

ORDINANCE 2024-08

**REPEALING CITY OF LANDER MUNICIPAL CODE
TITLE 4 - ZONING, SECTIONS 4-1-1 THROUGH 4-15-9 IN ITS ENTIRETY
AND REPLACING IT WITH TITLE 4 - PLANNING AND ZONING**

NOW THEREFORE, be it ordained by the Governing Body of the City of Lander, Fremont County, Wyoming that the City of Lander Title 4 Zoning Code Sections 4-1-1 through 4-15-9 shall be repealed in its entirety and replaced with Title 4 Planning and Zoning to better serve the housing, zoning, planning and subdivision needs of the community.

WHEREAS, notice of a public hearing and first reading was published in the Lander Journal September 14 and 21, 2024; and

WHEREAS, a copy of the proposed Title 4 Planning and Zoning Code is posted on the City of Lander website.

WHEREAS, repealing Title 4 shall necessarily supersede the following ordinances: Ordinance 1023, 3/14/2000, Ordinance 1041 4/10/2001, Ordinance 1093 4/26/2005, Ordinance 1152 1/13/2009, Ordinance 1198 10/27/2015, and Ordinance 1234 3/10/2020.

WHEREAS, the following summary of changes are being proposed:

1. Expand the horizontal building space on a lot by decreasing setbacks, reducing off street parking spaces, and eliminating the maximum lot coverage.
2. Expand the vertical building space on a lot by increasing maximum building heights
3. Increase the housing opportunities by increasing the number of family dwellings and the number of residential structures allowed in some zones.
4. Increase the housing opportunities by decreasing the minimum lot width in some zones.
5. Maintain the character of the R-1 and R-2 zones by restricting the number of accessory buildings per lot.
6. Reduce the required individual public notice requirement from 400 feet to 140 feet in compliance with Wyoming State Statutes.
7. The Subdivision Rules, including Public Unit Development and Development Plans, will be moved to a separate document and adopted by a Resolution of City Council concurrently with Title 4.
8. All Design Specifications will be moved to a separate document and adopted by a Resolution of City Council concurrently with Title 4.
9. Publish a new zoning map to reflect lot line discrepancies and adopted zoning changes and annexation changes approved through the Planning Commission and Board of Adjustment from 2022-2024.

NOW, THEREFORE, BE IT RESOLVED City of Lander City Code Title 4 Planning and Zoning be amended to read as follows:

TITLE 4 PLANNING AND ZONING

Section 1 - Zoning General Provisions

4-1-1 Authority

4-1-2 Purpose

4-1-3 Definitions

4-1-4 Application

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, W.S. §§ 15-601 through 15-1-611 as from time to time may be amended.

4-1-2 Purpose

These regulations have been made in accordance with the policies and recommendations set forth in a duly adopted Master plan, as may be amended from time to time, and have been enacted with the following purposes in mind:

- A. to lessen congestion in the streets by coordinating land use with adopted transportation plans and policies, as may be amended from time to time.
- 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. Facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements 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.

4-1-3 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.

For the purpose of interpreting these regulations, the following definitions shall apply:

"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.

"Accessory Structure." A subordinate structure with or without a permanent foundation, including but not limited to, detached garages, sheds, temporary and permanent storage structures, the use of which is not intended for residential use and is incidental to that of a main structure located on the same lot.

"Accessory Use." Not a primary permitted use as authorized by these regulations but a subordinate use operated on the same lot as the permitted use or any accessory structure.

"Airport." Hunt Field Airport, the Lander Municipal airport.

"Airport Elevation." The highest point of an airport's usable landing area measured in feet from mean sea level.

"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.

"Alley." A minor public right-of-way which provides secondary access to abutting properties.

"Annexation Agreement" shall mean an agreement between the City and a landowner 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 City Administration.

"Approach (Airport), Transitional, Horizontal, and Conical Zones." These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in FAR Part 77.

"Board of Adjustment." The City of Lander Board of Adjustment appointed by the City Council in accordance with W.S. 15-1-605.

"Board." The Board of Adjustment of the City of Lander, Wyoming.

"Block." A parcel of land, intended for urban development, entirely surrounded by public streets or lands, streams, railroads or highways.

"Childcare." A service licensed by the Wyoming Department of Health provided on behalf of children and their parents and designed to supplement daily parental care.

"City Administration" shall mean the City Planner, City Engineer, Public Works Director, Building Inspector, City Clerk or their designees.

"Clinic" means an establishment where patients are seen for special study and treatment by licensed healthcare professionals and/or their professional associates.

"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 allow any active retail uses outside storage, or storage or use of hazardous materials.

"Commission." The City of Lander Planning Commission appointed by the City Council and in accordance with W.S. 15-1-501.

"Conical Surface" A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to 1 (20:1) for a horizontal distance of four thousand feet.

"Conditional Use" a use that would not be appropriate in the designated zoning district unless controlled as to number, area, location, or other condition(s) but which is an authorized special exemption to this ordinance.

"Council." The City of Lander City Council.

"County." Fremont County, Wyoming.

"Crematory." Defined by W.S. § 33-16-502.

"Developer." Any person, firm or agency who lays out any subdivision of lots, tracts, parcels, or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, commercial or public uses.

"District." 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.

"Dwelling." A structure or a portion thereof used for living purposes constituting a separate, independent housekeeping unit which contains eating, sleeping, and sanitary services for residential occupancy, not including Recreational Vehicles which require license plates.

"Dwelling, Single Family." A residential structure designed for and occupied by one family only.

"Dwelling, Two Family." A residential structure containing two dwelling units, designed for occupancy by not more than two families.

"Dwelling, Multi-Family." A residential structure containing more than two dwelling units for family occupancy.

"Easement." A designated area on a tract, block, or lot of land which the owner legally grants the right for the use of others, particularly, public utilities.

"Engineer." A licensed professional engineer registered within the State of Wyoming.

"Family." Single housekeeping unit that consists of eating, sleeping, and sanitary services which has stable, non-transient living arrangements.

"Foster Care." A service licensed by the Wyoming Department of Health 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:

A. Foster home: allows for the care of three to six children.

B. Group Foster home allows for:

1. The care of seven to eleven children.
2. Adult Day Care as licensed by the Wyoming Department of Health
3. Boarding home as licensed by the Wyoming Department of Health
4. Intermediate Care Facility as licensed by the Wyoming Department of Health

"Frontage." The front part of a single lot or property as determined by the main entrance and street address to the structure or use of the parcel.

"Gaming Commission." The State of Wyoming Limited Gaming Commission.

"Height (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.

"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.

"Horizontal Surface" A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

"Hotel/Motel." A structure which provides a common entrance, lobby, hall and stairways, and in which temporary lodging is provided for compensation.

"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.

"Instrument." A formal document such as an easement, deed, or contract.

"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 material and equipment; but not including places where such uses are conducted entirely within a completely enclosed structure.

"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 principal frontage on a public street or officially approved place. A lot is the land shown as a lot on a recorded subdivision plat.

"Lot Depth and Width." 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.

"Manufactured Home." A single prefabricated structure built entirely off site in the factory under a federal building code administered by the US Department of Housing and Urban Development (HUD), June 1976. Manufactured homes are intentionally designed with a permanently attached wheeled chassis to ensure long-term portability and are assigned a VIN (vehicle indentation number) or license plate. Manufactured homes are either single or multi-section and are transported to the site and installed per LMC 4.

"Mobile Home or Trailer Home" terms used for manufactured homes produced prior to June 15, 1976, when HUD code went into effect.

"Modular Home" prefabricated home constructed off site in one or more sections and then transported and assembled at the property. Modular homes are built to the International Residential Code (IRC) without a HUD certification. After a modular home is placed on a permanent foundation it will not have any separate distinction from "structure" or "dwelling".

"Manufactured Home Park." A parcel or lot meeting all the requirements of the subdivision regulations of the City of Lander, the lots or homes of which are intended to be separately sold, leased or assigned for use by manufactured homes with vehicle identification numbers to create a suitable environment for long term residential occupancy.

"Mortuary, Funeral Establishment, Funeral Home, Funeral Chapel." Defined by W.S. § 33-16-502.

"Motel/Hotel." A structure which provides a common entrance, lobby, hall and stairways, and in which temporary lodging is provided for compensation.

"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.

"Nonprecision 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 nonprecision instrument approach procedure has been approved or planned.

"Owner." Any person having a legal or equitable interest in land.

"Parking Space." An off-street space available for the parking of one motor vehicle having an area of not less than 9'x18' (162 square feet) inclusive of passageways, enclosed garages, carports, and driveways appurtenant thereto and having direct access to a street or alley.

"Permitted Use." A use enumerated for a zoning district.

"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.

"Plat." A map or drawing prepared in accordance with the adopted subdivision regulations and showing the developed plan for the property consisting of lots, tracts, parcels or other units of property.

"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.

"Private Drive." A privately owned, constructed, and maintained surface that may or may not be used by the general public, primarily accessing one or more dwellings or commercial properties. Private Drives may exist in an exclusive or mutual easement when not fully owned by the primary user.

"Professional Structure." The single office or combined offices of a member of a recognized profession maintained for the conduct of that profession excluding retail, businesses that use licensed construction trades, and wholesale trade.

"Public Street." Primary access that is publicly dedicated on a plat recorded at the Fremont County Courthouse and has been accepted for maintenance by the City.

"Public Utility." Any person, firm, corporation, municipal department, or board duly authorized to furnish under state or municipal regulations to the public electricity, gas, steam, communication, telegraph, transportation or water and sewer service.

"Public Works Director." The person appointed as the Public Works Director for the City of Lander, Wyoming. May be referred to as "City Administration."

"Right-Of-Way." A strip of land dedicated for public use by a plat, easement, or some other legal recorded document.

"Runway." A defined area on an airport prepared for landing and takeoff of aircraft along its length.

"Setback." The required distance between every structure's exterior foundation wall and any lot line on the lot on which it is located. The distance is measured from the foundation line to the property line or to lip of the curb if the frontage or side yard is adjacent to a street.

"Setback, Front." The required distance between the exterior of the foundation wall of every structure and the line separating the street side curb and gutter from the street edge, also known as the "lip".

"Setback, Side & Rear." The required distance between every structure's exterior foundation wall and any lot line on the lot on which it is located.

"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.

"Storage Structures, Portable." Any structure, including metal containers, which is so designed and constructed to make it portable and capable of movement from one site to another, is designed to be used without a permanent foundation, designed with the purpose of storing tangible property and not designed for occupancy by person. A portable structure is also considered an "Accessory Structure".

"Storage Structures, Temporary." Any transportable structure, including metal containers, and designed with the sole purpose of storing tangible property, which are placed on a lot for 30 days or less.

"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, including, but without limitation, residential structures, accessory structures, towers, smokestacks, earth formations, and overhead transmission lines.

"Subdivision." The division of a tract or parcel of land into two or more parts for the creation of a lot, tract, parcel or other unit of land, including lot line adjustments, for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses.

"Tiny Home" - A dwelling structure that is 400 square feet or less in floor area excluding lofts whose structural components meet all the requirements of the International Residential Code Appendix Q as adopted by City Council and may be amended from time to time.

"Tower and Antenna, Commercial Communication." Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. Tower types include but are not limited to guyed commercial communications towers and antennas, wooden poles, lattice commercial communications towers and antennas and monopoles.

"Transitional Surfaces" these surfaces extend outward at 90-degree angle to the runway centerline, and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces, to a point of intersection with the horizontal surfaces.

"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.

"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.

"Wireless Communications Facility." An unstaffed facility for the transmission and/or reception of radio frequency (RF) signals usually consists of an equipment shelter or cabinet, a support structure and/or other transmission and reception devices. A wireless communications facility may or may not be affixed to an existing structure (i.e., an existing structure, tower, water tank, utility pole, etc.). The following terms apply to all wireless communication facilities:

- A. Antenna: Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves. Antenna types may be 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.
- B. Co-location: The use of a single support structure and/or site by more than one wireless communications provider.
- C. 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.
- D. Guyed Towers: A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.
- E. 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.

"Yard." The ground area between any lot line and the structure.

4-1-4 Application

- A. After the effective date of these regulations, no land shall be used or occupied, no lot shall be occupied, altered, or modified, and no structure shall be erected, altered, used or occupied except in conformance with the provisions of these regulations and as they may from time to time be amended.
- 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, ordinance or regulations, the provision of such other statutes, ordinance 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.

Section 2 Administration

4-2-1 Administering And Enforcement Agency

4-2-2 Violations And Remedies

4-2-3 Appeals

4-2-1 Administering And Enforcement Agency

Except where otherwise provided, the City Administration shall be responsible for the general interpretation, enforcement and implementation of this Planning and Zoning Ordinance and shall have the power to issue orders and file complaints to affect such enforcement.

4-2-2 Violations And Remedies

- A. No person shall locate, erect, construct, reconstruct, enlarge, change, maintain, or use any conforming or nonconforming structure or use any land in violation of this ordinance as from time to time may be amended.
- B. The City Administration 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 by City Administration, 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 ordinance shall be deemed a separate offense.

4-2-3 Appeals of a Decision of City Administration

- A. Any order or decision of a City Administrator of this ordinance may be appealed to the Board of Adjustment by any person or agency affected by any such order or decision in accordance with W.S. 15-1-607. 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 Administration, 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.

Section 3 Amendment Procedures

4-3-1 Amendment Procedures - Statement Of Policy

4-3-2 Amendments - Type And How Made

4-3-3 Amendments - Public Hearing Requirements

4-3-4 Amendments – Right to Public Petition for Protest

4-3-5 Amendments - Limitations On Filing

4-3-1 Amendment Procedures - Statement Of Policy

It is the intent of the City of Lander that these Planning and Zoning 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 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.

4-3-2 Amendment - Type And How Made

A. Amendments shall be of two types:

1. Language amendments which seek to change the wording of the zoning ordinance; and
2. Zoning map amendments which seek to change the district boundary lines on the District Zoning Map.

B. Upon recommendation of the Planning Commission or upon receipt of an approved application for amendments of this ordinance of either type, the Planning Commission shall deliberate on the suggested amendments in accordance with this ordinance. It shall be the responsibility of City Administration to have applications available that clearly state the requirements and procedures for each amendment type.

4-3-3 Amendments - Public Hearing Required

- 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 two publications in a newspaper of general circulation in the City, one of which is at least 15 days before the date of such hearing and a public notice mailed to the property owners within 140 feet of the premises. After the public hearing which may also constitute 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 make recommendations for approval or denial (in whole or in part) 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 or private citizens and the findings and recommendations of the Planning Commission. No zoning change shall be put into effect unless an ordinance is passed through three readings with the majority of the Council votes in favor of its adoption.

4-3-4 Amendments – Right to Public Petition of Protest

In the event of a protest to a proposed amendment to the District Zoning Map duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of the lots included in the proposed change, or of those immediately adjacent within a distance of one hundred forty (140) feet, the change is not effective except upon the affirmative vote of three-fourths (3/4) of all the members of the governing body. In determining the one hundred forty (140) feet, the width of any intervening street or alley shall not be included in accordance with W.S 15-1-601. B. All protests to a proposed amendment to the District Zoning Map, or any withdrawals from such a protest, shall be filed with City Administration on an approved application containing a petition form at least 24 hours before the time set by notice for the Council meeting at which the proposed ordinance containing the amendment will be considered.

4-3-5 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.

Section 4 Board Of Adjustment

4-4-1 Board of Adjustment - Creation

4-4-2 Board Of Adjustment - Powers And Jurisdiction

4-4-3 Board Of Adjustment - Rules For Proceeding Before the Board of Adjustment

4-4-4 Board of Adjustment – Variance Requests

4-4-5 Board of Adjustment - Conditional Use Permit Requests

4-4-6 Board of Adjustment - Nonconforming Use Request

4-4-7 Board of Adjustment - Appeals

4-4-1 Board of Adjustment - Creation

A Board of Adjustment consisting of the Lander Planning Commission is hereby created in accordance with W.S. 15-1-605(c). 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 subject to approval of the governing body and kept on file by the City Clerk for public inspection.

4-4-2 Board Of Adjustment - Powers And Jurisdiction

- A. A Board of Adjustment for the City of Lander shall have the powers and duties in accordance with W.S. § 15-1-608 as exists now and may hereafter be amended which is hereby adopted by reference.
- B. The Board has the power to hear and decide on applications in variance of the strict application of the zoning ordinance. A Variance shall remain in effect for as long as the land use is effective and shall be recorded with the title of the affected

property.

- C. The Board has the power to hear and decide special exemptions to the terms of the ordinance which are hereby defined as Conditional Use Permits. Conditional Use permits remain in effect for as long as the specific applicant owns the property or requests an expiration or change of conditions.
- D. The Board has the power to hear and decide on applications requesting permission to retain a Nonconforming Use. Nonconforming Use Permits are of two types: 1. Nonconforming Use and 2. Nonconforming Setback or Utility Installation Registration. Approval of Type 2" Nonconforming Setback and Utility Installation Registration" may be delegated to City Administration in lieu of a full public process that results in a Board Decision and Order. Nonconforming Use permits remain in effect until such time that the use or the structure is demolished, destroyed or deemed to be abandoned for a period of 12 months or more.

4-4-3 Rules For Proceeding Before The Board Of Adjustment

The Board of Adjustment shall deliberate on the applications of any agency or official or in regard to Variances, Conditional Uses and Nonconforming Uses from the provisions of this zoning ordinance in accordance with W.S. 15-1-608. Application Forms shall be made available by City Administration. A Decision 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:

- A. 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. Public notice shall also be mailed to the property owners within 140 feet of the premises in a timely manner. The newspaper and mailed notices 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.
- B. 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.
- C. All witnesses shall be sworn or shall affirm their testimony in the manner required in courts of record.
- D. All testimony and evidence shall be presented publicly.
- E. 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.
- F. The Board shall render a written Decision and Order 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.

- G. For Variances only, In addition to this Decision and Order and record of proceedings, the City Administration 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.

4-4-4 Board Of Adjustment – Variance Requests

- A. Upon receipt of an approved application for a variance the Board may vary or adjust the strict application of any of the requirements pursuant to this ordinance if after due process it is determined that the strict application of any provision of meets all of the following:
1. There are special circumstances or conditions, fully described in the Board's findings, which are peculiar to the land or building for which the adjustment is sought and do not apply generally to land or buildings in the neighborhood and have not resulted from any act of the applicant subsequent to the adoption of the ordinance.
 2. Circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the existing land or building, the granting of the adjustment is necessary for the reasonable use thereof and the adjustment as granted is the minimum adjustment that will accomplish this purpose, High cost alone, when following this ordinance is not a reasonable basis for granting the owner a variance.
 3. The granting of the adjustment is in harmony with the general purposes and intent of the ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- B. The Board may grant exceptions and variances upon request after a showing that an illegal construction or a nonconforming building or use existed for a period of at least five (5) years in violation of local ordinance and the City Administration has not taken steps toward enforcement. Approval of this type of Variance or nonconformance may be delegated to City Administration in lieu of a full public process that results in a Board Decision and Order.
- C. If a petition protesting the proposed conditional use and signed by 20% or more of the property owners within 140 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 per W.S 15-1-603. Petition forms shall be made available by City Administration.

4-4-5 Board of Adjustment - Conditional Use Permit Requests

- A. Upon receipt of an approved application, the Board may authorize special exemptions to this code as a Conditional Use. Conditional uses are those that would not be appropriate in the designated area unless controlled as to number,

area, and location, or other condition, and included in the list of allowed conditional uses for each zoning district as provided by this ordinance. Application for a conditional use permit shall be made to the Board of Adjustment and shall include any information the Board may require as set forth in their adopted rules and procedures. Permissible Conditional Use Applications are as follows:

1. Childcare
2. Group/Foster Home (WY Department of Health Licensed Facility)
3. Home Business
4. Short-term Rental/Bed and Breakfast
5. RV campground
6. Medical Office/clinic
7. Professional office (other than Medical)
8. Motel/Hotel
9. Restaurant
10. Gaming Establishment
11. Communication Tower
12. Junkyard
13. Other similar used as approved by the Board.

- B. 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.
- C. If a petition protesting the proposed conditional use and signed by 20% or more of the property owners within 140 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 per W.S 15-1-603. Petition forms shall be made available by City Administration.

4-4-6 Board of Adjustment - Non-Conforming Use Requests

- A. Upon receipt of an approved application, the Board may authorize a Nonconforming Use Permit. Within the zoning districts established by this ordinance and amendments that may later be adopted, there exists land and land uses which were lawful before this ordinance was passed or amended, but which would be affected by the terms of future amendments. Therefore, it is the intent to permit these nonconforming uses to continue if the applicant meets all the requirements of this section as listed below. It is further the intent that these nonconforming uses shall not be used as grounds for allowing other uses prohibited elsewhere in the district.
- B. The Board has the authority to delegate the approval for a nonconformance to City Administration ONLY when a landowner is simply registering a Nonconforming Setback or Utility Installation that exists for 5 years or more and which were lawful before this ordinance was passed or amended. Registration for nonconforming setbacks or utility installation shall be submitted on an approved form provided by City Administration.

- C. Any existing structure devoted to a use not permitted by this ordinance in the zoning district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except when changing the nonconforming use of the structure to a use permitted in the zone in which it is located.
- D. 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 this ordinance, but no such use shall be extended to occupy any land outside such land or structure.
- E. 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 deliberates on an approved application and considers the following:
 - 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.
- F. 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.
- G. 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.
- H. 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 ordinance is defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time of destruction.

4-4-7 Board Of Adjustment – Appeals

- A. The decision of the Board of Adjustments may be reviewed by the district court pursuant to Rule 12 of the Wyoming Rules of Appellate Procedure in accordance with W.S. 15-1-609.
- B. [The Board may reverse or affirm wholly or partly a Decision and Order, requirement, decision or determination as necessary, but no power exercised under this paragraph shall](#)

exceed the power or authority vested in the administrative officer from whom the appeal is taken. The concurring vote of a majority of the board is necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the application on any matter upon which it is required to pass under any ordinance or to affect any variation in the ordinance. A

Section 5 Planning Commission

4-5-1 Planning Commission - Creation

4-5-2 Planning Commission - Powers And Jurisdiction

4-5-3 Planning Commission – Rules for Proceeding Before the Planning Commission

4-5-4 Planning Commission - Annexations and De-annexations

4-5-5 Planning Commission – Creation of Zone Districts and Zoning Requests

4-5-6 Planning Commission – District Zoning Map

4-5-7 Planning Commission – Subdivision And Land Use Regulations

4-6-8 Planning Commission - Water and Sewer Requests Outside the City Limits

4-5-9 Planning Commission – Issuance of Solar Rights Permits

4-5-1 Creation

- A. A Planning Commission for the City of Lander of five to seven members is established in accordance with W.S. § 15-1-502 (1977) as the same now exists or may hereafter be amended. Members shall be appointed without respect to political affiliation by the Mayor, with the advice and consent of the Council. The term of each member shall be three 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.

4-5-2 Powers And Jurisdiction

The Planning Commission has the following powers and jurisdiction in accordance with W.S 15-1-507 and 15-1-601 which is incorporated herein by reference:

- A. To hear and make recommendations to the City Council on all planning and zoning applications ensuring that the application is consistent with this ordinance and the adopted Zoning Map, Master Plan Transportation plans, and Subdivision Regulations of the City of Lander as from time to time may be amended.
- B. To and make recommendations to the City Council on proposed changes to the language of this Planning and Zoning ordinance.
- C. To review and recommend to the City Council approval or denial of annexation and de-annexation requests.
- D. To review and recommend to the City Council approval or denial of zoning and

rezoning requests.

- E. 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.
- F. To review and if in compliance, approve Development Plans and Planned Unit Developments subject to the currently adopted Subdivision Rules and Regulations as may from time to time be amended.
- G. To review in accordance with the adopted Water and Sewer Master Plans, as may from time to time be amended, and recommend to the City Council approval or denial of requests for water and/or sewer services outside City limits.

4-5-3 Planning Commission – Rules for Proceeding Before the Planning Commission

- A. The Planning Commission shall deliberate on all proposed changes to this ordinance, including changes to the zoning map, and make recommendations to the City Council for adopting changes by ordinance. Requests for changes may be initiated by the governing body, the planning commission itself, or an individual application as stated in the Amendment Procedures of these regulations.
- B. The Planning Commission shall deliberate on all requests submitted on an approved application form in accordance with these regulations and make a recommendation to the Governing Body.
- C. The Commission has the authority to hold a public hearing on all Subdivision and Planned Unit Development requests prior to making a recommendation to City Council. If a public hearing is afforded, the Commission shall fix a reasonable time and place for the hearing, notify all landowners within 140 feet of the action, and shall advertise the public hearing a minimum of 15 days prior to the hearing.
- D. Subdivision and Planned Unit Development applications to the Planning Commission shall follow all the requirements set forth in the City of Lander Subdivision Rules and Regulations as adopted by Resolution of the City Council as may from time to time be amended.
- E. All applications shall also be reviewed by City Administration, including but not limited to, the Public Works Director, City Engineer, Fire Administrator, Building Department, Parks and Recreation Department, and Planning Department or designated staff as appropriate for each application.

4-5-4 Annexations and De-annexations

All proposed annexations to the City shall be referred to and reviewed by the Planning Commission. Rules for annexations of the following types are set forth in accordance with W.S. 15-1-401 to 15-1-423, inclusive. For all annexation requests or actions, the Commission shall review the land to be annexed with reference to the adopted Zoning Map, Master Plans, Transportation plans, and Subdivision Regulations of the City of Lander as from time to time may be amended. For all types of annexations, the Commission shall deliberate on the appropriate zoning district as requested by the annexation applicant and

include their recommendation for zoning to the City Council at the same time as the matter comes before the Council for approval.

A. Annexation of territories initiated by Governing Body.

1. In any annexation proceeding the governing body shall establish a date, time and place for a public hearing to determine if the proposed annexation complies with W.S. 15-1-402. The hearing shall be held not less than thirty (30) days nor more than one hundred eighty (180) days after the petition has been certified to be complete.

2. The clerk shall give notice of the public hearing by publishing a notice at least twice in a newspaper of general circulation in the territory sought to be annexed. The first notice shall be given at least fifteen (15) business days prior to the date of the public hearing.

3. If more than fifty percent (50%) of the landowners, or if a landowner or landowners owning more than fifty percent (50%) of the area to be annexed file written objections with the clerk of the annexing municipality within twenty (20) business days after the hearing under W.S. 15-1-405(a) no further action under W.S. 15-1-404 may be taken on any area within the proposed annexation within two (2) years.

4. If seventy-five percent (75%) or more of the perimeter of the area to be annexed is contiguous to the corporate limits of the annexing city or town, the provisions of subsection (c) of this section do not apply and the proposed annexation shall not be protested.

5. No annexation under W.S. 15-1-404 shall create an area which is situated entirely within the boundaries of the city or town but is not annexed.

B. Annexation by petition of a single or multiple adjacent landowners.

1. Annexation may be initiated by a written petition signed and dated by a majority of the landowners owning a majority of the area sought to be annexed, excluding public streets and alleys and tax-exempt property

2. No signature on the petition is valid if it is dated more than one hundred eighty (180) days prior to the date of filing the petition with the clerk. No person signing a petition for annexation may withdraw his signature from the petition after it has been filed with City Administration.

3. City Administration shall within ten (10) days from the date the petition is filed, determine if the petition substantially complies with this article and forward the petition to the Commission.

4. There are no public hearings required for an annexation by petition.

C. Annexation by subdivision.

1. The owner of any land within or contiguous to any city or town may subdivide the land into lots, blocks, streets, avenues and alleys and other grounds as an addition to the City of Lander.

2. After public hearing and deliberation by the Commission, approval by City Council, and when filed with the County Clerk it is equivalent to a deed in fee simple to the city or town from the owner, of all streets, avenues, alleys, public squares, parks and commons and of that portion of the land set apart for public and city use, or dedicated to charitable, religious or educational purposes.

3. When all improvements are accepted by City Council, the subdivision is a part of the city or town for all purposes, and the inhabitants of the addition are entitled to all the rights and privileges and subject to all the laws, ordinances, rules and regulations of the city or town.

4. When annexation by subdivision is requested, City Administration shall notify to the appropriate County officials of the pending request.

D. Annexation of contiguous cities or towns.

When any city or town desires to be annexed to another contiguous city or town, their governing bodies shall meet to determine the terms and conditions on which the proposed annexation might be made. If the governing body of each city or town approves of the terms and conditions proposed, the governing body of the city or town to be annexed shall circulate a written petition requesting annexation subject to the terms and conditions set forth in W.S. 15-1-403 among the city's or town's qualified registered electors. Once the petition is signed by at least a majority of the qualified registered electors residing in the city or town, as determined by the records of the county clerk, it shall be filed with the clerk of the annexing city or town.

E. Municipal de-annexation by petition of a single or multiple landowners.

1. Any landowner within a city or town may petition the governing body of the city or town to have his land or a portion of it de-annexed and the boundaries of the city or town redrawn so their land is outside the city or town boundaries. The landowner shall file the petition with the planning commission and shall also provide a copy of the petition to the county commissioners of the affected county. The county commissioners shall, within sixty (60) days, prepare a report on the impact of the de-annexation. The affected city or town may not take any action on the petition for de-annexation until after the sixty (60) day period. The commissioners may establish rules and regulations for the area to be de-annexed which are consistent with county land use plans and zoning ordinances.

2. The petitioner shall be responsible for publishing a public notice of the petition in a newspaper of general circulation in the affected municipality no more than ten (10) days after filing the petition with the municipal clerk. The notice shall also include a map showing identifiable landmarks and boundaries.

3. The governing body of the city or town may by ordinance provide for this de-annexation and redrawing of boundaries provided that:

a. The owners of all the land to be de-annexed either sign the petition for de-annexation or consent to the de-annexation within one hundred twenty (120) days after the final passage of the de-annexation ordinance and before its effective date. The passage of the ordinance shall serve as the consent of the city or town for any land owned by the city or town within the area to be de-annexed.

b. The ordinance is adopted within one hundred twenty (120) days after the receipt of the de-annexation petition and within one hundred eighty (180) days after the landowner's signature of the petition, unless a further consent of all the landowners is obtained before the effective date of the ordinance; and

c. If the de-annexation causes land within the city or town boundaries to no longer be contiguous with the rest of the city or town, the de-annexation ordinance may be adopted only with the consent of all the owners of the land to be isolated by the de-annexation.

4. If the city or town owns any rights-of-way, easements, streets or other property or improvements within the area to be de-annexed it may:

a. Vacate or abandon them.

b. Transfer them to the county government with the consent of the county commissioners.

c. Agree to transfer them to another city or town upon completion of the annexation of all or part of the de-annexed land to that other city or town.

d. Retain ownership of them.

5. No de-annexation shall create an area which is situated entirely within the municipality but is not a part of the municipality.

6. The landowner petitioning to have land de-annexed, and his successors and assigns shall remain liable for any assessments incurred or levied while the land was within the city or town boundaries and for all mill levies necessary to repay any indebtedness that was outstanding at any time the property was within the city or town boundaries. Neither the de-annexation nor subsequent annexation to or incorporation as another city shall increase or decrease these liabilities.

4-5-5 Planning Commission – Creation of Zoning Districts and District Regulations

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.
- B. R-1 Single Family Residential District.
- C. R-2 Single Family and Multi-Family Residential Low-Density District.
- D. R-3 Single Family and Multi-Family, Manufactured Home Residential Medium Density District.
- E. R-5 Multi-Family Residential High-Density District.
- F. R-MED - Single Family, Multi-Family Low Density Residential and Medical Services District.
- G. C - General Commercial District.
- H. M-I Manufacturing and Light Industrial District.
- I. PL Public Lands District.
- J. Airport Protection District (Overlay zone)

4-5-6 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 one of the defined Districts 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.

4-5-7 Planning Commission - Subdivision And Land Use Regulations

- A. Purpose - These regulations have been promulgated and adopted with the following purposes in mind:
1. To ensure orderly development in conformance with a duly adopted Master Plan.
 2. To protect the public health, safety and general welfare of present and future residents of the City of Lander, Wyoming.
 3. To establish standards and procedures for the protection of the common interests of the general public, the landowner and the developer.
 4. 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.
 5. To provide safe and adequate transportation systems, utilities and other public facilities.
 6. To establish adequate and accurate records of land subdivisions.
 7. To encourage the use of innovative land planning and urban design techniques.
- B. Application: These regulations shall apply to:
1. All of the lands within the boundaries of the City of Lander, Wyoming as they shall from time to time be amended.
 2. 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.
 3. 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.
- C. Exemptions:
1. These regulations shall not apply to:

- a. The subdivision of land for and creation and/or the sale of cemetery lots.
- b. The sale of land to the State of Wyoming, U.S. Government or any political subdivision thereof.
- c. A lot, tract, or parcel of land 35 acres or more in size.

D. Subdivisions within one (1) mile of City Limits:

- 1. 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:
 - a. Conforms to any adopted street plan of the city, town or county.
 - b. Contains all areas for streets, roads and alleys that are dedicated to rights-of-way.
 - c. Contains dedicated easements for all existing and proposed utilities; and
 - d. 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.
- 2. 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.

E. Administration

- 1. These regulations shall be administered by the City of Lander City Hall Administration.
- 2. All plats submitted to the City Council of the City of Lander shall first have been examined by the City Engineer/Public Works Director and the Planning Commission in accordance with the procedures established by this ordinance. 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.
- 3. 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.

4. 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.
5. 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.

F. Appeals

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.

4-5-8 Planning Commission – Water and Sewer Requests Outside the City Limits

- A. Applications for water and/or sewer services outside the City limits shall be on an approved form provided by City Administration. Applications shall be reviewed by the Planning Commission, shall follow all the requirements set forth in the City of Lander Water and Sewer Master plans as adopted by City Council and as may from time to time be amended.
- B. All applications shall also be reviewed by City Administration, including but not limited to, the Public Works Director, City Engineer, Fire Administrator, Building Department, Parks and Recreation Department, and Planning Department or designated staff as appropriate for each application.
- C. The City Administration has the authority to require water rights be relinquished to make an appropriate water supply for the new service.
- D. The City Administration has the authority to approve water and sewer taps outside the City limits in exchange for utility easements.
- E. If a determination is made to allow water and/or sewer services outside the City Limits, then the landowner shall sign an Annexation Agreement provided by City Administration.
- F. Determinations for Water and/or Sewer requests outside City limits shall be given to the applicant in writing as well as recorded in the Planning Commission Minutes.

4-5-9 Planning Commission – Issuance of Solar Rights Permits

A. Authority - This Section and City Ordinance 1214 dated June 13, 2017, 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 W.S. §§ 34- 22-101 through 34-22-106.

B. 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.

C. A solar permit shall be granted by the Planning Commission only after an approved application form for solar access permit has been duly processed with the appropriate public hearing and review by City Administration as provided in Ordinance 1214 as may from time to time be amended Ordinance 1214 is incorporated by reference.

Section 6 General Zoning Requirements

4-6-1 Accessory Uses

4-6-2 Division Of Lots Not allowed without Subdivision

4-6-3 Zone Lot For Structures

4-6-4 Temporary Dwellings

4-6-5 Legal Access

4-6-6 City Easements And Rights-Of-Way

4-6-7 Off-Street Parking And Loading Requirements 6.24.140 Street Addressing

4-6-8 New And Modified Commercial Communication Towers And Antennas

4-6-1 Accessory Uses

A. Any use which complies with all of the following conditions may be operated as an accessory use:

1. does not include residential occupancy.
2. is clearly incidental and customary to and commonly associated with the operation of the permitted use (examples may be detached garages, storage sheds or metal containers, home offices, etc.).
3. is operated and maintained under the same ownership and on the same lot as the permitted use.
4. does not include structures or structural features inconsistent with the permitted uses of the zoning district).
5. 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.

6. 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).

7. Accessory Structure General Requirements – Non-residential Districts -

- a. Accessory Structures are permitted on Commercial, Manufacturing-Industrial and Agricultural lots without permit but shall be placed in accordance with the required front and side rear setback line for that zoning district.
- b. Under no circumstances shall an accessory structure be placed over a utility easement or a public right-of-way.
- c. When the lot of the accessory structure is directly abutting a residential district parcel or lot, the setback requirements of that residential district shall be used for front, side and rear setbacks.

8. Accessory Structure General Requirements – All Residential Districts- in all residential districts, accessory structures shall be permitted by a placement or building permit as appropriate. Accessory Structures shall be located behind the front setback line, or the side yard setback if adjacent to a street, as defined that that district's regulations and permitted to meet the following requirements.

- a. Side yard setback of detached accessory structure in all residential districts: 5 feet.
- b. Rear yard setback of detached accessory structure in all residential districts: 5 feet.
- c. Under no circumstances shall an accessory structure be placed over a utility easement or a public right-of-way
- d. Maximum height of detached accessory structures in all residential districts: 20 feet
- e. Maximum height of detached accessory structures in Commercial District: 45 feet.

9. General Requirements for Portable and Temporary Storage Structures

- a. Portable storage units (i.e., skid sheds, metal containers) shall be considered an accessory structure in a residential district.
 - (1) A placement permit from City Administration shall be required prior to placing any portable structure in excess of 120 square feet with the intention of leaving it for more than 30 days.
 - (2) Portable storage structures less than 120 square feet are not required to obtain a placement permit but must meet the easement, height, front, side and rear setback requirements

stated in the District Classification for each zoning district and all Regulations of this ordinance.

- (3) Portable storage structures shall not be permanently placed within a private driveway, public street or alley, over a utility easement, within the City right-of-way, nor within the front yard setback as designated for each zoning district.

- b. Temporary Storage structures for less than 30 days and in excess of 120 square feet shall not be placed on any lot or in any street without the lot owner, renter, or assignee first obtaining the placement permit from City Administration. Such permit will regulate the placement of the temporary structure to be located in either the street, City ROW, front yard, driveway, or side yard of the primary structure as permitted by City Administration.

- (1) For construction projects requesting a building permit, temporary storage structures and waste receptacles may be added to the building permit. Under these conditions, temporary storage structures and waste receptacles shall be removed prior to issuing the occupancy permit.

4-6-2 Division Of Lots Not allowed without Subdivision

No division of any lot may create a lot smaller than the applicable minimum size and dimensions as described within these Regulations. Application must be made for any proposed division of real property within the City limits of Lander. Any division or lot line change shall follow the procedures laid out in the current City of Lander Subdivision Regulations for a Minor Subdivision and must be recommended by the Planning Commission and approved by City Council.

4-6-3 Temporary Dwellings

A, No motor vehicle, recreational vehicle, accessory structure, or temporary structure on a lot shall be used for sleeping, eating, and/or preparing food for a period exceeding two weeks without first obtaining permission from City Administration.

B. Application may be made to City Administration to seasonally reside in a Recreational Vehicle exclusively for the owner of the lot. This permission shall be for less than 6 months and only permitted between May 1 and October 31 annually. This section shall not apply within approved manufactured home parks or approved Recreational Vehicle campgrounds.

C. Application may be made to City Administration to reside in a Manufactured Home or a Recreational Vehicle on a lot for longer than two weeks when associated with an approved building permit. This permission will expire with the issuance of the occupancy permit associated with the building permit.

4-6-4 Legal Access

- A. All dwellings and businesses shall be located on lots with frontage on public streets and shall have direct access from the streets suitable for servicing, fire protection and off-street parking.
- B. Secondary access is allowed from alleys that do not dead end within the block.
- C. Private drives are allowable as approved by the Commission as legal access or by the Board of Adjustments as a nonconformance or variance in accordance with these regulations.

4-6-5 City Easements And Rights-Of-Way

Any fence, wall, landscaping, or built structure located within an existing 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.

4-6-6 Off-Street Parking And Loading Requirements

- A. The following general requirements shall apply:
 - 1. 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
 - 2. 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.
 - 3. in residential districts, required off-street parking shall be provided on the same lot to which the parking pertains.
 - 4. If adequate off-street parking is not feasible on the same lot for a commercial, public, or an approved conditional use, parking may be approved at the discretion of the Planning Commission on another lot in the R-5, C, or P-L Districts, but to be located not farther than 1,000 feet from the structure or use they are required to serve;
 - 5. groups of more than four parking spaces shall be designed so that no backing movements onto a street will be required.
 - 6. no structure shall be erected or enlarged, nor shall any use be enlarged, if such action eliminates the required off-street parking areas.
 - 7. The requirements of these off-street parking regulations may be waived at the discretion of the Planning Commission with regards to structures and uses with frontage on Main, Lincoln or Garfield Streets located between First Street and Ninth Street.

8. The businesses within the Lander Business Park will be allowed to count as 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:
1. Residential individual off-street parking spaces shall be at least nine feet wide and 18 feet long (enclosed garages and awnings may be counted as parking spaces).
 2. Commercial 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.
 3. 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 City Administration and shall be designed in a manner which avoids the flow of water across public sidewalks.
 4. 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 nor obstructs the public sidewalks.
 5. 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 public sidewalks.
 6. 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:
1. For R-1 residential districts:
 - a. Dwellings with one bedroom shall have one off-street parking space.
 - b. Dwellings with two or more bedrooms shall have two off-street parking spaces.
 - c. Dwellings in R-2, R-3, R-4, R-5 and R-Med districts shall have 1 off-street parking space for each living unit. (i.e., a single-family residence requires 1 unit, a duplex requires 2 units, a 6-plex requires six units, etc.).
 - d. Approved Conditional Uses such as Child Care, Home business,

Short term rentals - As determined by the Board of Adjustment and memorialized in the Decision and Order.

2. For Commercial uses in Commercial and Residential Districts

- a. Home business - 1 per 200 sq. ft. or fraction thereof.
- b. Boarding houses - 1 per each sleeping or living unit.
- c. Retirement homes, housing project for senior citizens - .5 per dwelling unit plus 1 for manager.
- d. Motel or hotel - 1 per sleeping room plus 1 for manager.
- e. Clubs or lodgers - Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
- f. Convalescent hospital, nursing home - .4 X lawful number of occupants plus 1 per each staff member on duty on maximum shift.
- g. Hospital - 1 per bed plus .75 X maximum number of employees on duty on a maximum shift.
- h. Churches - .35 X seating capacity of sanctuary.
- i. Preschool, nursery or kindergarten - 2 spaces per employee.
- j. Elementary or junior high school - 1 per employee or staff person and each faculty member.
- k. High school and vocational schools - 1 per employee or staff person and each faculty member plus 1 per five students.
- l. 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.
- m. Bowling Alley - 5 per lane.
- n. Dance Hall or skating rink - 1 per 80 square feet of floor area.
- o. 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.
- p. Restaurants and beverage establishment with seating 1 per 100 sq ft of customer floor area.
- q. Barber shops and Cosmetology Shop - 1 plus 1.5 per chair.

r. Banks and business or professional offices (except medical and dental clinics) - 1 per 300 square feet of floor area.

s. Medical and dental clinics - 2 per staff person.

t. Gas stations - 1 per nozzle plus 2 per lift (in addition to stopping places adjacent to pumps).

u. Mortuary - 1 space per 4 seats or 8 feet of bench length in the chapel.

v. Laundromats - .5 per machine.

w. Other retail and service establishments - 1 per 300 square feet of floor area and outdoor sales space.

x. 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.

y. Manufacturing uses, research testing and processing, assembly, all industries - 1 X number of employees on a maximum shift.

z. Gaming, one space per every 75 square feet of gaming area or any portion thereof.

aa. Uses not specified - Shall be determined by the City Administration in accordance with the most recently adopted National Codes.

D. Where calculation in accordance with the foregoing residential and commercial req 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. 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:

Number of Spaces	Gross Floor Area in Square Feet
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 gross floor area in square feet above 150,000 square feet. If parking is greater than 5000 sq feet a green area and/or snow dump area must be provided on the premises.

4-6-7 Street Addressing

- A. All persons owning, occupying, or managing any residence or structure within the corporate limits of the City shall obtain a number for such residence or structure from the City Administration and shall display such assigned number upon said residence, 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 approved application to the City Administration 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 residence 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 2 inches in width and not less than 3 inches in height.
- D. Every manufactured home park shall designate a lot number to each lot and provide the same to the city clerk. Each 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 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 Administration, unless deemed by the City Administration 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 Administration.

4-6-8 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 as a conditional use and upon determination that all of the following conditions are met.

- 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 must not extend more than 100 feet from the surface of the ground. Antenna shall not extend more than 105 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 adopted codes as may be amended from time to time, 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.
- L. 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.
- M. Safety Codes. All City of Lander structure and safety codes must be met and the site will be inspected upon completion by the City Administration.
- 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.
- O. Alternative tower structure to include synthetic 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.
- P. 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.
- Q. Annual Registration Requirement. To enable the City of Lander to ensure safety requirements of commercial communication towers and antennas within the City limits, on an annual basis, no later than June 30 each year. The City may require

the commercial communication tower/antenna owner/operator 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.

- R. 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.
 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.

Section 7 Zoning District Regulations

4-7-1 A - Agricultural District.

4-7-2 R-1 Single Family Residential District.

4-7-3.R-2 Single Family and Multi-Family Residential Low-Density District.

4-7-4.R-3 Single and Multi-family Medium Density and Manufactured Home Residential District.

4-7-5 R-5 Multi-Family Residential High-Density District.

4-7-6 R-MED - Single Family, Multi-Family Low-Density Residential and Medical Services District.

4-7-7 C - General Commercial District.

4-7-8 M-I Manufacturing and Light Industrial District.

4-7-9 PL Public Lands District.

4-7-10 APD Airport Protection District (Overlay zone)

4-7-1 District Regulations - Agricultural District (A)

- A. Permitted Uses. The following uses may be operated as permitted uses in the district:
1. single family detached dwellings.
 2. manufactured homes.
 3. agricultural (shall include horticultural uses, nurseries and the production of crops and livestock).

- B. Permitted Accessory Uses: Any use which complies with all the following conditions may be operated as an accessory use:
1. is clearly incidental and customary to and commonly associated with the operation of the permitted use.
 2. is operated and maintained under the same ownership and on the same lot as the permitted use.
 3. does not include structures or structural features inconsistent with the permitted use.
 4. to include one secondary residential unit.
 5. 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.
- C. Minimum area of lot: 1 acre.
- D. Minimum width of lot: 100 feet.
- E. Minimum setback requirements for structures:
1. front yard: 33 feet.
 2. side yard: 12 feet.
 3. rear yard: 20 feet.
 4. side yard on flanking street or corner lot: 28 feet.
- F. Maximum Number of single family or manufactured homes per lot: two per lot.
- G. Maximum number of agricultural structures or accessory structures: three per acre.
- H. Maximum Height of Structures: 40 feet.

4-7-2 District Regulations - Single Family Residential District (R-1)

- A. Permitted Uses. The following uses may be operated as permitted uses in the district:
1. single family detached dwellings.
 2. churches.
 3. public or private grade schools.
 4. public park, playground or other public recreational facilities.
- B. Conditional Use:
1. Childcare

2. Foster care
 3. home business
 4. bed and breakfast/short-term rental
 5. mortuary/crematory
 6. related uses of similar type as approved by the Board of Adjustment.
- C. Permitted Accessory Uses. Any use which complies with all the conditions set forth under Section 4-6-1 may be operated as an accessory use to a permitted use.
- D. Minimum Area of Lot: 7,500 square feet.
- E. Minimum Width of Lot: 50 feet at front setback line.
- F. Minimum Setback Requirement for Principal Structures:
1. front yard: 28 feet.
 2. side yard: 10 feet.
 3. rear yard: 15 feet or 20% of lot depth, whichever is smaller.
 4. side yard flanking street on corner lot: 28 feet.
 5. 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 carport, porch, or deck structure. That portion of the permitted structure within the setback area shall not be enclosed and in no case shall it be allowed beyond the property line.
- G. Maximum Number of Structures Containing Permitted Use Per Lot: one per lot.
- H. Maximum Number of Accessory Structures: four per lot
- I. Maximum Height of Principle Structure: 35 feet.

4-7-3 District Regulations – Single & Multi-Family Low-Density Residential District (R-2)

- A. Permitted Uses. The following uses may be operated as permitted uses in the district:
1. single family detached dwellings.
 2. multi-family dwellings, up to four units;
 3. churches.
 4. private or public elementary and secondary schools.
 5. public park, playground, and other public recreational facilities.

B. Conditional Uses:

1. Childcare.
2. Foster care.
3. home business.
4. bed and breakfast/short-term rental.
5. mortuary/crematory.
6. related uses of a similar type as approved by the Board of Adjustment.

C. Permitted Accessory Uses. Any use which complies with all the conditions set forth under Section 4-6-1 may be operated as an accessory use to a permitted use.

D. Minimum Area of Lot, 3,750 square feet.

E. Minimum Width of Lot:

1. Rectangular lots: 40 feet at front setback line.
2. Pie-shaped lots and other nontraditional lots: 40 feet at front setback line.

F. Minimum Setback Requirements for Principal Structures:

1. front yard: 23 feet.
2. side yard: 10 feet; except that there shall be no side yard setback for the common wall side yard of a multi-plex as long as:
 - a. all provisions of the current version of the City adopted building and fire codes are complied with, including but not limited to, an appropriate fire wall; and
 - b. where units are to be sold separately and ownership of the land is deeded separately each family dwelling unit shall be served by a separate water, sewer, and all utilities where there is no homeowners association .
 - c. where units are to be sold separately without ownership of the land, separate utilities are optional with proof of how the utility billing will be handled in a Homeowners' association recorded document.
3. rear yard:
 - a. adjacent to an alley:
 - (1) 5 feet where there are no existing or planned utilities easements required
 - (2) 10 feet where there exists or are planned future utility easements required

- b. with no alley 15 feet or 20% of lot depth, whichever is smaller.
 - 4. side yard on flanking street on corner lot: 23 feet.
 - 5. 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 carport, porch, or deck structure. That portion of the permitted structure within the setback area shall not be enclosed and in no case shall it be allowed beyond the property line.
- G. Maximum Number of Structures Containing Permitted Use Per Lot: two per lot.
- H. Maximum number of accessory Structures: four per lot.
- I. Maximum Height of Residential Structures: 35 feet.

4-7-4 District Regulations - Single and Multi-family Medium Density and Manufactured Home Residential District (R-3)

- A. Permitted Uses. The following uses may be operated as permitted uses in the district:
- 1. single family detached dwellings.
 - 2. multi-family dwellings up to 6 residential units.
 - 3. single manufactured homes on privately owned lots.
 - 4. manufactured home parks: must meet all zoning requirement listed herein and the layout requirements of the current Subdivision Rules and Regulations as may be amended from time to time, and the current version of the adopted International Building Codes.
 - 5. churches.
 - 6. public or private elementary and secondary schools.
 - 7. public parks, playground and other public recreational facilities.
- B. Conditional Uses:
- 1. Childcare.
 - 2. Foster care.
 - 3. recreational vehicle and campground district.
 - 4. home business.
 - 5. bed and breakfast/ short-term rental.
 - 6. mortuary/crematory.
 - 7. related uses of a similar type as approved by the Board of Adjustment.
- C. Permitted Accessory Uses. Any use which complies with all of the conditions

set forth under Section 4-6-1 may be operated as an accessory use to a permitted use.

D. Minimum Area of Lot: 3,750 square feet

E. Minimum Width of Lot:

1. Rectangular lots: 40 feet at front setback line.
2. Pie-shaped lots and other nontraditional lots: 40 feet at front setback line.

F Minimum Setback Requirements for Principal Structures:

1. front yard: 15 feet.

2. side yard:

a. side yard: 10 feet

(1)

(1) except that there shall be no side yard setback for the common wall side yard of a multi-plex as long as:

a. all provisions of the current version of the City adopted building and fire codes are complied with, including but not limited to, an appropriate fire wall; and

b. where units are to be sold and deeded separately each family dwelling unit shall be served by a separate water and sewer line.

b. spacing for the interior of a manufactured home park: 15 feet spacing between all sides of the interior dwelling units that are not otherwise required to meet the setback from the front, side, or rear lot line.

(1) all provisions of the currently adopted International Residential Code Appendix E is complied with, and

(2) each family dwelling unit in a manufactured home park shall be served by a separate water and sewer service line.

2. rear yard:

a. adjacent to an alley:

(1) 5 feet where there are no existing or planned utilities easements required

(2) 10 feet where there exists or are planned future utility easements required

b. with no alley: 15 feet or 20% of lot depth, whichever is smaller.

c. excepting a manufactured home park where the rear setback is 15 feet.

3. side yard on flanking street or corner lot: 15 feet.
4. 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 carport, porch or deck structure. That portion of the permitted structure within the setback area shall not be enclosed and in no case shall it be allowed beyond the property line.

G. Maximum Number of Structures Containing Permitted Uses Per Lot: four per lot excepting approved layouts for manufactured home parks.

H. Maximum Number of Accessory Structures: number of accessory structures is not restricted excepting all structures must meet all setback, height, and full accommodations for off-street parking, excepting approved layouts for manufactured home parks

I. Maximum Height of Principle Structures: 40 feet.

4-7-5 District Regulations – Multi-family High Density Residential District (R-5)

A. Permitted Uses. The following uses may be operated as permitted uses in the district:

1. single family detached dwellings.
2. multi-family dwellings, number of units is not restricted excepting all structures must meet all setback, height, and full accommodations for off-street parking.
3. churches.
4. public or private elementary or secondary schools.
5. public park, playground and other public recreational facilities.
6. office space for a single user.
7. family day care home.
8. professional structures.

B. Conditional Uses:

1. Childcare
2. Foster care.
3. Clinics, assisted living, and nursing homes.
4. motels.
5. related uses of a similar type as approved by the Board of Adjustment.
6. recreational vehicle and campground district.

7. home business.
8. bed and breakfast/short-term rental.
9. restaurant.
10. Health Club, civic or community center
11. mortuary/crematory

C. Restrictions on Commercial and Conditional uses - Uses shall be subject to the following restrictions and limitations to preserve and enhance desirable neighborhood qualities:

1. 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.
2. 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.
3. Walls/Fences Between differing Use Districts. A six-foot-high solid wall/fence/screening 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.
4. 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.
5. 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.

D. Loading Areas Screened. All loading areas shall be screened from public view or from view from any adjacent residential use or zone district by a maintained wall or screened fence not to exceed ten feet in height.

E. Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-6-1 may be operated as an accessory use to permitted use.

F. Minimum Area of Lot: 3,750 square feet.

G. Minimum Width of Lot: 40 feet from front setback line.

H. Minimum Setback Requirements for Principal Structures:

1. front yard: shall be 12 feet.;
 2. side yard 10 feet
 - a.
 - . except that there shall be no side yard setback for the common wall side yard of a multi-plex as long as:
 - a. all provisions of the current version of the City adopted building and fire codes are complied with, including but not limited to, an appropriate fire wall; and
 - b. where units are to be sold and deeded separately each family dwelling unit shall be served by a separate water and sewer line.
 3. rear yard:
 - a. adjacent to an alley:
 - (1) 5 feet where there are no existing or planned utilities easements required
 - (2) 10 feet where there exists or are planned future utility easements required
 - b. with no alley: 15 feet or 20% of lot depth, whichever is smaller;
 4. side yard on flanking street on corner lot: shall be 12 feet.
- I. Maximum Number of Structures Containing Permitted Use per Lot: number of residential structures is not restricted excepting all structures must meet all setback, height, and full accommodations for off-street parking.
- J. Maximum number of Accessory Structures: four per lot.
- K. Maximum Height of Principle Structures: 40 feet.

4-7-6 District Regulations - Single Family, Multi-Family Residential And Medical Services District (R-MED)

- A. Permitted Uses. The following uses may be operated as permitted uses in the district:
1. single family detached dwelling.
 2. multi-family dwellings (up to four units).
 3. churches.
 4. public or private elementary and secondary schools.
 5. public park, playground, and other public recreational facilities.
 6. Medical offices, clinic, assisted living facility, skilled nursing facility.

7. parking lots.

B. Conditional Uses:

1. Childcare
2. Foster care.
3. Hospitals
4. offices and office structures.
5. home business.
6. mortuary/crematory.

C. Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-6-1 may be operated as an accessory use to a permitted use.

D. Minimum Area of Lot. 6000 square feet

E. Minimum Width of Lot: 40 feet front setback line.

F. Minimum Setback Requirements for Principal Structures:

1. front yard: 23 feet;
2. side yard: 10 feet; except that there shall be no side yard setback for the common wall side yard of a multi-family or multi-office-plex as long as:
 - a. all provisions of the current version of the City adopted building and fire codes are complied with, including but not limited to, an appropriate fire wall; and
 - b. where units are to be sold separately and ownership of the land is deeded separately each family dwelling unit shall be served by a separate water, sewer and all utilities where there is no homeowners association.
 - c. where units are to be sold separately without ownership of the land, separate utilities are optional with proof of how the utility billing will be handled in a Homeowners association recorded document.
3. rear yard:
 - a. adjacent to an alley:
 - (1) 5 feet where there are no existing or planned utilities easements required
 - (2) 10 feet where there exists or are planned future utility easements required
 - b. with no alley 15 feet or 20% of lot depth, whichever is smaller;
4. side yard on flanking street or corner lot: 23 feet.

- G. Maximum Number of Structures Containing Permitted Use Per Lot: two per lot or as otherwise provided approved for medical facilities.
- H. Maximum number of accessory structures: four per lot.
- I. Maximum Height of Principle Structures: 35 feet.

4-7-8 District Regulations - General Commercial District (C)

- A. Permitted Uses. The following uses may be operated as permitted uses in the district:

1. amusement place or event center (not to include adult rated bookstore or uses of similar type).
2. auditorium and similar places of public assembly.
3. automobile and manufactured home sales, service, and repair, new and used.
4. banks and other savings and lending institutions.
5. commercial recreational use facility.
6. commercial storage facilities.
7. fire station, police station, and jail.
8. garage (public and private).
9. gasoline filling station.
10. hotel and motel and other temporary lodging accommodations.
11. library and museum.
12. medical, dental and health clinic.
13. mortuary/crematory.
14. offices and office structure including professional services.
15. parking of vehicles.
16. private club, fraternity, sorority, and lodge.
17. radio and television studio including commercial towers permitted as a conditional use.
18. restaurant, bar and food service establishments
19. Retail establishment.
20. school including public, private, vocational, and higher education:
21. single & multi-family dwellings.
22. theater, including drive-in theater.
23. veterinary clinic, providing all animal runs or observation pens are completely enclosed.
24. wholesale establishment.
25. essential public utility and public service installation.

- B. Conditional Uses

1. Recreational vehicle and campground district (Subject to adopted Subdivision Rules and Regulations as may be amended from time to time)
2. gaming
3. commercial communications towers and antennas.
4. Child Care.
5. Foster care.
6. Short-term Rentals

7. related uses of similar type as approved by the Board of Adjustment

C. Minimum Area of Lot: 3,750 square feet

D. Minimum Width of Lot: 30 feet on public street excepting Main Street where original Town of Lander lots were platted at 25 feet wide.

E. Minimum Setback Requirements for Principal Structures:

1. front yard: 8 feet; excepting Main Street where original Town of Lander lots were platted and constructed with no setback
2. side yard
 - a. on flanking street on corner lot: 8 feet
 - b. no setback required where there are common wall buildings that meet all currently adopted building codes provided there are no existing or platted utility easements;
3. 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 .
4. 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.

F. Maximum Height of Structures: 55 feet

G. Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-6-1 may be operated as an accessory use to a permitted use.

H. Maximum number of structures containing an accessory use: no limit except that all setback requirements must be met and no structures shall be placed over a utility easement or Right-of-way.

I. Maximum number of structures containing permitted use: no limit except that all setback requirements must be met and no structures shall be placed over a utility easement or Right-of-way.

4-7-9 District Regulations - Manufacturing And Light Industrial District (M-I)

A. Permitted Uses. The following uses may be operated as permitted uses in this district:

1. airport.
2. assembly or fabrication from component parts or from materials already processed or manufactured into their final usable state.
3. armory.
4. automobile sales, service and repair.
5. structure for material storage or sales (except for ready-mix concrete).

6. fire station.
7. frozen food locker.
8. grain elevator and feed mill.
9. greenhouse and plant husbandry.
10. laboratory.
11. machinery and implement sales, service and repair.
12. mortuary/crematory
13. oil field supply sales and storage.
14. office including commercial, industrial and professional.
15. police station.
16. parking or storage of vehicles, towing yards not to include crushing and dismantling.
17. radio or television transmitting station including communication towers and Antennas permitted as a conditional use.
18. restaurant, bar, and food establishment.
19. storage of used material, auto wrecking, salvage, paper, scrap, bottles or rags.
20. truck, bus, rail or other transportation terminal.
21. veterinarian clinic.
22. vocational or training school.
23. warehousing or storage.
24. wholesale establishment.
25. public utility and public service installation.
26. single Family Dwelling lived in by the owner, caretaker, or watchman.

B. Conditional Uses.

1. Commercial Communications Towers and Antennas.
2. Junk Yard.
3. 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.

C. Permitted Accessory Uses. Any use which complies with all the conditions set forth under Section 4-6-1 may be operated as an accessory use to a permitted use;

D. Minimum Area of Lot: 3,750 square feet

E. Minimum Width of Lot: 30 feet.

F. Minimum Setback Requirements:

1. No setbacks are required except 5 feet where there exists or are planned future utility easements
2. when a parcel of ground or lot adjoins a residential district an eight-foot-high solid fence or other approved buffer shall be required.

G. Maximum Height of Structures: None.

H. Maximum Number of Structures Containing Permitted Use Per Lot: no limit except that all setback requirements must be met, and no structures shall be placed over a utility easement or Right-of-way.

I. Maximum number of structures containing an accessory use: no limit except that all setback requirements must be met, and no structures shall be placed over a utility easement or Right-of-way.

4-7-10 District Regulations - Public Land District (P-L)

A. Permitted Uses. The following uses may be operated as permitted uses in the district:

1. essential public utility and public service installation.
2. governmental structures.
3. public schools.
4. public parks and recreational facilities;
5. Healthcare facilities.
6. Airport.
7. Publicly owned bus, rail, or other transportation terminal.
8. Parking lot.

B. Conditional Use.

1. Commercial Communications Towers and Antennas
2. Childcare
3. Foster Care
4. Educational facilities
5. Other uses of a similar type as approved by the Board of Adjustments

C. Accessory Use. Any use which complies with all the conditions set forth under Section 4-6-1 may be operated as an accessory use to a permitted use.

D. Minimum Area of Lot: 3,750 square feet

E. Minimum Width of 30 feet.

F. Minimum Setback Requirements for Principal Structures:

1. front yard: 8 feet.
2. side yard : 8 feet. Provided that there are no existing or platted utility easements.
3. 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 .
4. 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.

G. Maximum Height of Principle Structures: None.

H. Maximum Number of Structures Containing Permitted Use Per Lot: no limit except that all setback requirements must be met, and no structures shall be placed over a utility easement or Right-of-way.

I. Maximum number of structures containing an accessory use: no limit except that all setback requirements must be met, and no structures shall be placed over a utility easement or Right-of-way.

4-7-11- District Regulations – Airport Protection District (APD)

Airport Protection District. There is created an airport protection district which boundaries are defined and fully set forth in the WYDOT Aeronautics Airport Layout Plan dated July 15, 2024, which is incorporated in the ordinance codified in this section. The approved Airport Layout Plan, as may be amended from time to time, shall be maintained and made available for public inspection by City Administration. The Airport Layout Plan shall set forth the location of the airport and runway, horizontal surface, transitional surface, approach surface, conical surface and the geographic area of the City located within the horizontal and conical surfaces of the airport.

A. Airport Zones. There are created and established certain airport zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the City. Such zones are shown on the airport overlay map. The airport zones are established and defined as follows:

1. Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred feet at a horizontal distance of ten thousand feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Transitional zones. The transitional zones are the areas beneath the transitional surfaces.

3. Horizontal zone. The horizontal zone is established by swinging arcs of ten thousand 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.

B. Height Limitations. No structure shall be erected, altered or maintained, and no tree shall be allowed to grow in the following zones to a height in excess of the applicable height limit herein established for such zone. Such height limitations are established for each of the zones in question as follows:

1. Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone. Slopes thirty-four feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet along the extended runway centerline.

2. Transitional zones. Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of seven thousand three hundred eighteen feet above mean sea level.

3. Horizontal zone. Established at one hundred fifty feet above the airport elevation or at a height of seven thousand three hundred eighteen feet above mean sea level.

4. Conical zone. Slopes twenty feet outward for each foot upward beginning at the periphery of the horizontal zone at one hundred fifty feet above the airport elevation and extending to a height of three hundred fifty feet above the airport elevation.

C. Use Restrictions. No use shall be made of land or water within the Airport Protection District which may 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 other lights, which may result in visual glare for pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or endanger or interfere with the landing, take-off, or maneuvering of aircraft intending to use the airport.

D. Nonconforming Uses. The owner of any existing nonconforming structure or tree shall permit the installation, operation and maintenance of markers and lights as deemed necessary by applying to the Board of Adjustments for a Nonconforming use permit on approved application provided by City Administration. The application and approval shall indicate to aircraft operators in the vicinity of the airport, the presence of an obstruction. Such markers and lights shall be installed, operated and

maintained at the expense of the owner.

E. Future Uses. Any existing and future use of land within the airport protection district shall comply with the schedule of permitted land uses in accordance with the Airport Layout Plan and current FAA regulations as from time to time may be amended. A change in land use or height exception shall be reviewed pursuant to applicable City codes, and FAA designated height limitations for the Airport Protection District.

F. Maintenance. For occupied or unoccupied properties, reasonable care shall be exercised by the property owner, tenant(s), contracted landscape service, or property management service, to maintain all landscaped areas in the same or similar condition that existed at the time landscaped areas were constructed. Reasonable care means promoting a healthy weed-free environment for optimal plant growth. Dead or dying plant materials shall be replaced. Irrigation systems shall be kept in good operating condition in order to maintain healthy landscaping and to conserve water. Landscaped areas that are not maintained shall constitute a nuisance as defined in Chapter 14 of the Evanston City Code.

G. Nonconforming properties. There are properties in the Airport Protection Zone that do not meet the requirements of this ordinance as may be amended from time to time. These properties may temporarily continue in this condition with a Nonconforming Use permit approved by the Board of Adjustments. The requirements of this section shall not apply when a change in ownership, a change in tenancy, or a change in use occurs to the property. These requirements shall not apply when interior or exterior remodeling of the building occurs. These requirements shall only apply when a building addition is constructed that exceeds 50% of the size of the existing building; when site reconstruction occurs to more than 50% of the existing property; and when abutting property is developed for expansion of the use.

End of Ordinance section

SECTION 2: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3: Severability. If any section, subsection, sentence, phrase, or clause of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of this 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.

SECTION 4: This Ordinance shall take effect from and after its passage, approval and publication as required by law and the ordinances of the City of Lander.

PUBLIC HEARING

October 8, 2024

PASSED ON FIRST READING

October 8, 2024_

PASSED ON SECOND READING ____

PASSED ON THIRD READING ____

PASSED, ADOPTED AND APPROVED by the Mayor and City Council on the
_____.

THE CITY OF LANDER
A Municipal Corporation

By _____
Monte Richardson, Mayor

ATTEST:

Rachelle Fontaine, City Clerk

STATE OF WYOMING)
)ss.
COUNTY OF FREMONT)

CERTIFICATE

I hereby certify that on _____, following passage, adoption and approval of Ordinance 2024-08, Monte Richardson, the duly elected, qualified and acting Mayor of the City of Lander, issued this proclamation and said ordinance was published at least once in the Lander Journal, a newspaper of general circulation within Lander, Wyoming, the effective date and publication being _____.

Rachelle Fontaine, City Clerk