) Maximum Height of Principle Structures: Three stories, not to exceed 40 feet:
- (i) 35 feet to the base of the eaves on a pitched roof or the highest point of a flat roof
- (ii) 40 feet to the highest point of a pitched roof
- (l) Maximum Lot Coverage: 60%.

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

- (a) Intent. This district is intended to provide a compatible mixture of single and multi-family dwellings and general medical services at a density slightly higher than for single family districts alone, plus accessory public and semi-public uses offering services to the surrounding area.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
- (i) single family detached dwelling.
  - (ii) two-family dwellings.
  - (iii) multi-family dwellings (up to ~~four~~ **eight** units);
  - (iv) cottage housing developments, subject to the provisions of section 4-11-14.**
  - (iv) churches;(v) public or private elementary and secondary schools.
  - (vi) public park, playground and other public recreational facilities.
  - (vii) assisted living facility. *(Section 4-12-8(b) amended Ordinance 895 effective 4-12-93)*
  - (viii) parking lots.
- (c) Conditional Uses:
- (i) Child Care.
  - (ii) group foster home.
  - (iii) medical clinics\*.
  - (iv) hospitals\*.
  - (v) nursing homes\*.
  - (vi) offices and office structures.
  - (v) home business.
  - (vi) mortuary/crematory

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

- (d) Permitted Accessory Uses.
- (i)** Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.
  - (ii)** **Accessory dwelling units, subject to the provisions of section 4-11-15.**
- ~~(e) **Minimum Area of Lot.** The lot on which there is erected a~~



~~detached single family dwelling, child care center, foster or group home or medical clinics and all other permitted uses shall contain an area of not less than 6,000 square feet. The lot on which there is erected a multi-family dwelling shall contain an area not less than 4,000 square feet for each of the first two units, plus 3,000 square feet for each additional unit.~~

(e) Minimum Area of Lot – Interior Lots:

(i) The lot on which there is erected a detached single family dwelling, manufactured home or other permitted use of the district shall contain an area not less than 3,750 square feet.

(ii) The lot on which there is erected a two-family dwelling shall contain an area not less than 3750 square feet.

(iii) The lot on which there is erected a multi-family dwelling shall contain an area not less than 1,250 square feet per dwelling unit and no less than 3750 square feet in total.

(f) Minimum Area of Lot – Corner Lots:

(i) The lot on which there is erected a detached single-family dwelling or manufactured home shall contain an area not less than 2,500 square feet.

(ii) The lot on which there is erected a two-family dwelling shall contain an area not less than 2,500 square feet.

(iii) The lot on which there is erected a multi-family dwelling shall contain an area not less than 925 square feet per dwelling unit and no less than 3,750 square feet in total.

(iv) The lot on which there is erected any other permitted use of the district shall contain an area not less than 3,750 square feet

(g) Minimum Width of Lot: 50 feet front setback line.

(h) Minimum Setback Requirements for Principal Structures:

(i) front yard: 28 feet.

(ii) side yard: 10 feet.

(iii) rear yard: 20 feet or 20% of lot depth, whichever is smaller.

(iv) side yard on flanking street or corner lot: 23 feet.

(i) Maximum Number of Structures Containing Permitted Use Per Lot: one per lot or as otherwise provided herein and as allowed for accessory dwelling units or cottage housing developments.

(j) Maximum Height of Principle Structures: ~~30 feet:~~

(i) 25 feet to the base of the eaves on a pitched roof or the highest point of a flat roof

(ii) 35 feet to the highest point of a pitched roof

(k) Maximum Lot Coverage:

(i) detached single family dwelling, childcare or group foster home, medical clinics: 40%.

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

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

- (a) Intent. This district is intended to provide locations for all retail, commercial, institutional and office uses necessary for a community.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
  - (i) small business machine sales, repair, and service.
  - (ii) amusement place (not to include adult rated bookstore or uses of similar type).
  - (iii) antique shop and store, providing all merchandise is displayed and sold inside a structure.
  - (iv) apparel and accessory store.
  - (v) art and art supply stores.
  - (vi) auditorium and similar places of public assembly.
  - (vii) automobile and manufactured home sales, service and repair, new and used.
  - (viii) auto supply store.
  - (ix) banks and other savings and lending institutions.
  - (x) barber and beauty shops.
  - (xi) bicycle shop.
  - (xii) books and stationery store.
  - (xiii) business and technical school and school for photography, music, and dancing.
  - (xiv) carpenter and cabinet shop.
  - (xv) church and parish house.
  - (xvi) cigar and tobacco store.
  - (xvii) clothing and costume rental.
  - (xviii) commercial recreation use.
  - (xix) commercial storage facilities.
  - (xx) custom dressmaking, furrier, millinery, or tailor shop.
  - (xxi) delicatessen and catering establishment.
  - (xxii) department store.
  - (xxiii) drug store and prescription shop.
  - (xxiv) dry good and notion store.
  - (xxv) dry cleaning and laundry establishment.
  - (xxvi) electric repair shop (household appliances).
    - (xxvii) fire station, police station and jail.
    - (xxviii) fix-it shop (radio, television, and small household appliances repair).
  - (xxix) florist and gift shop.
  - (xxx) furniture and home furnishing store.
  - (xxxi) garden shop.
  - (xxxii) garage (public and private).
  - (xxxiii) gasoline filling station.

- (xxxiv) greenhouse and nursery (place where young trees or other plants are raised for experimental purposes for transplanting, or for sale).
- (xxxv) grocery store (including retail meat markets and produce stores).
- (xxxvi) hardware store.
- (xxxvii) hobby, stamp and coin store.
- (xxxviii) hotel and motel.
- (xxxix) household appliance store.
- (xl) implement sales and service.
- (xli) interior decorator's shop.
- (xlii) jewelry and metal craft store.
- (xliii) leather goods and luggage store.
- (xliv) library and museum.
- (xlv) lock and key shop.
- (xlvi) lumber yard.
- (xlvii) mail order catalog store.
- (xlviii) medical, dental and health clinic.
- (xlix) medical and orthopedic appliance store.
- (l) messenger or telegraph service station.
- (li) mortuary/crematory
- (lii) music instrument sales and repair shop.
- (liii) music studio, radio and television store.
- (liv) newspaper office.
- (lvi) newsstand.
- (lvii) offices and office structure.
- (lviii) office supply and office equipment store.
- (lviii) optician and optometrists' shop.
- (lix) package liquor store.
- (lx) paint store.
- (lxi) parking of vehicles.
- (lxii) pawn shop.
- (lxiii) pet shop.
- (lxiv) photographic equipment and supply store.
- (lxv) photographic studio.
- (lxvi) picture frame shop.
- (lxvii) plumbing shop.
- (lxviii) printing and publishing house (including newspapers).
- (lxix) private club, fraternity, sorority, and lodge.
- (lxx) public or private school for elementary or secondary education.
- (lxxi) radio and television studio.
- (lxxii) rental store.
- (lxxiii) restaurant and tearoom (including "drive-ins").
- (lxxiv) self-service laundry.
- (lxxv) sewing machine store.
- (lxxvi) sheet metal shop.
- (lxxvii) shoe store.

- (lxxviii) shoe repair and shoeshine shop.
- (lxxix) single & multi-family dwellings.
- (lxxx) sporting and athletic goods store.
- (lxxxii) tailor shop.
- (lxxxiii) tavern or lounge.
- (lxxxiv) theater, including drive-in theater.
- (lxxxv) tire repair shop.
- (lxxxvi) tinsmith shop.
- (lxxxvii) toy store.
- (lxxxviii) travel agency.
- (lxxxix) variety store and shop.
- (xc) veterinary clinic, providing all animal runs or observation pens are completely enclosed.
- (xci) vocational school.
- (xcii) wallpaper store and shop.
- (xciii) watch repair shop.
- (xciv) wholesale establishment.
- (xcv) essential public utility and public service installation.
- (xcvi) cottage housing developments, subject to the provisions of section 4-11-14.
- (xcvi) related uses of similar type as determined by the Board of Adjustment

(c) **Permitted Accessory Uses.**

(i) Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.

(ii) Accessory dwelling units, subject to the provisions of section 4-11-15.

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

- (iv) Child Care.
- (v) related uses of similar type as approved by the Board of Adjustment

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

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

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

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

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

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

- (a) Intent. This district is intended to provide for the proper location of necessary public utilities, facilities and activities both for the existing and future urban area.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
  - (i) essential public utility and public service installation.
  - (ii) governmental structures.
  - (iii) public schools.
  - (ii) public parks.
  - (iii) Hospice Center.
  - (iv) Airport.
  - (v) Parking lot.
- (c) Conditional Use.
  - (i) Commercial Communications Towers and Antennas
  - (ii) Any other public facility or activity judged by the Board of Adjustment to be in harmony with the intent of the district.
  - (iii) Child Care.

- (iv) Assisted living facility
- (d) Accessory Use. Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.
- (e) Minimum Area of Lot: None.
- (f) Minimum Width of Lot: None.
- (g) Minimum Setback Requirements for Principal Structures:
  - (i) front yard: 8 feet.
  - (ii) side yard on flanking street on corner lot: 8 feet.
  - (iii) When a lot or parcel of ground in the district adjoins a residential district, the setback requirements that apply to the yard area of the residential district shall be required, otherwise no setbacks would be required.
- (v) When a parcel of ground or lot adjoins a residential district at the rear yard, an eight-foot-high solid fence or other approved buffer shall be required.
- (h) Maximum Height of Principle Structures: None.
- (i) Maximum Number of Structures Containing Permitted Use Per Lot: None.

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

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

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

- (a) Airport – Hunt Field Airport, a Lander Municipal airport.
- (b) Airport elevation – The highest point of an airport’s usable landing area measured in feet from mean sea level.
- (c) Airport hazard – Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which

obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

(d) Structure – An object constructed or installed by man, including, but without limitation, structures, towers, smokestacks, earth formations, and overhead transmission lines.

(e) Tree – Any object of natural growth.

(f) Non-conforming use – Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance or an amendment thereto.

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

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

(i) Board of Adjustment – Shall mean, for purposes of this ordinance only, the Lander Airport Commission as established by Lander City Code Section 1232.

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

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

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

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

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

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

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

(q) Approach, transitional, horizontal, and conical zones – These zones apply to the area under the approach, transitional, horizontal, and conical



surfaces defined in FAR Part 77.

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

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

(b) Runway larger than utility with a visibility minimum as low as  $\frac{3}{4}$  mile non-precision instrument approach zone – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.

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

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

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

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

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

feet along the extended runway centerline.

(b) Runway larger than utility with a visibility minimum as low as  $\frac{3}{4}$  mile non-precision instrument approach zone – Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(c) Transitional zones – Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation which is 5,586 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven (7) feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

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

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

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

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

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

**4-12-15. Nonconforming Uses** –

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

alteration of which was begun prior to the effective date of this ordinance and is diligently prosecuted.

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

#### **4-12-16. Permits –**

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

- (i) However, a permit for a tree or structure of not less than seventy-five (75) feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.
- (ii) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

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

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

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

(e) Hazard marking and lighting – Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the city, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

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

**4-12-18. Appeals** –

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

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

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

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

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

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

**4-12-20. Conflicting Regulations** – Where there exists a conflict between any of the

regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

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

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

- (a) Maximum Density: 12 units per acre.
- (b) When an R.V. park adjoins a residential district at the rear or side yard, the setback at that rear or side yard shall be 23 feet and a six (6) foot high solid fence shall be placed at the property line or approved buffer shall be required.
- (c) Streets: Individual units within a R.V. park or campground are to be served by a private street system, those streets shall:
  - (i) provide an approved all-weather surface of 24 feet consisting of soil cement, asphalt, concrete or other approved surface within an easement of 40 feet; and
  - (ii) be maintained at all times by the owner and operator of the R.V. park or campground.
- (d) Parking: In addition to each R.V. or tent space, an off-street parking space shall be provided for each unit.
- (e) Standards of Operation:
  - (i) R.V. parks and campgrounds shall not be used as permanent residences except for the owner, operator or permanent full-time maintenance personnel. A permanent residence shall not be construed to be a manufactured home, recreational vehicle or temporary structure.
  - (ii) the entire state of the R.V. park and campground must be constructed and maintained to be graded and well drained. All areas of the R.V. park to campground shall have a form of ground cover designed to prevent erosion and blowing of dust. A minimum 1.2 trees per unit shall be required. Twenty percent of the trees may be consolidated in common areas with the remainder dispersed among the campsites.
  - (iii) generator use shall be limited to the hours of 7:00 a.m. to 10:00 p.m.

**4-14-1. Definitions.** - The following words, terms and phrases are hereby defined and shall be interpreted in the same fashion throughout this ordinance. The word "shall" is mandatory. The word "may" is permissive. Words used in the present tense shall include

the future tense and words in the singular shall include the plural. Terms not herein defined shall have the meaning customarily assigned to them.

- (a) **ACCESS:** permission, liberty or ability to enter, approach or pass to and from a place or to approach or communicate with a person or commercial business or any other approved/legal use of a property.
- (b) **ACCESS DRIVE OR ACCESSWAY:** A privately owned, constructed and maintained vehicular access roadway accessing one or more dwelling units or one or more commercial, institutional or industrial principal uses.
- (c) **ACCESSORY STRUCTURE:** A subordinate structure, the use of which is incidental to that of a main structure located on the same lot.
- (d) **ACCESSORY USE:** Not a permitted use as authorized by these regulations but a subordinate use operated on the same lot as the permitted use or any accessory structure.
- (e) **ACCESSORY DWELLING UNIT:** A second or third dwelling unit created on a lot with a house, manufactured home, or duplex. The second additional unit is created auxiliary to and is always smaller than or equal to the primary dwelling. The unit includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside. Accessory dwelling units may not be occupied as short-term rental (occupancy of less than 30 days) or used as a boarding house.
- (f) **ALLEY:** A minor public right-of-way which provides secondary access to abutting properties.
- (g) **ANIMAL BOARD AND TREATMENT CENTER:** Means an establishment where animals are admitted for examination, treatment or care by a Doctor of Veterinary Medicine. Outside runs are allowed, but kennels must be in an enclosed facility. Boarding for all purposes is allowed.
- (h) **ANIMAL CLINIC, SMALL:** means an establishment where animals are admitted principally for short-term treatment, examination or care by a Doctor of Veterinary Medicine. Board is provided only for-medical purposes or treatment.
- (i) **ANNEXATION AGREEMENT** - shall mean an agreement proposed by the City and entered into by all landowners whereby each agrees to not oppose annexation into the City of Lander upon prior completion of improvements within the zone and a request to do so by the Governing Body.
- (j) **ASSISTED LIVING FACILITY:** Means a dwelling or rooming house operated by a person, firm or corporation engaged in the business of operating a facility for the purpose of letting rooms for rent and providing meals, personal daily living care and limited nursing care for persons not related to the owner. The facility shall obtain all necessary federal, state

and local certifications.

- (k) **BED AND BREAKFAST INN:** An establishment, other than a hotel, that provides meals and one or more guestrooms for lodging for periods of less than thirty (30) days in exchange for compensation. Bed and breakfast inns shall be in private owner-occupied homes or other small structures which otherwise conform to the applicable zoning regulations.
- (l) **BOARD:** The Board of Adjustment of the City of Lander, Wyoming.
- (m) **BOARDING HOUSE:** means a structure other than a hotel or motel, where for compensation and by prearrangement for definite periods, lodging and/or lodging with meals are provided for three or more persons, but not exceeding twenty persons who reside on the premises.
- (n) **STRUCTURE HEIGHT:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the structure to the highest point of the structure. This definition does not apply to antennas, chimneys, cupolas and other appurtenances usually placed above the main roof line and not intended for human occupancy.
- (o) **CLINIC:** means an establishment where patients are seen for special study and treatment by licensed healthcare professional and their professional associates.
- (p) **COMMERCIAL STORAGE FACILITY:** A structure or group of structures that contain varying sizes of individual, compartmentalized and controlled access stalls or lockers for the dead storage of articles or goods. This use does not include active retail uses nor shall there be any activities allowed to be conducted within the structure or structures other than the temporary storage of articles or goods. All storage shall be totally contained within the structure or group of structures with no outdoor storage of articles or goods allowed. No heavy equipment nor farm implements shall be allowed to be stored nor any part thereof. No hazardous materials shall be called to be stored.
- (q) **COMMISSION:** Means the Wyoming Limited Gaming Commission.
- (r) **COTTAGE:** A dwelling unit in a cottage housing development. Dwellings in a cottage housing development may not be occupied as short-term rental (occupancy of less than 30 days) or used as a boarding house.
- (s) **COTTAGE CLUSTER:** Cottage cluster relates to the configuration of cottages. A cluster is a grouping of four to ~~12~~ Sixteen (16) cottage dwellings arranged on a development site around or abutting usable open space. A cottage housing development may contain more than one cluster. See section 4-11-14 Cottage Housing Development.
- (t) **COTTAGE HOUSING DEVELOPMENT:** A type of site development or subdivision where individual lots are created, both built in conjunction with shared open space and other common tracts of land that are intended

to serve small-scale dwellings that interact together as a small community.  
See section 4-11-14 Cottage Housing Development.

- (u) **CHILD CARE:** The City of Lander follows the Wyoming Department of Family Services definitions.
- (v) **CREMATORY:** Defined by Wyoming State Statute 33-16-502.
- (w) **DEVELOPED STREET:** For purposes of annexation only a developed street shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities with an unobstructed width of not less than 20 feet. This definition does not apply to subdivision rules and regulations of the Lander city code.
- (x) **DISTRICTS:** Any section or area of the City of Lander for which the regulations governing the use of land and the use, density, bulk, height and coverage of structures and other structures are uniform.
- (y) **DRIVE-IN RESTAURANT:** A retail establishment engaged in the sale of prepared food and drink which is served to and/or consumed on the premise by the occupants in their vehicles.
- (z) **DWELLING, SINGLE FAMILY:** A detached residential dwelling unit designed for and occupied by one family only.
- (aa) **DWELLING, TWO FAMILY:** A detached residential structure containing two dwelling units, designed for occupancy by not more than two families.
- (bb) **DWELLING, MULTI-FAMILY:** A residential structure containing more than two dwelling units for family occupancy.
- (cc) **DWELLING UNIT:** A structure or a portion thereof used for living purposes or constituting a separate, independent housekeeping unit for permanent residential occupancy.
- (dd) **ECONOMIC DEVELOPMENT ZONE** - shall mean an area of land lying within or adjacent to the Lander city corporate boundaries which is designated by the Governing Body by ordinance as such a zone.
- (ee) **FAMILY:** Single housekeeping unit of a more or less permanent living arrangement which is stable, rather than transient living arrangements (except where the handicapped are affected) and/or family as designated and defined by the Wyoming Department of Family Services.
- (ff) **FOSTER CARE:** An activity regulated by the State of Wyoming and providing care for children in a facility or home on a 24 hour-a-day basis. Categories of foster care specified in this ordinance include:
  - (i) foster home: allows for the care of three to six children; and



- (ii) group foster home - allows for the care of seven to eleven children.
- (gg) **FRONTAGE:** The front part of a piece of property as determined by the main entrance to the structure or use of the parcel.
- (hh) **HOME BUSINESS:** An accessory use of a dwelling unit or accessory structure for gainful employment involving the manufacture, provision or sale of goods and/or services.
- (ii) **HOTEL/MOTEL** - A structure which provides a common entrance, lobby, hall and stairways, and in which temporary lodging is provided for compensation.
- (jj) **JUNKYARD** – means a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, or stored, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel material and equipment; but not including places where such uses are conducted entirely within a completely enclosed structure.
- (kk) **LOT:** Land occupied or intended to be occupied by a main structure and its accessory structures, together with such open spaces as are required by this ordinance, and having its principle frontage on a public street or officially approved place. A lot is the land shown as a lot on a recorded subdivision plat.
- (ll) **LOT LINES:** The side of the lot in front of the street used for primary vehicle access is the front lot line. The opposite side is the rear lot line. For lots which are not quadrilateral, lot lines shall be determined from a quadrilateral inscribed within the actual boundaries of the lot. The depth of the lot is the distance between the midpoints of the front lot line and the rear lot line. The width is the distance between midpoints of the side lot lines.
- (mm) **LOT OF RECORD:** A lot platted within a subdivision recorded at the Fremont County Courthouse, or a parcel described by meets and bounds so recorded and of legal size at the time of recording.
- (nn) **MANUFACTURED HOME:** A single prefabricated structure designed for transportation after fabrication, on streets and highways on its own wheels and chassis and arriving at the site where it is to be occupied as a dwelling, complete and ready for assembly operations, location on jacks or permanent foundation, connections to utilities and the like, and including all potable contrivances used generally for living and sleeping quarters, towed or transported by another vehicle and cannot qualify as a modular structure. This definition also includes trailer homes with a vehicle identification number.
- (oo) **MANUFACTURED HOME PARK:** A parcel (or contiguous parcels) of two or more lots and meeting all of the regulations of the subdivision

regulations of the City of Lander, the lots of which are intended to be sold, leased or assigned for use by manufactured homes with vehicle identification numbers and/or license plates to create a suitable environment for long-term residential occupancy.

- (pp) **MANUFACTURED HOME SUBDIVISION:** A subdivision consisting of two or more lots and meeting all of the requirements of the subdivision regulations of the City of Lander, the lots of which are intended to be sold, leased or assigned for use by manufactured homes with vehicle identification numbers to create a suitable environment for long term residential occupancy.
- (qq) **MORTUARY, FUNERAL ESTABLISHMENT, FUNERAL HOME, FUNERAL CHAPEL:** Defined by Wyoming State Statutes 33-16-502.
- (rr) **PARKING SPACE:** An off-street space available for the parking of one motor vehicle having an area of not less than 162 square feet exclusive of passageways and driveways appurtenant thereto and having direct access to a street or alley.
- (ss) **PERMITTED USE:** A use enumerated for a zoning district.
- (tt) **PLANNING, DEPARTMENT OF:** Shall consist of the City Planner, City Clerk, Structure Inspector and Public Works Director.
- (uu) **PROFESSIONAL STRUCTURE:** the office or offices of a member of a recognized profession maintained for the conduct of that profession excluding retail and wholesale trade.
- (vv) **PRIVATE ROAD:** A private road may or may not be used by the general public, but it primarily benefits those at whose request it was established.
- (ww) **PUBLIC STREET:** Primary access that is publically dedicated on a plat and recorded at the Fremont County Courthouse.
- (xx) **PUBLIC UTILITY:** Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations to the public electricity, gas, steam, communication, telegraph, transportation or water service.
- (yy) **RESIDENTIAL USE OR OCCUPANCY.** Long-term (i.e., more than 30 days) occupancy of a dwelling unit, which may be owner-occupied or rented. Occupancy of a dwelling unit for shorter periods of time is considered a short-term rental.
- (zz) **SETBACK:** The required distance between every structure and any lot line on the lot on which it is located. The distance is measured from the foundation line.
- (aaa) **SETBACK, FRONT:** The required distance between the front of every structure and the line separating the street side curb and gutter from the

street edge, also known as the "lip"; and

- (bbb) **SETBACK, SIDE & REAR:** The required distance between every structure and any lot line on the lot on which it is located.
- (ccc) **SHORT TERM RENTAL:** a dwelling or portion of a dwelling that is rented for a period of fewer than 30 consecutive days. This includes, but is not limited to Airbnb, VRBO and similar short-term vacation and living accommodations.
- (ddd) **STORAGE STRUCTURES, PORTABLE:** shall be any structure which is so designed and constructed to make it portable and capable of movement from one site to another, designed to be used without a permanent foundation, designed with the purpose of storing tangible property and not for occupancy by persons, and to have a minimum of 32 square feet.
- (eee) **STORAGE STRUCTURES, TEMPORARY:** shall be any transportable structure designed and used primarily for temporary storage of structure materials (before they are utilized for structure purposes) household goods prior to or during moving, and other such materials for use on a limited basis, no longer than 90 days on residential property, with a permit from the City of Lander.
- (fff) **STRUCTURE:** Anything constructed or erected with a fixed location on, above, or below the ground, or attached to something having a fixed location on the ground.
- (ggg) **SUBDIVISION:** The creation of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses.
- (hhh) **TAXIDERMY:** An operation conducted solely within an enclosed structure to include onsite preparation, stuffing and mounting of heads and skins of animals. Exterior storage or processing of carcasses or parts of animals shall be prohibited in residential zones.
- (iii) **TOWER AND ANTENNA, COMMERCIAL COMMUNICATION:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes radio and television transmission Commercial Communications Towers and Antennas, microwave Commercial Communications Towers and Antennas, common-carrier Commercial Communications Towers and Antennas, cellular telephone and wireless Commercial Communications Towers and Antennas, alternative Commercial Communications Towers and Antennas structures and the like. Tower types include but are not limited to guyed Commercial Communications Towers and Antennas, wooden poles, lattice Commercial Communications Towers and Antennas and monopoles.

- (jjj) **WIRELESS COMMUNICATIONS FACILITY:** An unstaffed facility for the transmission and/or reception of radio frequency (RF) signals usually consisting of an equipment shelter or cabinet, a support structure and/or other transmission and reception devices.
- (kkk) **WIRELESS COMMUNICATIONS FACILITY ATTACHED:** A wireless communications facility that is affixed to an existing structure (i.e., an existing structure, tower, water tank, utility pole, etc.).
- (i) **Antenna** - Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves. Antenna types include but are not limited to: omni-directional whip antenna, directional panel antenna, and ancillary antenna. This definition shall not include antennas used in the reception of television services by consumers.
- (ii) **Co-location** - The use of a single support structure and/or site by more than one wireless communications provider.
- (iii) **Public Utility Facilities** - Facilities for the transmission, distribution or collection of electric, telephone, telegraph, cable television, natural gas, water and sewer utility services and the transportation of people.
- (iv) **Related Equipment** - All equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.
- (v) **Equipment Enclosure** - A small structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning and emergency generators.
- (vi) **Guyed Towers** - A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.
- (lll) **YARD:** The area between any lot line and the required setback.

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

**4-15-1. Solar Rights.** - This Section shall be known, cited and referred to as the Solar Rights Act of the City of Lander, Fremont County, Wyoming.

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

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

districts.

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

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

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

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

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

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

1. a completed Solar Rights Access Permit application.
2. fee shall be according to the City of Lander Fee Schedule.
3. a site plan drawn to scale showing the following detail:
  - (i) owner's name, legal description, street address of the site, and use of the structure(s).
  - (ii) north arrow, scale, and date of preparation.
  - (iii) names of all adjacent streets.
  - (iv) dimensions of the property.
  - (v) dimensions, height, and location of all structures on the site.
  - (vi) location, height and type of all trees, bushes and shrubs on the between 90 and 270 azimuths of the site and estimated height at full growth.
  - (vii) location and height of all walls and fences on the site.
  - (viii) dimensions and location of solar collector surface.
  - (ix) direction in which collector is oriented.

- (x) height of collector above ground level.
- (xi) signature block for City Administration.
- (xii) degree line from base of collector, as measured above the horizon.
- (xiii) provide the projected date when this system will be providing beneficial use.
- (ix) is there an alternate location on the premises where this system could be installed.

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

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

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

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

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

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

4-15-7 Recording Procedure - After approval of the solar access permit by the

planning commission the City Administration shall record the approved solar access permit and a site plan with the county clerk. The solar access permit shall include a description and square footage dimensions of the collector surface or that portion of the collector surface to which the solar access permit is granted.

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

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

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

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

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

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

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

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

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

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

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

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