

APPENDIX A ZONING¹

ORDINANCE NO. 826

An Ordinance Regulating and Restricting the Height, Number of Stories and Size of Buildings and Other Structures; The Percentage of Lot That May Be Occupied; The Size of Yards, Courts and Other Open Spaces; The Density of Population; The Location and Use of Buildings, Structures and Land for Trade, Industry, Residence or Other Purposes; Creating Districts for Such Purposes and Establishing the Boundaries Thereof; Providing for Enforcement; Establishing a Board of Adjustment; and Imposing Penalties.

In pursuance of authority conferred by chapter 29, Article 19, Wyoming Compiled Statutes 1945, and for the purpose of promoting the health, safety, morals and general welfare of the inhabitants of the City of Sheridan by lessening congestion in the streets; securing safety from fire, panic and other dangers providing adequate light and air; preventing the overcrowding of land; avoiding the undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and by other means, in accordance with a comprehensive plan; now, therefore BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SHERIDAN:

1 Short Title

This ordinance shall be known and may be cited as the "Zoning Ordinance."

¹Editor's note(s)—This Appendix derives from Ordinance No. 826. Catch lines have been added for Sections 1 and 2. Subcatchlines have been italicized. With these exceptions Ordinance No. 826 has been printed herein as adopted. Amendments are indicated by historical citations following each amended section.

2 Definitions

For the purpose of this ordinance, certain terms and words are herewith defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

Accessory building. A subordinate building or a portion of the main building, the use of which is incidental to that of the main building.

Accessory use. A use incidental and accessory to the principal use of a lot or a building located on the same lot with the accessory use.

Adult cabaret. A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas for observation by patrons therein.

Adult media. Magazines, books, videotapes, movies, slides, cd-roms or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to explicit sexual material.

Adult media store. An establishment that rents and/or sells media, and that meets any of the following three (3) tests.

- (a) 30 percent or more of the gross public floor area is devoted to adult media.
- (b) 30 percent or more of the stock-in-trade consists of adult media.
- (c) It advertises or holds itself out in any forum as "XXX," "adult," "sex," or otherwise as a sexually oriented business other than an adult media store, adult motion picture theater, or adult cabaret.

Adult motion picture theater. An establishment emphasizing or predominantly showing sexually oriented movies.

Adult oriented business. An inclusive term used to describe collectively: adult cabaret; adult motion picture theater; video arcade; bathhouse; massage shop; and/or sex shop.

Airport. Sheridan County Airport.

Airport elevation. 4019 feet above mean sea level.

Alley. A public way which affords only secondary access to abutting property.

Apartment court. A group of three (3) or more housekeeping units or apartments used for permanent occupancy and not for transients which occupy a parcel of land in one ownership and have any yard or court in common. The term "apartment court" shall include also "bungalow court" or "dwelling court."

Apartment house. See Multiple dwelling.

Approach surface. A surface longitudinally center on the extended runway centerline, extending out-ward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 10-19. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Basement. That part of a building which is wholly or partly below grade, the ceiling of which is less than four (4) feet above grade. A basement shall be deemed a story if the vertical distance from the grade to its ceiling is four (4) feet or more.

Bed and breakfast. A service of providing lodging with breakfast in exchange for payment in a residential dwelling.

Boarding house. A building where for compensation and by prearrangement for definite periods of time, table-board is provided for five (5) or more persons.

Building. A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels.

Building, height of. The vertical distance at the center of a building's principal front measured from the established grade to the highest point in the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge for a gable, hip or gambrel roof; provided that where a building is set back from the street line, the building height may be measured from the average finished grade along the front of the building.

Child caring facility. Any person who operates a business to keep or care for more than two minors at the request of the parents, legal guardians, or agency that is responsible for those children operating under the rules of certification of the Department of Health and Social Services. Child caring facilities include Child Care Centers (CCC), Family Child Care Center (FCCC), Family Child Care Home (FCCH), and Multiple Location Facilities (MLF).

- (a) **Child Care Center (CCC).** Any private person, partnership, association, or corporation that is operating a business for profit or otherwise, where sixteen (16) or more children receive care for part of the day.
- (b) **Family Child Care Center (FCCC).** A child care facility in which care is provided for a maximum of fifteen (15) unrelated children for part of a day, which may be in a residential or commercial type structure.
- (c) **Family Child Care Home (FCCH).** A child care facility in which care is provided for three (3) to ten (10) unrelated children from more than one immediate family for part of a day in the home of the provider.
- (d) **Multiple Location Facility (MLF/FCCC or MLF/FCCH).** Any private person, partnership, association, or corporation that is operating Family Child Care Centers (FCCC) or Child Care Centers (CCC) at multiple locations.
- (e) **Educational facilities.** Half-day programs in which the primary intent is to provide an educational experience for preschool children. This does not include kindergartens or other educational facilities licensed by the State of Wyoming Department of Education.

Child day care. The provision of supplemental parental care and supervision:

- (a) For a nonrelated child or children;
- (b) On a regular basis;
- (c) For less than twenty-four (24) hours a day;
- (d) Under license by the Wyoming Department of Health and Social Service.

As used by this ordinance, the term is not intended to include babysitting services of a casual, nonrecurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocative child care by a group of parents in their respective domiciles.

Commercial. Any land development activity except such activities intended solely for residential, industrial and/or light industrial use.

Conical surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Crematorium. A location containing properly installed, certified apparatus intended for use in the act of cremation.

Display publicly. The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and materials other than adult media are on display to the public.

Dwelling. A building, or portion thereof, which is designed or used exclusively for residential purposes.

Dwelling, multiple. A building or portion thereof, occupied by three (3) or more families living independently of each other in separate housekeeping units or apartments. For the purposes of this ordinance the term "multiple dwelling" shall include the terms "row house," "apartment house," "apartment hotel," and "apartment court."

Dwelling, one-family. A detached building occupied by one family, which may include not to exceed four (4) boarders or lodgers.

Dwelling, two-family. A detached building occupied by two (2) families living independently of each other, each of which may include not to exceed four (4) boarders or lodgers.

Entryway Corridor. That land area where building and site appearance creates a first impression of the City for visitors, residents, tourists, passers-by and business representatives, and are as shown on the City's official zoning map. These areas are where travel is most likely and impressions of the City are most important. The Entryway Corridor is more specifically described as follows:

- (a) *I-90 Frontage.* An area which runs parallel to I-90 and which extends perpendicular on both sides of the Interstate from the centerline of the right-of-way of I-90 for a distance of 500 feet for all property within the City limits; and
- (b) *Brundage Lane, North Main Street and East Fifth Street frontages.* Those areas located adjacent to portions of Brundage Lane, North Main Street and Fifth Street more specifically defined as:
 - (1) North Main Street frontage encompassing all parcels which are wholly or partially located within 500 feet of the centerline of North Main Street and located north of the centerline of West and East Seymour Street and south of the right-of-way line of I-90 and shall also include all parcels wholly or partially within 500 feet of the centerline of Decker Road located north of the intersection of Decker Road and North Main Street to the end of the City limits.
 - (2) Fifth Street frontage encompassing all parcels which are wholly or partially located within 750 feet of the center of the right-of-way line of East Fifth Street and located east of the intersection of East Fifth Street and Saberton Street and west of the intersection of East Fifth Street and East Ridge Road.
 - (3) Brundage Lane frontage encompassing all parcels which are wholly or partially located within 330 feet of the centerline of Brundage Lane or one block, whichever distance is less, and located west of the I-90 interchange and east of South Sheridan Avenue.

Establishment, adult. Any business regulated by this article.

Explicit sexual material. Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy or any other object not used for medical purposes into an orifice; male ejaculation; or the aftermath of male ejaculation.

Family. One individual, or a group of two (2) or more persons related by birth or marriage, who occupy a single housekeeping unit, or a group of not more than four (4) unrelated persons who occupy a single housekeeping unit.

Fence. An artificial barrier made from any type of material that screens or encloses a property or a portion of a property.

Frontage. The length of a property abutting on one side of a street measured along the street line.

Funeral home or mortuary. An establishment used for the storage and preparation of human bodies for the display and burial of the deceased and ceremonies connected therewith before burial or cremation. The terms funeral home and mortuary do not include crematoriums.

Garage, private. A detached accessory building or part of a main building designed or used for the storage of not more than three (3) privately-owned motor vehicles, with no provision of repairing or equipping such vehicles.

Garage, public. A building other than a private or storage garage used for the housing of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Garage, storage. A building or portion thereof used exclusively for housing four (4) or more motor vehicles.

Gross public floor area. The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

Heavy industrial. Heavy Industrial uses are uses that are typically associated with noxious impacts that are not easily contained or mitigated. Such impacts may include excessive odor, noise, dust, smoke, vibration, and the potential for fire and explosive hazards. Heavy Industrial uses are generally not compatible with residential or commercial activity. Examples of Heavy Industrial uses may include, but are not limited to the following:

1. Heavy manufacturing
2. The storage, processing, refinement, or production of hazardous or toxic substances as a primary use
3. Raw material or mineral extraction and/or processing
4. Animal stockyards
5. Slaughterhouses
6. Incineration facilities
7. Salvage or junkyards
8. Any use that requires special permitting through the Wyoming Department of Environmental Quality

Hedge. A barrier or boundary formed by a dense planting of trees, shrubs, or other vegetation that screens or encloses a property or a portion of a property.

Height. For the purpose of this ordinance height shall mean the mean sea level elevation unless otherwise specified.

Home occupation. Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental to the residential use and in connection with which there is no advertising sign other than one identification sign not more than one square foot in area, and no display visible from the exterior indicating that the building is used for any purpose other than a dwelling.

Horizontal surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which the plane coincides with the perimeter of the horizontal zones.

Hotel. A building which provides a common entrance, lobby, hall, and stairways, and in which lodging is provided with or without meals to transient guests.

House trailer. A nonpropelled vehicle containing living or sleeping accommodations, which is designed and used for highway travel.

I-90 corridor bufferyard. The area of land that runs parallel to Interstate Highway 90 (I- 90) and which extends perpendicular on both sides of the roadway, and located in between the highway right-of-way and structures and/or developed lots, which includes a specified type and amount of landscape materials and/or screening devices intended to eliminate or minimize visual conflicts.

Industrial. See definitions for heavy industrial and light industrial.

Larger than utility runway. A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Light industrial. Light Industrial uses are uses related to consumer-focused goods and services that are not typically associated with significant land use impacts. There may be low levels of odor, noise, dust, smoke, and vibration that are easily mitigated or contained. Light Industrial uses are generally compatible with adjacent or nearby residential or commercial activity. Examples of Light Industrial uses include, but are not limited to the following:

1. Small-scale manufacturing
2. Machining
3. Construction and trade businesses, such as general contractors, electrical, plumbing, and HVAC contractors, and their accessory and incidental uses
4. Assembly and packaging facilities
5. Warehousing and storage
6. Offices
7. Outdoor storage either as a primary use or in support of a primary use
8. Vehicle or equipment repair or detailing business
9. Painting or powder coating facilities
10. Welding facilities
11. Energy or utility facilities, such as substations

Lingerie modeling studio. An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 square feet.

Lodging house. A building other than a hotel or boardinghouse where lodging is provided for compensation for five (5) or more persons. For the purposes of this ordinance, the term "lodging house" includes the term "rooming house."

Lot. Land occupied or intended to be occupied by a main building and its accessory buildings, 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 may or may not be the land shown as a lot on a recorded subdivision plat.

Lot, corner. A lot abutting upon two (2) or more streets at their intersection.

Lot, depth of. The mean horizontal distance between the front and rear lot lines.

Lot, interior. A lot other than a corner lot.

Lot, through. An interior lot having frontage on two (2) nonintersecting streets.

Manufactured home. A structure, transportable in one or more sections, and when erected onsite, is 400 or more square feet in area, with a minimum width of twenty-four (24) feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. A manufactured home must be built in a factory and comply with the current United States Department of Housing and Urban Development's manufactured home construction and safety standards.

Massage studio. An establishment offering massage therapy and/or body work by a State of Wyoming or other professionally licensed massage therapist or under the direct supervision of a licensed physician.

Master plan. A comprehensive long-range plan intended to guide the growth and development of the community or region, and one that includes analysis, recommendations and proposals for the community's population,

economy, housing, transportation, community facilities, and land use. The term master plan shall include the terms comprehensive plan and land use plan.

Media. Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes, but shall not necessarily be limited to, books, newspapers, magazines, movies, videos, sound recordings, cd-roms, other magnetic media, and undeveloped pictures.

Media shop. A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media shops. In that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of adult media shop shall be treated as an adult media outlet.

Mobile home. A structure built in a factory, at least eight (8) feet in width and thirty-two (32) feet in length, transportable in one or more sections, and having a permanent chassis. Mobile homes are designed to be used as a dwelling unit, with or without permanent foundation when connected to required utilities, and have been built after June 15, 1976. Mobile homes must comply with the United States Department of Housing and Urban Development's manufactured home construction and safety standards.

Mobile home park. See definition of mobile home park in Appendix C — sec. 3 (definitions), of this Code.

Modular home. A transportable structure, usually in one or more sections, designed for use with a permanent foundation, as a dwelling unit, when connected to public utilities, and has been built in a factory in accordance with the currently adopted building codes and standards of the City.

New construction. New structures and additions to existing structures.

Nonconforming use. Any pre-existing structure, object of natural growth, or use land which is inconsistent with the provisions of this ordinance.

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 prepared or planned.

Obstruction. Any structure, growth, or other object including a mobile object, which exceeds a limiting height set forth in section 10-19 of this ordinance.

Parking lot. A parcel of land devoted to the parking of motor vehicles and available for use by the public.

Parking space. An area for the purpose of parking one automobile, having a minimum width of ten (10) feet and a minimum length of twenty (20) feet, surfaced with concrete or asphalt, with access to a public street or alley.

Party wall. A common wall shared by two attached buildings.

Precision instrument runway. A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary live entertainment. On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as factual performances.

Primary surface. A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extend 200 feet beyond each end of the runway. The width of the primary surface shall be as set forth in section 10-19 of this ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Professional office. The office of a member of a recognized profession maintained for the conduct of that profession. A profession is a vocation, calling, occupation or employment requiring training in the liberal arts or

sciences, or combination thereof, requiring advanced study in a specialized field; any occupation requiring licensing by the state and maintenance of professional standards applicable to the field.

Runway. A defined area on an airport prepared for landing and take-off of aircraft along its length.

Sex shop. An establishment offering goods for sale or rent and that meets any of the following tests.

- (a) The establishment offers for sale items from any two (2) of the following categories: (1) adult media, (2) lingerie, or (3) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than ten (10) percent of its stock in trade or occupies more than ten (10) percent of its floor area.
- (b) More than five (5) percent of its stock in trade consists of sexually oriented toys or novelties.
- (c) More than five (5) percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

Sexually oriented toys or novelties. Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

Special exemption. A special exemption is a certain use as listed in sections 4.1 and 5 of this Code which may be harmonious under special conditions and in specific locations within a zone, but may not be allowed under the general conditions of the zone as stated in this Code. A special exemption must be authorized by the board of adjustment after appropriate findings.

Specified anatomical areas. (a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Story. That portion of a building, other than a basement, included between the surface of a floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Street. A public thoroughfare not less than twenty-five (25) feet in width which provides the principal means of access to abutting property.

Street line. The boundary line between a street and the abutting lot or land.

Structural alteration. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or exterior walls.

Structure. An object, including a mobile object, constructed or installed by man, including, but not limited to: buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Substantial improvement. Any alteration, expansion, repair or other reconstruction of a structure for which the cost of construction, including labor, equals or exceeds fifty (50) percent of the assessed value of the existing structure, not including land value. Labor shall be calculated at no less than the average cost for labor in the City for the work performed, as determined by the Building Official.

Telecommunications tower. A tower or structure subject to Sheridan City Code, Chapter 7B-2.

Tourist court. A building or group of buildings, other than a hotel, designed or used for temporary occupancy by motorists or travelers and containing guest rooms having separate outside entrances for each room or suite of

rooms. For the purposes of this ordinance the term "tourist court" shall include the terms "tourist camp," "cottage camp," and "motel."

Transitional surfaces. Surfaces that extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a ninety (90) degree angle to the extended runway centerline.

Tree. Any object of natural growth.

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.

Video-viewing booth or arcade booth. Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures of viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video or magnetic tape, laser disc, cd-rom, books, magazines, or periodicals) for observation by patrons therein. A video-viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet.

Viewshed. An area of land, water, or other environmental element that is readily visible to the human eye from a public area (such as public roadway or public park) and have a particular scenic or historic value that are deemed worthy of preservation against development or other change.

Visibility triangle. An area of a lot or parcel where development is restricted adjacent to the intersection of streets with other streets or alleys or with driveways, to allow for vehicular visibility. The visibility triangle includes that portion of both the public and private property at any intersection bounded by the curb line or edge of roadway of the intersecting streets, alleys and drive aisles and a line joining points on the curb or edge of roadway thirty (30) feet from the point of intersection of the extended curb lines or edges of roadway or drive aisle.

Visual runway. A runway intended solely for the operation of aircraft using visual approach procedures.

Wall. For the purposes of Section 10.1 of these regulations, a wall shall refer to a non structural or non load bearing wall which like a fence screens or encloses a property or a portion of a property.

Width. The distance from the exterior face of the building siding as measured from side to side.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted herein, and located between the building and the adjoining lot lines. Yard measurements shall be the minimum horizontal distances between the lot lines and the building, provided that a rear yard shall be measured between the rear line of the building and the center line of the alley in the rear of the lot where such an alley is platted.

Yard, front. A yard extending across the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot.

Yard, rear. A yard extending across the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Yard, side. A yard between the building and the adjacent side line of the lot and extending from the front yard to the rear yard.