

**ORDINANCE NO. 763**

**AN ORDINANCE REPEALING THE EXISING TITLE 17 OF THE MILLS MUNICIPAL CODE DEALING WITH SUBDIVISIONS AND ZONING AND REPLACING IT, IN ITS ENTIRETY, WITH A NEW CHAPTER 17 DEALING WITH ZONING AND SUBDIVISIONS AND FURTHER REPEALING ORDINANCES 719, 749 AND 751 AND INCORPORATIONG THEIR PROVISIONS IN THE NEW CHAPTER 17**

**WHEREAS**, The City of Mills, Wyoming has had the occasion to review Title 17 of its Ordinances and to revise the same; and

**WHEREAS**, after said review and due deliberation, the City of Mills has decided that the attached text better serves the needs of the public and the City of Mills as of the current date;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERING BODY OF THE CITY OF MILLS, WYOMING, THAT THE MILLS MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS:**

The following text is hereby adopted in it is entirety, on the date set forth below, and which, further repeals, in its entirety the Title 17 existing on the date this Ordinance was first proposed in front of the City Council together with the provisions of Ordinances 719, 749 and 751 of the Mills Municipal Code with the newly adopted ordinance commencing below with that text first reading "Table of Contents"

This ordinance shall be in full force and effect upon passage on three readings and publication.

PASSED on 1<sup>st</sup> reading the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

PASSED on 2<sup>nd</sup> reading the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED, APPROVED AND ADOPTED on 3<sup>rd</sup> and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021

CITY OF MILLS, WYOMING

\_\_\_\_\_  
Seth Coleman, Mayor

\_\_\_\_\_  
Sara McCarthy, Council

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Darla R. Ives, Council

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James Hollander, Council

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Brad Neumiller, Council

ATTESTED:

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Christine Trumbull, Town Clerk



## **Zoning Ordinance\_\_\_\_\_**

Town of Mills  
P.O. Box 789  
704 4<sup>th</sup> Street  
Mills, Wyoming 82644

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## CHAPTER 17.04

### GENERAL PROVISIONS

#### 17.04.010

TITLE - This Ordinance shall be known and cited as the “Zoning Ordinance of the town of Mills, Wyoming,” and shall be referred to hereafter as the “Ordinance.”

#### 17.04.020

PURPOSE – In accordance with Sections 15-1-701 through 15-1-801 of the Wyoming Statutes, 1977, and the authority granted to the Town thereby, the Town of Mills has established this Ordinance to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and to aid in realizing the policies, objectives and goals of the Town’s comprehensive plan.

The land use regulations and districts, as herein set forth, have been made in accordance with a comprehensive zoning study with reasonable consideration, among other things, to the character of each district and its peculiar suitability for particular uses with a view to conserving the value of properties and encouraging the most appropriate use of land throughout the Town of Mills.

This title is further established to promote public health, safety, welfare and the orderly growth of the town, and this title shall apply to any tract of land which is within the town, but is not subdivided, and to all areas outside of the town limits which may annex to and become a part of the town. (Ord. 274 §1 (part), 1979).

Therefore, the Town Council of the Town of Mills declares that this Ordinance is adopted for the following additional specific purposes:

- A. To promote coordinated, sound development, taking into consideration the Town’s unique geographic setting;
- B. To prevent the overcrowding of land, poor quality in development, waste and inefficiency in land use, danger and congestion in travel and transportation, and any other use of development which might be detrimental to the stability and livability of the Town;
- C. To encourage innovations in residential development so that the growing demand for housing may be met by greater variety in type and design of dwellings and by the conservation and more efficient and attractive use of open space;

- D. To advance a more effective use of land and a higher quality in site planning reflecting improvements in the technology of land development.

#### SCOPE

- A. This Ordinance applies within the town limits of the Town of Mills, as now and hereafter established.
- B. The provision of this Ordinance may be regarded as the minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity and welfare.
- C. This Ordinance is not intended to abrogate or annul any building permit, certificate of occupancy, variance or other lawful permit issued and in full force and effect on the effective date of this Ordinance.

#### APPLICATION

- A. No building, structure or land may hereafter be used or occupied, and no building or structure or part thereof may hereafter be erected, constructed, moved or altered except in conformity with all the regulations applicable to the district in which it is located.
- B. No part of a lot area, open space, off-street parking area or yard required about or in connection with any building for the purposes of complying with this Ordinance may be included as part of a lot area, an open space, off-street parking area, or yard similarly required for any other building or use.
- C. It is the intent and requirement of this Ordinance that every principal building located within a zoning district in the Town of Mills be located on a separate lot as defined in Section 17.04.030. The only circumstances under which more than one principal building shall be allowed on one lot is in the Planned Unit District or by special review for shopping centers in the E-B and D-B Districts. Nothing in these ordinances shall be read to preclude detached garages, shops, or outbuildings from being constructed as appropriate and approved.



**17.04.025**

**OFFICIALS AND RESPONSIBILITIES**

- A. Mayor – The Mayor of the Town of Mills shall be responsible to ensure Town of Mills officials are abiding by the provisions of the code. The Mayor shall at all times work to find a balance of the concerns of town officials with the property rights of the public.
- B. Mayor Designee – The Mayor Designee shall be responsible for the administration of all aspects of planning, zoning, and annexation within the Town of Mills. The Mayor Designee shall work with staff to identify safety and nuisance issues with any project reviewed. The Mayor Designee shall be empowered to make decisions to find an acceptable solution to both the town and the property owner. The Designee shall work closely the Mayor on any possible disputes that may arise. All decisions made by the Mayor Designee can be appealed to the Town Council, generally within 30 days of the decision.
- C. Planning & Zoning Board – The Planning & Zoning Board of the Town of Mills shall consist of five (5) members who are residents of the Town of Mills. The Mayor shall appoint the board members, and the Council shall vote to confirm or deny the appointments. The term of the Planning & Zoning Board Members shall be two (2) years, with no more than 3 terms expiring at any one time. The Town shall advertise openings for these positions in as many ways as possible but will not be required to do so in the newspaper.

The Planning & Zoning Board shall be responsible to review any proposed zone changes in the Town at least one time before the third reading of any ordinance pertaining to a zone Change. Upon review, they thru the Mayor Designee shall give the Town Council a “Do Pass” or a “DO NOT PASS” recommendation. The final determination will be made by a vote of the Town Council on any issue.

The Planning & Zoning Board may also be asked by the Mayor to review other building project in the Town that He/She deems would be in the best interest of the Town Council to have a recommendation before a vote on a particular project.

The Planning & Zoning Board shall meet at least once a month, but the Mayor may call for a special meeting of the Zoning Board to facilitate an expedited schedule for a number of reasons deemed necessary.

Each Planning & Zoning Board Member shall be paid an amount to be set by resolution for each meeting that they attend.

**17.04.030**

**DEFINITIONS**

**ABANDONMENT:** An action to give up one's rights of interested in property.

**ACCESSORY BUILDING, STRUCTURE OR USE:** A building, structure or use located or conducted upon the same lot (or on a contiguous lot in the same ownership) as the principal building, structure or use to which it is related, and which is:

- A. Clearly incidental to, and customarily found in connection with, such principal building or use; and
- B. Is operated and maintained for the use of occupants, employees, customers or visitors of the lot with the principal use.

***A-WEIGHTED SOUND LEVEL (dbA):*** A measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1,000 Hz and above 5,000 Hz. This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies, relative to the mid-range of the frequency spectrum. This area of sensitivity also corresponds to the human speech band. (Ord. 558, §1, 2009)

**ADMINISTRATIVE OFFICER:** The person or persons designated by the Mayor and approved by Town Council to enforce and administer the provisions of this Ordinance or his duly appointed representative(s).

**ALLEY:** A public or private access way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

**ALTERATIONS:** As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by horizontal extensions or by increasing in height, or the moving from one location or position to another.

**ANIMALS – DOMESTIC:** A domesticated animal is one which has extensively and historically been a part of a family or household for pleasure, companionship and protection. Domesticated animals are household pets, and are inclusive of fowl, reptiles and fish such as: dogs, cats, parakeets, and tropical fish.

**ANIMALS – RANCH:** Animals which have historically been bred, reared and utilized for the production of meat, wool, leather and similar products.

**ANIMAL HOSPITAL (VETERINARY) OR CLINIC:** A building or portion of a building designed or used for the examination, treatment or care of animals, which includes open pens or runs.

**APARTMENT:** A room or suite of rooms within a building, provided with separate cooking and bathroom facilities and intended as a single dwelling unit.

**APARTMENT HOUSE:** A building or portion of a building designed or used as a residence for three or more families living independently of each other in separate dwelling units, with continuous long-term occupation by renters.

**AUTOMOBILE REPAIR STATION:** A building or premises or portion thereof used principally for the repair of mechanical components and body repair of automobiles, which may also include retail sale of automotive fuels and lubricants.

**AUTOMOBILE SERVICE STATION:** A building, premises or portion thereof used for retail sales of automotive fuels, lubricants, and accessories without facilities for major mechanical or body repair.

**BASEMENT:** A story of a building having more than one half of its height below the average level of the adjoining grade.

**BLOCK:** An area of land completely bounded by streets, railroad rights-of-way, natural barriers, subdivision or municipal boundaries or a combination thereof.

**BOARD:** The Planning and Zoning Board of the Town of Mills, Wyoming.

**BOARDING OR ROOMING HOUSE:** A building other than a hotel, café or restaurant where, for compensation, directly or indirectly, lodging and/or meals are provided for three or more boarders and/or roomers exclusive of the occupant's family.

**BUILDING:** Any structure, whether temporary or permanent, having a roof supported by walls or columns designed or intended for the shelter or enclosure of persons, animals, property or substances of any kind.

**BUILDING – ATTACHED:** A building attached to another building by a common wall and a common roof.

**BUILDING – DETACHED:** A building having no common wall connection with another building.

**BUILDING – EXISTING:** A building erected prior to the adoption of this Ordinance for which a legal building permit has been issued.

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the finished grade at the midpoint of the lot frontage to the highest point of coping of a flat roof, the deck line of a mansard roof, or to the mean height level between the eaves and ridge for gable, hip, or gambrel roofs.

**BUILDING – NON-CONFORMING:** A building or structure or portion thereof existing at the time of adoption of this Ordinance which does not comply with the provision of the Ordinance applicable to the District in which it is located.

**BUILDING – PRINCIPAL:** One building housing the principal or primary use permitted for the lot upon which it is located.

**CAMP TRAILER:** See Recreational Vehicle.

**CHURCH:** A building designed for public worship which is maintained and controlled by an organized religious body.

**CLINIC:** A building used by two or more medical doctors or dentists who diagnose, treat, and care for injured or ill persons on an outpatient basis, including associated laboratories.

**CLUB OR LODGE:** A building designed for use by a non-profit association of persons who are bonafide members paying annual dues with the premises restricted to the use of members and guests.

**COMMON AREA:** Any area or space designed for joint use of tenants or owners occupying a planned unit development or other development.

**COMMON WALL:** An unbroken wall shared by two or more separate buildings.

**COMPREHENSIVE PLAN:** The plan or any part thereof adopted by the Town Council to guide development of land use, utilities, streets, community facilities, and other physical aspects of the Town.

**CONSTRUCTION – NEW:** Structure for which the “Start of Construction” occurred on or after the effective date of this Ordinance.

**CONSTRUCTION – START OF:** The first placement of permanent construction of a structure, not including grading, excavation or placement of accessory buildings, For mobile homes, start of construction is when the mobile home is placed on site and hooked up to utilities.

**COUNCIL:** The Town Council of the Town of Mills, Wyoming.

***DECIBEL (db):*** The measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 db (A-weighted). In general, this means the quietest sound we can hear is near 0 db (A-weighted) and the loudest we can hear without pain is near 120 db (A-weighted). (Ord. 558, §1, 2009)

**DISTRICT:** A portion of the area of the Town in which certain uniform regulations, requirements, and combinations thereof apply under the provision of this Ordinance.

**DWELLING:** Any building or portion thereof designed or used exclusively for human habitation, for one or more families, exclusive of hotels, motels, clubs, hospitals, and other uses.

**DWELLING UNIT:** A room, group of rooms, or other continuous designated space within a building designed for complete independent living facilities for one family, including permanent provision for living, sleeping, eating, cooking, and sanitation.

**DWELLING – SINGLE-FAMILY:** A principal building designed for or used exclusively as a dwelling by one family as an independent housekeeping unit.

**DWELLING – TWO-FAMILY:** A principal building designed for or used as a dwelling exclusively by two families each living as an independent housekeeping unit.

**DWELLING – MULTI-FAMILY:** A principal building designed for or used as a dwelling exclusively by two or more families each living as an independent housekeeping unit.

**DWELLING – TOWNHOUSES:** Three or more single family attached dwellings with common walls, each having direct outside access.

**EASEMENT:** A vested or acquired right to use land, other than as a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land.

**FAA:** The Federal Aviation Administration of the United States Department of Transportation. (Ord. 558, §1, 2009)

**FAMILY:** (1) A single individual doing his own cooking and living upon the premises as a separate housekeeping unit; or (2) a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment as domestic servants; or (3) a group of not more than three unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club fraternity, or hotel).

**FENCE:** A structure erected as a dividing marker, barrier or enclosure.

**FLOOR AREA:** The area included within outside walls of a building or portion thereof, including habitable penthouses and attic space but not including vent shafts, courts, halls, basements, or uninhabitable areas.

**FLOOR AREA – GROSS LEASABLE:** The total area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in

square feet and measured by the bases of interior walls, excluding common area such as stairways, storerooms, mechanical rooms, landings, etc.

**GARAGE – PRIVATE:** A building or portion thereof for the storage of three or less motor vehicles for persons living on the premises. Apartment houses may provide one space for each unit in a large structure.

**GRADE:** The elevation of the mid-point of the front lot line.

**GUY CABLE:** Any cable or wire that extends from a small wind energy system for the purpose of supporting the system structure. (Ord. 558, §1, 2009)

**HOME OCCUPATION:** An occupation or activity carried on by residents of a dwelling which is not harmful to the residential aspect of the neighborhood.

**HOSPITALS:** Any building or portion thereof used for diagnosis, treatment, and care for injured or ill persons on an inpatient basis, including sanitariums but not including clinics, rest homes, convalescent homes or nursing homes.

**HOTEL:** A building designed or used for occupancy normally as the temporary lodging place of individuals, having at least six guest rooms, where a general kitchen and dining room may be provided, with access through a common lobby.

**IMPROVEMENT:** Site grading, street work, utilities, or structures built on a lot.

**JUNK YARD:** Any area where scrap, metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto and building salvage yards.

**KENNEL – COMMERCIAL:** Any lot or premises on which four or more domestic animals over four months of age are boarded, bred or sold.

**LANDSCAPING:** The use of vegetation and inorganic durable materials such as those identified below to enhance the visual attractiveness of a site and improve erosion control.

**LAUNDRY:** (1) Laundromat – a business that provides home-type washing, drying and ironing machines for hire to be used by the customers on the premises. (2) Commercial Industrial Laundry – a Business that provides washing, drying and ironing services operated by the employees on the premises.

**LOADING SPACE:** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

**LOT:** A portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or use and its accessories, together with such yards as are required under the provisions of this Ordinance, having not less than the minimum area, usable open space, and off-street parking spaces required by this Ordinance for a lot in the district in which such land is situated, and having at least thirty (30) feet of frontage on a street. A lot must be an integral unit of land held under unified ownership in fee or in co-tenancy, or under legal contract tantamount to such ownership.

**LOT – AREA:** The total square footage of the land area within the lines of a lot, measured as a horizontal plane.

**LOT – DEPTH:** The main horizontal distance between the front and rear lot lines measured generally parallel to the side lot lines.

**LOT – WIDTH:** The mean horizontal width of the lot measured at right angles to its depth.

**LOT – CORNER:** A lot situated at the intersection of two or more intersecting streets with a boundary thereof bordering each street.

**LOT – COVERAGE:** The area of a lot covered by the ground floor of the principal and accessory buildings, measured in square feet.

**LOT – LINES:** The lines bounding a lot as defined herein.

**LOT LINE – FRONT:** The line separating the lot from the street. The street on which a building's frontage is oriented shall determine the location of the front lot line provided the front setback is not less than the average setback of existing buildings.

**LOT LINE – SIDE:** Any lot line other than front or rear lot lines. A side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

**LOT LINE – REAR:** The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line.

**LOT OF RECORD:** A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the County Clerk, Natrona County, Wyoming.

**LOT – THROUGH:** A lot having frontage on two parallel or approximately parallel streets.

**MANUFACTURED HOME:** A single family residential dwelling constructed after June 15, 1976, in accordance with the "National Manufactured Home Construction and Safety Standards Act of 1974," 42 U.S.C. Section 5401, et. seq., as amended and designed to be

used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities and which includes the plumbing, heating, air conditioning and electrical systems contained therein. (Ord. 549, §1, 2009)

**METEOROLOGICAL TOWER:** A facility consisting of a tower and related wind-measuring devices, which is used solely to measure winds preliminary to construction of a *Small Wind Energy Conversion System*. Meteorological Towers shall not be allowed for time periods in excess of twelve months and shall be removed prior to the installation of the wind energy conversion system for which they are measuring. A request to install a meteorological tower shall be included in the application to install either a *Micro Wind System* or a *Small Wind Energy Conversion System*. (Ord. 558, §1, 2009)

**MICRO WIND SYSTEM:** A building-mounted wind system (either a Vertical or Horizontal Axis Turbine) that has a Rated Nameplate **Capacity** of 10kW or less, (3kW or less for residential properties), and projects no more than fifteen feet (15') above the highest point of the roof. Such building-mounted wind systems shall be regulated by applicable building and electrical codes and shall not be considered a *Small Wind Energy Conversion System*. A *Micro Wind System* shall not be considered in determining total building height for zoning or setback purposes. Multiple turbines are permitted, provided the total cumulative Rated Nameplate **Capacity** does not exceed 10kW (or 3kW for residential properties). (Ord. 558, §1, 2009)

**MOBILE HOME:** A single family residential dwelling manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the National Manufactured Home Construction and Safety Standards Act, that is transportable in one or more sections, that in traveling mode is eight (8) body feet or more in width and thirty-two (32) body feet or more in length, or when erected on a site two hundred fifty-six (256) or more square feet, and is built on a permanent chassis and designed to be used as a permanent residence on a temporary or permanent foundation when connected with the permanent utilities including plumbing, heating, air conditioning and electrical systems. (Ord. 549, §1, 2009)

**MOBILE HOME PARK:** A single lot on which two or more mobile homes are parked either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park; includes courts, developments, communities. Three mobile homes located on two lots constitute a mobile home park.

**MOBILE HOME PARK – ESTABLISHED:** **MOBILE HOME PARK – ESTABLISHED:** Any mobile home park licensed by the Town prior to August 11, 2020 and operating under the requirements of said license. Any such mobile home parks shall comply with the requirements of the license and all other applicable codes and requirements.



**MODULAR CONSTRUCTION:** Construction certified by the manufacturer as meeting the uniform building code and designed to be placed on a permanent foundation after transport to the building site and not classified as a mobile home.

**MODULAR HOME:** A structure, transportable in one or more dependent sections, designed for use as a single family residential dwelling unit, not built on a permanent chassis, capable of being transported from place of fabrication to the site on which it is to be erected, where it is placed on a permanent foundation and, when assembled, meets all of the provisions of the Uniform Building Code, International Building Code, or International Residential Code for residential units. (Ord. 549, §1, 2009)

**MOTEL OR MOTOR HOTEL:** A series of attached, semi-attached or detached sleeping or living units for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities, said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

**MOTOR VEHICLE SALES:** Any business where two or more motor vehicles, including but not limited to automobiles, trucks, motorcycles, and recreational vehicles are parked for sale. (Ord. 406 §1, 1992.)

**NURSERY – DAY CARE CENTER:** An establishment providing specialized group care on a planned regular basis for five or more children aged two through seven years, inclusive, who are away from their homes any part of the day.

**NURSING HOME:** A building intended for use as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care.

**OFFICE:** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**OWNER:** The Owner of Record as recorded in the Office of the County Clerk.

**PARKING SPACE:** A hard surfaced public or private area required for the storage of a passenger vehicle or commercial vehicle under 1-1/2-ton capacity.

**PAWN SHOP:** Any business where items of value are delivered or deposited as security for a loan. (Ord. 406 §1, 1992.)

**PERSON:** Any agent, individual, firm, partnership, corporation or other similar entity having legal rights and responsibilities.

**PLAT:** The subdivision plat recorded at the Office of the County clerk showing the location of property and property boundaries.

**PREMISES:** A lot, together with all the uses and buildings thereon.

PROPERTY LINE: The legal boundaries of a lot or other property.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a “nameplate” on the equipment. (Ord. 558, §1, 2009)

RECREATIONAL VEHICLE: A vehicular type unit designed as temporary living quarters for recreational, camping, living, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicles are allowed as a primary residence within established mobile home parks up to twenty percent (20%) of the total allowable spaces in the park.

RECYCLING CENTER: A building and/or premises used for the recycling, purchase, and donation of metals, paper, and glass to be packaged and sold for recycling purposes; exclusive of automobile parts, bodies, batteries, petroleum products and all materials defined as hazardous by federal, state and local regulations as they pre-exist or are hereafter amended, and exclusive of any operation that salvages motor vehicles or other similar equipment. (Ord. 400, 1992.)

RESTAURANT: A public eating establishment at which the primary function is the preparation and serving of food.

RESTAURANT – DRIVE-IN: Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, non-alcoholic beverages or any other food directly to patrons in parked vehicles.

ROOF: The external upper covering of a building.

SECURITY QUARTERS: Apartments, as a part of the main structure, or mobile homes necessary for safety or security reasons in conjunction with the principal use, located on the same lot as the principal use and occupied only by persons responsible for security of the principal use and on the payroll of the industry or business conducting the principal use. A mobile home may be located where permitted by the Town as security quarters in an Industrial District (Ord. 351, 1983)

SETBACK: The shortest distance in linear feet measured on a horizontal plane between the foundation wall of a building on a lot and a lot line.

SHALL: When used in this Ordinance means mandatory.

SIGN: Any letters, figures, design, symbol, trademark, or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever and painted, printed, or constructed and displayed in any manner whatsoever out of doors for advertising, identification, or announcement purposes.

**SMALL WIND ENERGY CONVERSION SYSTEM:** A wind energy conversion system consisting of a tower, a turbine, and associated control or conversion electronics that generates power for an individual property for the purpose of reducing on-site energy consumption with a Rated Nameplate Capacity of 25kW or less per tower. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers. Excess electrical power generated, and not presently needed for on-site use, may be utilized by the utility company. (Ord. 558, §1, 2009)

**STREET:** A general term denoting a public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designation for a street as: a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, courts, or as otherwise designated, but excluding any alley or a way for pedestrian use only.

**STORAGE:** The depositing of and keeping goods, wares, and merchandise in any structure, building, or lot.

**STORY:** That part of a building between a floor and the ceiling immediately above, not including a basement.

**STRUCTURE:** Anything constructed or erected with a fixed location on the ground excluding utility poles, lines, cables, and other transmission or distribution facilities of public utilities.

**SUBDIVISION:** A division of a lot, tract, parcel or other unit of land into three or more lots, plots, units, sites, or other subdivision of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. The word “subdivide” or any derivative thereof shall have reference to the term subdivision, including mobile home courts the creating of which constitutes a subdivision of land. (Ord. 274 §1 (part), 1979.)

**TOWER HEIGHT:** The total height above finished grade of the fixed portion of the tower, including the wind turbine blades. (Ord. 558, §1, 2009)

**TURBINE:** The parts of a wind system including the blades, generator and tail. The definition of a turbine includes both Horizontal Axis Wind Turbines (HAWT) and Vertical Axis Wind Turbines (VAWT). (Ord. 558, §1, 2009)

**USE:** The activity or purpose for which a lot and structures thereon is designed or intended to be occupied.

**USE – NON-CONFORMING:** Any use within a building or on a lot which does not conform with the provisions of this Ordinance for permitted uses, including lot size minimum, lot area per dwelling unit, or required off-street parking.

**USE – PERMITTED:** A use which is in compliance with the regulations of and allowed without a special permit in a zoning district.

**USE – PRINCIPAL:** The primary purpose for which lot is used, as opposed to subordinate accessory uses.

**WAREHOUSES:** A structure or part of a structure, used for storing goods as a commercial use or associated with a commercial use.

**YARD:** An open space not occupied or obstructed by any structure or portion of a structure, except fences as regulated and otherwise expressly provided for herein.

**YARD – FRONT:** A yard extending across the full width of the lot between the front lot line and the nearest line or point of the principal building.

**YARD – REAR:** A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

**YARD – SIDE:** A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

**ZONING MAP:** The official zoning district map or maps of the Town of Mills adopted by the Town Council, which shall be a part of this Ordinance together with all amendments subsequently adopted.

## CHAPTER 17.08

### ZONING DISTRICTS AND DISTRICT REGULATIONS

#### 17.08.010

##### ESTABLISHMENT OF ZONING DISTRICTS

In order to carry out the provision of this Ordinance, the Town of Mills is hereby divided into zoning districts determined by the actual development conditions existing at the time of adoption of this Ordinance.

##### ZONING DISTRICT MAP AND BOUNDARIES, INTERPRETATION

The boundaries of the zoning districts are established as shown on the Town of Mills Zoning District Map. The zoning districts and boundaries are hereby adopted and established as shown on the Zoning District Map, together with all notations, references, data, district boundaries and other information thereof, and are made a part of this Ordinance by reference.

- A. The building official shall interpret the boundary locations upon request of any person in such instances as lack of detail, legibility or any uncertainty of the intended location of the district boundaries. Any person claiming grievance to such interpretation may appeal to the Town Council:
1. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, the center lines of alleys, or the center lines of highways, such district boundaries shall be construed as being the center line of that street, alley, or highway.
  2. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
  3. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located at the railroad right-of-way line.
  4. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be construed to be the center line of the stream, otherwise at the limit of the jurisdiction of the Town unless otherwise indicated.
  5. Where district boundaries are indicated as approximately following section lines, quarter section lines, quarter-quarter section lines or survey and claim lines, such lines shall be construed to be such boundaries.

6. Whenever any street, alley or other public way is vacated in the manner authorized by law, the ongoing district adjoining each side of such street, alley, or public way shall automatically extend to the center of such vacation and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.

## **17.08.020**

### **ZONING DISTRICTS**

#### **ESTABLISHED**

The purpose of the Established Zoning Districts is to recognize that those areas of the Town which have developed over a period of years have a mix of uses and lot sizes, and that the regulations imposed by the Ordinance are intended to preserve and protect the established character of these neighborhoods.

#### **APPLICATION**

All platted lots which were platted on the date 170 days prior to the date of this Ordinance shall be zoned Established. Lots platted after this date shall be zoned Developing. Lots platted at this time, but not built upon, shall be zoned Established.

#### **E-R ESTABLISHED RESIDENTIAL**

INTENT: The intent of the Established Residential District is to allow a continued mix of single-family frame and mobile home residences on smaller lots as originally platted, in order to preserve the existing character of the District and allow for the best use of the platted lots.

#### **E-B ESTABLISHED BUSINESS**

INTENT: The intent of the Established Business District is to provide for continued highest and best use of the existing lots in the Town having a commercial or business use.

#### **E-I ESTABLISHED INDUSTRIAL**

INTENT: The intent of the Established Industrial District is to provide for continued highest and best use of the existing lots in Town having an industrial use.

#### **DEVELOPING**

INTENT: The intent of the Developing Zoning District is to establish regulation of land uses in areas changing from vacant or rural to urban with an increase in the intensity of land use in order to provide for safe and efficient use of the land.

#### D-R DEVELOPING RESIDENTIAL

INTENT: The intent of the Developing Residential District is to provide for a predominantly single-family residential area with clustered multi-family residential development allowed by special permit.

#### D-MH DEVELOPING MOBILE-HOME-SINGLE LOT OR MOBILE HOME PARK

INTENT: The intent of the Developing Mobile Home District is to provide for neighborhoods of single lot mobile homes and to provide for development of Mobile Home Parks.

#### D-B DEVELOPING BUSINESS

INTENT: The intent of the Developing Business District is to provide for areas of business and commercial uses which are conducive to commercial development.

#### D-I DEVELOPING INDUSTRIAL

INTENT: The intent of the Developing Industrial District is to provide for large areas suitable for industrial development and industrial parks.

#### MSR MIXED SIZE RESIDENTIAL

INTENT: The intent of the Mixed Size Residential district is to provide different building lot sizes within the same subdivision to allow the developer flexibility to provide different size single family dwelling units in a residential area.

#### UA URBAN AGRICULTURE

INTENT: The intent of the Urban Agriculture District is to provide for large areas suitable for residential areas that feature an agricultural character, and which allow for the keeping of Livestock as otherwise defined in these ordinances.

#### UR URBAN AGRICULTURE RESIDENTIAL

INTENT: The intent of the Urban Residential District is to establish and protect a low to medium residential neighborhood. Mobile homes are not allowed. This designation provides for stable and attractive suburban residential neighborhoods that have a full range of public services and facilities. To complement the primary residential nature of these zones, some nonresidential uses are allowed.

## **GENERAL DISTRICTS**

### **PLI PUBLIC LAND-INSTITUTIONS**

INTENT: The intent of the Public Land-Institutions District is to provide for major public land areas and major public and semi-public institutional uses, including existing land reserves for future public and institutional use; and preservation of publicly established historical sites.

### **PUD PLANNED UNIT DEVELOPMENT**

INTENT: The intent of the Planned Unit Development District is to encourage flexibility of development of land in order to promote its most appropriate use; to improve the design, character, and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open areas.

The Planned Unit District is applicable to any property within the Town which fits the requirements of the intent and scope of the Planned Unit Development section of this Ordinance.

### **MU MIXED USE**

The intent of the MU district is to establish and maintain a quiet, medium to high density residential/ commercial neighborhood, preserving and promoting the existence of a sufficient amount of open space, a mix of housing and employment opportunities, and access to recreational sites and transportation corridors. This district shall be free from other new uses except those which are compatible with the purpose of such a district.

## **17.08.030**

### **DISTRICTS – PERMITTED USES**

To facilitate public understanding of this Ordinance and for the better administration and convenience of use thereof, the following schedule of “uses allowed by right,” “uses permitted by special review,” and “bulk requirements,” regulations for the various zoning districts is hereby adopted and declared to be a part of this Ordinance and may be amended in the same manner as any other part of this Ordinance.

- A. Uses. In each zoning district, any use category not expressly permitted shall be deemed excluded. If a question arises as to whether a specific use does or does not come within the following expressed use categories, any person may apply to the Town Council for a determination as to whether a specific use is expressly permitted.



**17.08.030**  
**PERMITTED USES**

**PERMITTED USES**  
**RESIDENTIAL DISTRICTS**

- A USE ALLOWED BY RIGHT  
 USE PERMITTED BY SPECIAL  
 S REVIEW  
 \* USE PROHIBITED

		RESIDENTIAL					
		ESTABLISHED	DEVELOPING	MIXED -SIZED	DEVELOPING MOBILE HOMES	URBAN RESIDENTIAL	URBAN AGRICULTURE
		E-R	D-R	MSR	D-MH	UR	UA
1.	SINGLE-UNIT FRAME DWELLINGS:	A	A	A	*	A	A
2.	SINGLE MOBILE HOME:	A	*	*	A	*	S
3.	MOBILE HOME PARKS	*	*	*	S	S	S
4.	MULTI-UNIT DWELLINGS:	S	S	S	*	S	S
5.	DAY CARE SCHOOLS, CENTERS, AND CHILDREN'S NURSERIES:	S	S	S	S	A	S
6.	REST HOMES, CONVALESCENT HOMES, NURSING HOMES, AND RETIREMENT HOMES:	S	S	S	*	S	S
7.	HOME OCCUPATIONS:	A	A	A	A	A	A
8.	PUBLIC ELEMENTARY, JUNIOR AND SENIOR HIGH SCHOOLS:	S	S	S	S	A	A
9.	PAROCHIAL OR INDEPENDENT, PRIVATE ELEMENTARY, JUNIOR AND SENIOR HIGH SCHOOLS:	S	S	S	S	A	A
10.	CHURCHES:	S	S	S	S	A	A
11.	PUBLIC PARKS, PLAYFIELDS, PLAYGROUNDS AND GOLF COURSES	A	A	S	A	A	A
12.	RECREATIONAL BUILDINGS AND USES-OPERATED BY A PRIVATE, NON-PROFIT AGENCY:	S	S	S	S	A	A
13.	ESSENTIAL MUNICIPAL AND PUBLIC UTILITY USES, FACILITIES, SERVICES AND BUILDINGS-EXCLUDING BUSINESS OFFICES, REPAIR STORAGE AND PRODUCTION FACILITIES:	S	S	S	S	A	A

14.	ACCESSORY BUILDINGS AND USES:	A	A	A	A	A	A
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**17.08.030 (Continued)**  
**PERMITTED USES**

**BUSINESS AND INDUSTRIAL DISTRICTS**

- A USE ALLOWED BY RIGHT  
 S USE PERMITTED BY SPECIAL REVIEW  
 \* USE PROHIBITED

	<u>BUSINESS</u>	<u>INDUSTRIAL</u>
	ESTABLISHED    DEVELOPING	ESTABLISHED    DEVELOPING
	E-B                      D-B	E-I                      D-I

		E-B	D-B	E-I	D-I
1.	OFFICES - INCLUDING PROFESSIONAL FINANCE, INSURANCE AND OTHER SERVICES:	A	A	S	S
2.	RETAIL OUTLETS - INCLUDING, BUT NOT LIMITED TO: SUPERMARKETS, VARIETY, SPORTING GOODS, HARDWARE OR RADIO AND TELEVISION STORES, DEPARTMENT STORES, MAJOR COMPARISON GOODS STORES, OR FURNITURE WAREHOUSE STORES:	A	A	S	S
<u>3.</u>	<u>MOBILE HOME PARKS: (Ord. 534, 2007)</u>	<u>A</u>	<u>A</u>	S	S
<u>4.</u>	<u>RV PARKS: (Ord. 534, 2007)</u>	<u>A</u>	<u>A</u>	*	*
5.	PERSONAL SERVICE OUTLETS - INCLUDING, BUT NOT LIMITED TO: BARBER AND BEAUTY SHOPS, SHOE REPAIR SHOPS, SELF-SERVICE LAUNDRIES, DRY CLEANING OUTLETS, TRAVEL AGENCIES AND PHOTOGRAPHIC STUDIOS:	A	A	S	S
6.	MOTELS, HOTELS - INCLUDING NEWSSTANDS, GIFT SHOPS AND SIMILAR INCIDENTAL USES CONDUCTED ENTIRELY WITHIN THE PRINCIPAL BUILDING:	A	A	S	S
7.	MEDICAL AND DENTAL CLINICS:	A	A	S	S
8.	EATING AND DRINKING ESTABLISHMENTS:	A	A	A	*
9.	BANKS AND FINANCIAL INSTITUTIONS:	A	A	S	S
10.	AUTOMOBILE SERVICE AND REPAIR STATIONS:	A	A	A	A
11.	INDOOR AMUSEMENT AND ENTERTAINMENT ESTABLISHMENTS:	A	A	S	S
12.	DAY CARE:	S	S	S	S
13.	RECYCLING CENTERS: (Ord. 400, 1992)	S	S	S	S

**17.08.030 (Continued)**  
**PERMITTED USES**

**BUSINESS AND INDUSTRIAL DISTRICTS**

A USE ALLOWED BY RIGHT  
 S USE PERMITTED BY SPECIAL REVIEW  
 \* USE PROHIBITED

	<u>BUSINESS</u>		<u>INDUSTRIAL</u>	
	ESTABLISHED	DEVELOPING	ESTABLISHED	DEVELOPING
	E-B	D-B	E-I	D-I

14.	SECURITY QUARTERS: APARTMENTS, AS A PART OF THE MAIN STRUCTURE, OR MOBILE HOMES NECESSARY FOR SAFETY OR SECURITY REASONS IN CONJUNCTION WITH THE PRINCIPAL USE, LOCATED ON THE SAME LOT AS THE PRINCIPAL USE AND OCCUPIED ONLY BY PERSONS RESPONSIBLE FOR SECURITY OF THE PRINCIPAL USE AND ON THE PAYROLL OF THE INDUSTRY OR BUSINESS CONDUCTING THE PRINCIPAL USE. A MOBILE HOME MAY BE LOCATED WHERE PERMITTED BY THE TOWN AS SECURITY QUARTERS IN AN INDUSTRIAL DISTRICT (Ord. 351, 1983; <u>Ord. 561, 2009</u> )	<u>S</u>	<u>S</u>	<u>A</u>	<u>A</u>
15.	BUSINESS USES - INCLUDING, BUT NOT LIMITED TO: DUPLICATING SERVICES, FURNITURE AND APPLIANCE REPAIR, PAINT STORES, RENTAL ESTABLISHMENTS, CAR WASHES, DISCOUNT STORES AND WHOLESALING SERVICES:	A	A	A	S
16.	MORTUARIES AND FUNERAL CHAPELS	A	A	S	S
17.	BOARDING AND ROOMING HOUSES AND DORMITORIES:	A	A	S	S
18.	SALES, SERVICE AND STORAGE OF MOBILE HOMES, CAMPERS, BOATS, BICYCLES, MOTOR VEHICLES, MOTORIZED EQUIPMENT, AND ACCESSORIES FOR SUCH VEHICLES, BUT NOT INCLUDING JUNK YARDS. <u>A SIX-FOOT PRIVACY FENCE AT LEAST 75% OPAQUE MUST BE INSTALLED FOR SERVICE AND STORAGE AREAS.</u> (Ord. 556, 2009)	A	A	<u>A</u>	S

**17.08.030 (Continued)**  
**PERMITTED USES**

**BUSINESS AND INDUSTRIAL DISTRICTS**

A USE ALLOWED BY RIGHT  
 S USE PERMITTED BY SPECIAL REVIEW  
 \* USE PROHIBITED

	<u>BUSINESS</u>		<u>INDUSTRIAL</u>	
	ESTABLISHED	DEVELOPING	ESTABLISHED	DEVELOPING
	E-B	D-B	E-I	D-I

19.	NON RETAIL, HEAVY COMMERCIAL/ LIGHT INDUSTRIAL USES INCLUDING, BUT NOT LIMITED TO: NURSERY STOCK, PRODUCTION AND SALES, YARD EQUIPMENT AND SUPPLY DEALERS, FIREWOOD OPERATIONS, BUILDING CONTRACTORS AND EQUIPMENT, TRANSPORTATION CENTERS, SERVICE GARAGES, TRUCKING SERVICES, DISPOSAL TRUCK STORAGE, WAREHOUSES, WHOLE-SALE OPERATIONS, HOUSEHOLD EQUIPMENT AND APPLIANCE REPAIR, ANIMAL HOSPITALS, KENNELS, BULK CLEANING AND LAUNDRY PLANTS, PRINTING SERVICES, ELECTRICAL, PLUMBING AND HEATING, ROOFING, OTHER CONSTRUCTION CONTRACTORS, COLD STORAGE LOCKERS, LUMBER DEALERS AND YARDS - PROVIDED ADEQUATE SAFEGUARDS ARE TAKEN TO PROTECT ADJOINING PROPERTIES FROM OBJECTIONABLE OR HARMFUL SUBSTANCES, CONDITIONS, OR OPERATIONS:	S	S	A	A
20.	PAWN SHOPS: (Ord. 406 §2, 1992)	S	S	S	S
21.	MOTOR VEHICLE SALES: (Ord. 406, 1992)	S	S	S	S
22.	RESEARCH FACILITIES, TESTING LABORATORIES, AND FACILITIES FOR THE MANUFACTURING FABRICATION, PROCESSING OR ASSEMBLY OF PRODUCTS PROVIDED THAT NO EFFECTS FROM NOISE, SMOKE, GLARE, VIBRATION, FUMES OR OTHER ENVIRONMENTAL FACTORS ARE MEASURABLE AT THE PROPERTY LINE.	S	S	A	A
23.	HEAVY INDUSTRIES: ASPHALT, CONCRETE JUNK YARDS, EXPLOSIVES REFINERIES, CREOSOTE, GYPSUM, ROCK QUARRYING, AND ROCK CRUSHING PROVIDED ADEQUATE SAFEGUARDS ARE TAKEN TO PROTECT ADJOINING PROPERTIES FROM OBJECTIONABLE OR HARMFUL SUBSTANCES, CONDITIONS, OR OPERATIONS.	S	S	S	S



6.	CEMETERIES:	A
7.	ESSENTIAL PUBLIC UTILITY USES, FACILITIES SERVICES AND BUILDINGS:	A
8.	CHURCHES:	S
9.	ACCESSORY BUILDINGS AND USES:	A

**SUPPLEMENTARY BULK AND AREA REQUIREMENTS**

- A. No part of a yard required for a building or lot for the purpose of complying with the provisions of this Ordinance shall be included as a yard for another building or lot.
- B. Cornices, eaves, and other similar architectural features may extend into a required yard not more than two feet.
- C. Open, unenclosed porches at ground level may extend into a required yard not more than six feet.
- D. The side yard on the street side of a reverse corner lot shall be not less than the required front yard for the district in which the lot is located.

**17.08.030 (Continued)**  
**PERMITTED USES**  
**MU – MIXED USE**

- A USE ALLOWED BY RIGHT
- S USE PERMITTED BY SPECIAL REVIEW
- \* USE PROHIBITED

1.	Multifamily dwellings	A
2.	Condominiums for residential use	A
3.	Churches	A
4.	Day care, adult	S
5.	Family childcare home	S
6.	Group homes	S
7.	Nursing homes	S
8.	Parks, playgrounds, historical sites, golf courses,	A

	and other similar recreational facilities operated and used during daylight hours	
9.	Townhouses	A
10.	Neighborhood assembly uses	A
11.	Commercial and public parking lots	A
12.	Personal service shops	A
13.	Professional offices	A
14.	Convenience establishments	A
15.	Coffee shops, cafes and restaurants without drive-up windows	A
16.	Public utility and public service installations and facilities, excluding business offices and repair and storage facilities	A
17.	Sundry shops and specialty shops	A
18.	Wireless and broadcast communication facilities	S
19.	Motel/ Hotel	S
20.	Hospital	S
21.	Other uses compatible with this district, as determined by the Council.	A



**SECTION 17.08.040 ZONING DISTRICT MINIMUM LOT REQUIREMENTS  
(RESIDENTIAL)**

<b>DISTRICT REGULATIONS</b>	<b>E-R Established Residential</b>	<b>D-R Developing Residential</b>	<b>MSR Mixed Size Residential</b>	<b>UAR Urban Ag. Residential</b>	<b>UA Urban Agriculture</b>	<b>D-MH Developing Mobile Home Park</b>	<b>PUD Planned Unit Development</b>
<b>MINIMUM LOT AREA</b>	5,600 SQUARE FEET	6,000 PLUS 2,000 PER UNIT THREE OR MORE	4,200 SQUARE FEET	ONE HALF ACRE	TWO ACRE	4,000 SQUARE FEET PER SPACE	Min. Requirements Outlined in Sec. 17.08.050
<b>MINIMUM LOT WIDTH</b>	40 FEET	60 FEET	42 FEET	NONE	NONE	40 FEET	
<b>FRONT YARD SETBACK</b>	20 FEET	20 FEET	20 FEET	25 FEET	30 FEET	20 FEET	
<b>REAR YARD SETBACK</b>	15 FEET	25 FEET	15 FEET	20 FEET	30 FEET	10 FEET	
<b>SIDE YARD SETBACK</b>	5 FEET	5 FEET	5 FEET	10 FEET	20 FEET	7.5 FEET	
<b>CORNER SIDE YARD SETBACK</b>	15 FEET	15 FEET	15 FEET	20 FEET	20 FEET	15 FEET	
<b>SIDE YARD ADJOINING RES. DISTRICT</b>	-	-	-	N/A	N/A	15 FEET	
<b>MIN. DISTANCE BETWEEN BUILDINGS ON ADJACENT LOTS</b>	10 FEET	10 FEET	10 FEET	20 FEET	40 FEET	15 FEET	
<b>PRINCIPAL BLDG. HEIGHT LIMITATION</b>	3 STORIES MAX. 40'	3 STORIES MAX. 40'	3 STORIES MAX. 40'	3 STORIES MAX. 40'	3 STORIES MAX. 40'	3 STORIES MAX. 40'	3 STORIES MAX. 40'
<b>GARAGE SETBACK</b>	FRONT 25' REAR 5' SIDE 5' Door to Alley 10'	FRONT 25' REAR 5' SIDE 5' Door to Alley 10'	FRONT 25' REAR 5' SIDE 5' Door to Alley 10'	FRONT 30' REAR 20' SIDE 10'	FRONT 30' REAR 30' SIDE 20'	FRONT 25' REAR 5' SIDE 5' Door to Alley 10'	

<b>ACCESSORY BUILDING SETBACK</b>	FRONT 25' REAR 5' SIDE 5'	FRONT 25' REAR 5' SIDE 5'	FRONT 25' REAR 5' SIDE 5'	FRONT 30' REAR 20' SIDE 10'	FRONT 30' REAR 30' SIDE 20'	FRONT 25' REAR 5' SIDE 5'	
<b>ACCESSORY BUILDING MAX. SIZE (Ord. 557, 2009)</b>	<u>15% OF THE LOT AREA</u>	<u>15% OF THE LOT AREA</u>	<u>15% OF THE LOT AREA</u>	<u>15% OF THE LOT AREA</u>	<u>15% OF THE LOT AREA</u>	<u>15% OF THE LOT AREA</u>	<u>15% OF THE LOT AREA</u>

**SECTION 17.08.040 ZONING DISTRICT MINIMUM LOT REQUIREMENTS  
(BUSINESS / INDUSTRIAL)**

<b>DISTRICT REGULATIONS</b>	<b>E-B Established Business</b>	<b>D-B Developing Business</b>	<b>E-I Established Industrial</b>	<b>D-I Developing Industrial</b>	<b>I-P L Insti</b>
<b>MINIMUM LOT AREA</b>	4,000 SQUARE FEET	6,000 SQUARE FEET	6,000 SQUARE FEET	20,000 SQUARE FEET	N
<b>MINIMUM LOT WIDTH</b>	40 FEET	50 FEET	40 FEET	100 FEET	N
<b>FRONT YARD SETBACK</b>	NONE	NONE	20 FEET	30 FEET	25
<b>REAR YARD SETBACK</b>	NONE	NONE	10 FEET	15 FEET	25
<b>SIDE YARD SETBACK</b>	NONE	NONE	10 FEET	15 FEET	25
<b>CORNER SIDE YARD SETBACK</b>	5 FEET	20 FEET	20 FEET	30 FEET	25
<b>SIDE YARD ADJOINING RES. DISTRICT</b>	5 FEET	15 FEET	15 FEET	50 FEET	25
<b>MIN. DISTANCE BETWEEN BUILDINGS ON ADJACENT LOTS</b>	10 FEET	10 FEET	10 FEET	30 FEET	
<b>PRINCIPAL BLDG. HEIGHT LIMITATION</b>	3 STORIES MAX. 40'	3 STORIES MAX. 40'	3 STORIES MAX. 40'	3 STORIES MAX. 40'	3 ST MA
<b>GARAGE SETBACK</b>	FRONT 25' REAR 5' SIDE 5' Door to Alley 10'	FRONT 25' REAR 5' SIDE 5' Door to Alley 10'	FRONT 25' REAR 5' SIDE 5' Door to Alley 10'	FRONT 25' REAR 5' SIDE 5'	FRON RE S

				Door to Alley 10'	D Al
ACCESSORY BUILDING SETBACK	FRONT 25' REAR 5' SIDE 5'	FRONT 25' REAR 5' SIDE 5'	FRONT 25' REAR 5' SIDE 5'	FRONT 30' REAR 20' SIDE 10'	FR RE SI
ACCESSORY BUILDING MAX. SIZE <i>(Ord. 557, 2009)</i>	<u>20'</u> <i>HIGHEST</i>		<u>20'</u> <i>HIGHEST POINT</i>	<u>20'</u> <i>HIGHEST POINT</i>	<u>20'</u> <i>HIGHEST POINT</i>
<b>SECTION 17.08.040 ZONING DISTRICT MINIMUM LOT REQUIREMENTS (BUSINESS / INDUSTRIAL)</b>					
<b>DISTRICT REGULATIONS</b>	<b>MU MIXED USE</b>				
<b>MINIMUM LOT AREA</b>	4,000 SQUARE FEET EXCEPT MULTIFAMILY DWELLINGS, CONDOMINIUMS, TOWNHOUSES OVER THREE OR MORE UNITS SHALL HAVE A MINIMUM OF ONE THOUSAND FIVE HUNDRED SQUARE FEET PER DWELLING UNIT.				
<b>MINIMUM LOT WIDTH</b>	40 FEET; 20 FEET PER INDIVIDUAL TOWNHOUSE/CONDOMINIUM UNIT.				
<b>FRONT YARD SETBACK</b>	NONE				
<b>REAR YARD SETBACK</b>	10 FEET				
<b>SIDE YARD SETBACK</b>	5 FEET				
<b>CORNER SIDE YARD SETBACK</b>	15 FEET				
<b>SIDE YARD ADJOINING RES. DISTRICT</b>	5 FEET				

<b>MIN. DISTANCE BETWEEN BUILDINGS ON ADJACENT LOTS</b>	<p style="text-align: center;">10 FEET</p>				
<b>PRINCIPAL BLDG. HEIGHT LIMITATION</b>	<p style="text-align: center;">3 STORIES MAX. 40'</p>				
<b>GARAGE SETBACK</b>	<p style="text-align: center;">FRONT 25' REAR 10' SIDE 5'</p>				
<b>ACCESSORY BUILDING SETBACK</b>	<p style="text-align: center;">FRONT 25' REAR 5' SIDE 5'</p>				
<b>ACCESSORY BUILDING MAX. SIZE <i>(Ord. 557, 2009</i></b>	<p style="text-align: center;"><u>20'</u> <u>HIGHEST</u> <u>POINT</u></p>				
<p>A. Lots on Cul-de-sacs. Six lots shall be the maximum number of lots permitted on a cul-de-sac with a radius of fifty feet.</p> <p>B. Maximum Density. Seventeen residential dwelling units per acre; twelve office units per acre.</p> <p style="text-align: center;"><u>POINT</u></p>					

**17.08.045**  
**MOBILE HOMES**

**17.08.045 (a) INTENT**

It is deemed necessary for the preservation of the safety, health, life, and general welfare of the residents of the Town of Mills that regulations be established governing the location of manufactured, modular, and mobile homes within the Town to provide adequate minimum area requirements, utilities, wind protection and inspections thereof;

**17.08.045 (b) CERTIFICATION.**

Any manufactured (mobile) home, located or proposed to be located or installed in a manufactured (mobile) home park or on a subdivided lot, shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. For manufactured (mobile) homes built prior to June 15, 1976, a label certifying compliance with the standard for manufactured homes (mobile), NFPA 501, ANSI 119.1, in effect at the time of manufacture is required before any such home may be located or installed with the Town (Ord. 503, §1, 2004)

**17.08.045 (c) STANDARDS GOVERNING ALL MOBILE HOME LOCATIONS**

It is unlawful within the Town of Mills for any persons to place or park any manufactured or mobile home on any street, alley, highway or other public place, or on any tract of land owned by any person, firm, or corporation, occupied or unoccupied, except as provided in this Ordinance.

All manufactured and mobile homes located in the Town of Mills shall be located to comply with all of the following minimum standards:

1. The manufactured or mobile home is:
  - a. Newer than twenty (20) years old as measured from the date of proposed installation, location or relocation, and built according to the standards established by the United States Department of Housing and Urban Development (HUD) under the “National Manufactured Housing Construction and Safety Standards Act of 1974,” 42 U.S.C. 5401, et seq., as amended (currently codified at 24 C.F.R. 3280) in effect at the time of manufacture and bearing certification to that effect (“Applicable HUD Standards”) and is certified for the appropriate wind, thermal and roof standards for Wyoming ; or
  - b. The manufactured or mobile home is twenty (20) years or older, as measured from the date of proposed installation, location or relocation, and has been

issued a building permit and specific approval to be installed, located, or relocated by the Town of Mills Code Enforcement Officer (“CEO”). The CEO shall inspect all 20-year and older manufactured and mobile homes in conformance with the installation, location and relocation criteria found in this Ordinance. No manufactured or mobile home shall be installed, located, or relocated that does not meet the Applicable HUD Standards in effect at the time the home was manufactured, or that does not meet minimum criteria of this Ordinance.

2. Each manufactured or mobile home must be supported on pins or blocking constructed of masonry, block, brick, or concrete. Installation instructions as provided by the manufacturer of the manufactured or mobile home shall be deemed a typical blocking installation. Any foundation system design, other than typical blocking, shall be stamped and signed by a Wyoming licensed professional engineer.
3. Each manufactured or mobile home shall be skirted with a waterproof, rigid, durable skirting material within 30 days of placement.
4. Each manufactured or mobile home shall be equipped so as to permit access to utility connections. All skirting shall be provided with a door or panel to permit ready access to utility connections.
5. Each manufactured or mobile home shall be anchored with tie downs meeting the minimum standards as set forth in Section 15.16.190 of the Mills Municipal Code or their equivalent.
6. All water, sewer, electrical and natural gas connections shall be inspected and approved by the supplying utility prior to use.
7. The manufactured or mobile home meets the minimum standards for fire safety and protection in conformance with the applicable HUD standards at the time of original construction or as established by the Wyoming State Fire Marshall.
8. All appurtenant construction such as decks, walks, steps, handrails, sheds, accessory buildings, and other similar construction is subject to the applicable building code regulations adopted by the Town.
9. A minimum of two 10’ x 20’ off-street parking spaces must be provided for each manufactured or mobile home on the same lot or lots on which the mobile home is located. If off-street parking for a non-conforming manufactured or mobile home, as defined below, is provided between the dedicated street or right-of-way and the non-conforming mobile home, then the distance between the dedicated street or right-of-way and the hitch, or wall if there is no hitch, of the non-conforming mobile home must be at least 20 feet.

10. No non-conforming manufactured or mobile home, as defined below, shall be located within 10 feet of any dedicated alley right-of-way line, and the 10-foot setback area shall not be used for off-street parking.
11. No manufactured or mobile home shall be moved, located, or relocated within the Town of Mills without having first secured a written permit for the movement, location, or relocation of said manufactured or mobile home from the Town of Mills Building Official.

#### 17.08.045 (d) LOCATION OF MANUFACTURED AND MOBILE HOMES RESTRICTED

No manufactured or mobile home shall be located, placed, or installed at any location within the Town of Mills except as follows:

1. A single manufactured or mobile home, if it is the only principal building on a single lot of record, may be located in an Established Residential (E-R) District or in a Developing Mobile Home District – Single Lot District (D-MH), if the location of the mobile home meets all other requirements of the District.
2. A manufactured or mobile home may be located in an established mobile home park provided the established mobile home park meets all licensing requirements and all other applicable regulations and codes.
3. A manufactured or mobile home may be located in a developing mobile home park in a Developing Mobile Home District (D-MH).
4. A manufactured or mobile home may be located where permitted by the Town as security quarters in an Industrial District as provided for in Section 17.08.030 of the Mills Municipal Code.
5. No manufactured or mobile home shall be located within 10 feet of any other building on the same or adjacent lot.
6. Manufactured or mobile homes shall not be allowed, permitted or used for an accessory purpose or as a storage building after the effective date of this Ordinance. Those manufactured or mobile homes utilized as accessory structures or for storage prior to the effective date of this Ordinance shall be deemed legal non-conforming uses and permitted to continue until such time as the use of those structures are discontinued for 180 days.

#### 17.08.045 (e) INSPECTION AND PERMITTING REQUIREMENTS

No manufactured or mobile home located within the Town of Mills shall be permanently occupied unless inspected by the Town Code Enforcement Officer or designated Town Inspector except in conformance with the following inspection/permitting requirements:

1. A manufactured or mobile home shall not be installed, located or relocated within the Town of Mills without the issuance of a building permit from the Town of Mills. Building permits for additions, alterations, modifications or any physical change to a manufactured or mobile home are required regardless of location.
2. The Code Enforcement Officer has the authority to inspect all new, installed, located, and relocated manufactured and mobile homes for compliance with the provisions of this Ordinance.
3. After the effective date of this Ordinance, no person shall occupy any new or relocated manufactured or mobile home nor permit any other persons to occupy the same unless the manufactured or mobile home has been installed, located, or relocated in compliance with this Ordinance or is a legal non-conforming use under this Ordinance.

17.08.045 (f) AUTHORITY OF THE CODE ENFORCEMENT OFFICER

In addition to any other enforcement powers that the Code Enforcement Officer may have, the Code Enforcement Officer may issue a written order to any person to:

1. Immediately cease and desist any work or activity to install, locate, or relocate any manufactured or mobile home in violation of this Ordinance; or
2. Immediately cease and desist from the use or occupancy of any manufactured or mobile home installed, located, or relocated in violation of this Ordinance. Such written order shall constitute an administrative action which may be appealed to the Mills Town Council as a contested case within thirty (30) days of the written order.

17.08.045 (g) INSPECTION CRITERIA FOR MANUFACTURED HOMES OLDER THAN 20 YEARS

All manufactured and mobile homes 20 years and older as measured from the date of proposed installation must be inspected by the Town of Mills Code Enforcement Officer prior to moving, locating, relocating or installation and a building permit application must be provided to the Town of Mills. No such manufactured or mobile home may be occupied prior to the issuance of a building permit and payment of appropriate fees. Each such manufactured or mobile home shall be inspected for compliance with the following minimum criteria before a building permit will be issued.

1. All electrical wiring shall be in compliance with the applicable codes in place at the time the building was manufactured. Any new, altered, modified or replaced wiring shall be in compliance with the current, adopted version of the National Electrical Code.
2. Shall have appropriate operational fire alarms installed.



3. All floors shall be solid and stable. Any penetrations of the floor shall be sealed.
4. All roofs shall be solid and stable without any sag.
5. No evidence of significant wood rot or mold shall exist.
6. The exterior of the building shall be properly maintained and painted.
7. Any additions, modifications, or alterations to the building shall have been constructed with appropriate building permits.
8. The manufactured or mobile home maintains the same structural integrity as it did when it was manufactured.
9. No broken windows.
10. All HVAC systems shall be working and installed in accordance with the regulations in place at the time the building was manufactured. All new installations shall be in conformance with the most recent adopted edition of International Building Codes.
11. Must have proof that the manufactured or mobile home meets the established thermal, wind and roof load requirements for Wyoming.
12. Manufactured or mobile homes not meeting these criteria shall be either left in place and considered a non-conforming structure, be moved or relocated outside of the Town of Mills or be repaired to meet the criteria. The level of repair needed may differ widely from home to home. The CEO shall determine if the repairs are minor or major. For those repairs determined to be minor, the repairs may be made without a building permit. For those homes that are determined to require major repairs, a building permit must be issued for those repairs. All repairs and construction shall be in conformance with the International Building Codes as adopted. The CEO may permit a manufactured or mobile home needing repairs to be relocated provided a building permit has been issued for the repairs. The CEO may require surety from the applicant to cover the cost of removing the manufactured or mobile home from the Town of Mills if repairs are not completed. All repairs must be completed within six months of the building permit issuance and prior to any occupancy of the repaired structure. Failure of the applicant to complete repairs in the designated time will constitute a violation of this Ordinance. The Town of Mills may utilize the surety to cause the manufactured or mobile home to be removed from the Town of Mills as a result of a violation. All repaired manufactured or mobile homes must pass a final inspection by the CEO prior to being moved, located, relocated or installed in the Town of Mills.

17.08.045 (h) NON-CONFORMING USES AND NON-CONFORMING STRUCTURES

1. Non-conforming manufactured or mobile homes legally located within the Town of Mills on the effective date of this Ordinance and in use for residential purpose may continue at that certain location and continue to be utilized for residential purpose. The non-conforming manufactured or mobile home may not be relocated to any other property unless it has been inspected and brought into conformance with this Ordinance and issued a building permit. At such time as any legal non-conforming manufactured or mobile home ceases to be utilized for residential purposes or is vacant for a period of 180 days, it must be removed from the property.
  
2. Manufactured and mobile homes located within the Town on the effective date of this Ordinance which have not been certified under the “National Manufactured Housing Construction and Safety Standards Act of 1974,” 42 U.S.C. 5401, et seq., as amended, are hereby declared legal non-conforming structures, but shall not be replaced by another manufactured or mobile home that is not in compliance with applicable HUD standards unless the replacement manufactured or mobile home has been inspected and brought into conformance with this Ordinance and issued a building permit. (Ord. 549, 2009)

**17.08.050**

**MOBILE HOME PARKS**

APPLICATION

Established

Any Mobile Home Park licensed by the Town and in operation on the Date of Adoption of this Ordinance shall continue operation in compliance with the requirements of the license as issued and shall be defined as “Established.”

Developing

Any Mobile Home Park as defined in Section 17.04.030, being licensed and in operation on the Date of Adoption must be licensed, developed and operated under the requirements of this Ordinance and shall:

- A. Be located on property zoned D-MHP;
  
- B. Comply with all of the requirements of the D-MHP District, Section 17.04.040 of this Ordinance; and
  
- C. Shall be licensed by the Town in accordance with this Ordinance.

Licensing

## Definitions

Mobile Home, Mobile Home Park as defined in Section 17.04.030.

### License required – Application – Transfer – Inspection

It shall be unlawful for any person to establish a mobile home park within the Town or to operate and maintain any such mobile home park without first obtaining a license for establishment or operation. The application for the license shall be filed with the Town Clerk and shall contain the following information:

- A. The name and address of the applicant;
- B. The legal description of the location of the proposed mobile home park;
- C. A complete site plan for the proposed park which complies with Section 17.16.010 of this Ordinance on Site Plan Contents;
- D. Information as may be requested by the Town's inspecting officer to enable him to determine whether the park will be supplied with sanitation, fire prevention and other legal requirements of the Town;
- E. Blanks for the application of licenses with property space for insertion of the above required information shall be available at the office of the Town Clerk and shall be furnished upon request of any person wishing to apply for a license. Application for the license shall be accompanied by the license fee as established by ~~Ordinance~~ Resolution, and should be filed with the Town Clerk;
- F. The site plan shall be reviewed in accordance with Section 17.16.010, Special Review Permits, and a license shall be issued upon approval of the application;
- G. Revocation of license. The Town's designated inspecting officer shall have authority to order the revocation or suspension of any license issued under the chapter when the licensee has been found guilty by the police magistrate of the Town of violating any provision of this chapter. Any license so revoked or suspended, may be restored or reinstated whenever the circumstances leading to the conviction have been remedied and the inspecting officer satisfied from all the facts and circumstances that the trailer coach park will thereafter be maintained and operated in full compliance with the law; (Ord. 140 §12, 1963.)
- H. Posting of license. The license certificate issued for operation of any trailer coach park shall be posted conspicuously in the office, or on the premises, of the park for which issued, at all times; (Ord. 140 §13, 1963.)
- I. Penalty for violation. Any person who shall violate any section or provision of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished as provided in

Section 1.01.115. Each day that a violation is permitted to continue in existence after expiration of the time allotted by the inspecting officer constitutes a separate offense; (Ord. 222 §2 (part), 1973; Ord. 140 §15, 1963.)

- J. Service Building. Service buildings may be maintained on the mobile home park site as approved on the site plan provided, they meet all applicable codes and ordinances and are for use of the tenants of the mobile home park only.

### Camping Parks

Camping parks, designed as a commercial use for temporary lodging of travel trailers and campers shall be established and maintained as a special review use in the E-B and D-B Districts in compliance with Chapter 16, Town of Mills Code. Service building shall be provided in camping parks and shall include restrooms, showers, and dump stations. All service buildings shall comply with all applicable codes and ordinances.

## **17.08.065**

### **MIXED SIZE RESIDENTIAL**

#### INTENT

The intent of the Mixed Size Residential district is to provide different building lot sizes within the same subdivision to allow the developer flexibility to provide different size single family dwelling units in a residential area.

### **Chapter 17.08.070**

#### **AG URBAN AGRICULTURE**

##### 17.08.070(a) - Purpose.

The purpose of the AG district is to establish and preserve areas for semi-rural, low density residential, and related or compatible uses. It is also the intent to provide within this zone, an adequate amount of space for livestock and poultry, as is essential to meet appropriate health standards.

##### 17.08.070(b) - Permitted uses.

In an AG district, no building, structure, or other land use shall be permitted or used except for the following:

1. The keeping and raising of food animals and pleasure animals; and the cultivation of gardens, orchards, and crops;
2. Conventional site-built single-family dwellings and manufactured homes with siding material consisting of wood or wood products, stucco, brick, rock, or horizontal lap wood, steel or vinyl siding;
3. Bed and breakfast;
4. Greenhouses and nurseries;
5. Parks, playgrounds, historical sites, golf courses, and other recreational facilities;
6. Tree farms, commercial;
7. Neighborhood assembly uses;
8. Church.

17.080.070(c) - Conditional uses.

The following shall be permitted as conditional uses within an AG district:

- A. Mortuaries;
- B. Kennels;
- D. Lighted recreational facilities;
- E. Personal service shops;
- F. Public utility and public service installations and facilities, excluding business offices and repair and storage facilities;
- G. Riding academies;
- H. Stables;
- I. Other agricultural and nonagricultural uses compatible with this district and as approved by the commission, with the exception of gaming/gambling uses as defined in this title;

17.08.070(c) - Minimum standards.

- A. Lot Area.
  1. Single-family dwellings, where public water and sewer are not provided, two acres;
  2. Single-family dwellings, where public water and sewer are provided, one acre;
- B. Yard requirements.
  1. Front and rear yard, thirty feet;
  2. Side yard, thirty feet;
- C. Space Requirements for Livestock. The following tables are the minimum standards for dry lot confinement and pasture for various classifications of livestock:
  1. Beef cattle: soil surfaced open shed floor area (dirt floor preferred), three hundred square feet for each cow or steer,

2. Horses, soil surfaced open shed floor area, dirt floor, three hundred square feet for each horse,
3. Chickens, controlled environment, two and one-half square feet for each chicken,
4. Sheep, lot soil, twenty-five square feet of open lot for each sheep,
5. Hogs, unsurfaced lot, one hundred square feet for each hog.

## **Chapter 17.08.080**

### **UR URBAN AGRICULTURE RESIDENTIAL**

#### 17.08.080(a) - Purpose.

The purpose of the UR District is to establish and protect low to medium density residential neighborhood. Mobile homes are not allowed. No business usage is allowed. It is further intended that this district should be suitable for a municipality.

#### 17.08.080(b) - Permitted uses.

In an UR district, no building, structure, or other land use shall be permitted or used except for the following:

1. Conventional site-built single-family dwellings, exclusive of mobile homes and exclusive of trailers.
2. Accessory residential uses, including home occupations.
3. Family Child Care Home.
4. Parks, playgrounds, historical sites, golf courses, and other recreational facilities;
5. Public utility facilities including substations and pumping stations
6. Accessory buildings and uses.
7. Neighborhood assembly uses;
8. Church.

#### 17.080.080(c) - Conditional uses.

The following shall be permitted as conditional uses within an UR district:

1. Kennels;
2. Lighted recreational facilities;
3. Personal service shops;
4. Public utility and public service installations and facilities, excluding business offices and repair and storage facilities;
5. Accessory Apartments

17.08.080(d) - Minimum standards.

A. Lot Area.

Single-family dwellings, where public water and sewer are provided, one half acre;

B. Yard requirements.

1. Front yard, twenty-five feet;
2. Rear yard, twenty feet;
3. Side yard, 10 feet;

C. Livestock not permitted

**Chapter 17.08.090**

**TWIN HOMES**

**Section 17.08.090(a) – Definitions**, is hereby amended by adding the following:

Twin Homes: A single family dwelling attached to one other single family dwelling by a common wall, each of which is located on an individually owned, and separately platted subdivision lot, and sharing one common lot line.

**Section 17.080.090(b) – Permitted Uses (Residential Districts)**, is hereby amended by including the following (underlined text will be added to the existing text):

	A USE ALLOWED BY RIGHT		RESIDENTIAL
	S USE PERMITTED BY SPECIAL REVIEW		
	* USE PROHIBITED	ESTABLISHED	<u>MIXED-SIZED</u>

1.	SINGLE-UNIT FRAME DWELLINGS:	A	<u>A</u>
2.	SINGLE MOBILE HOME:	A	<u>*</u>
3.	MOBILE HOME PARKS	*	<u>*</u>
4.	MULTI-UNIT DWELLINGS:	S	<u>*</u>
5.	DAY CARE SCHOOLS, CENTERS, AND CHILDREN'S NURSERIES:	S	<u>S</u>
6.	REST HOMES, CONVALESCENT HOMES, NURSING HOMES, AND RETIREMENT HOMES:	S	<u>S</u>
7.	HOME OCCUPATIONS:	A	<u>A</u>
8.	PUBLIC ELEMENTARY, JUNIOR AND SENIOR HIGH SCHOOLS:	S	<u>S</u>
9.	PAROCHIAL OR INDEPENDENT, PRIVATE ELEMENTARY, JUNIOR AND SENIOR HIGH SCHOOLS:	S	<u>S</u>
10.	CHURCHES:	S	<u>S</u>
11.	PUBLIC PARKS, PLAYFIELDS, PLAYGROUNDS AND GOLF COURSES	A	<u>A</u>

12.	RECREATIONAL BUILDINGS AND USES-OPERATED BY A PRIVATE, NON-PROFIT AGENCY:	S	<u>S</u>
13.	ESSENTIAL MUNICIPAL AND PUBLIC UTILITY USES, FACILITIES, SERVICES AND BUILDINGS-EXCLUDING BUSINESS OFFICES, REPAIR STORAGE AND PRODUCTION FACILITIES:	S	<u>S</u>
14	ACCESSORY BUILDINGS AND USES:	A	<u>A</u>
<u>15.</u>	<u>TWIN HOMES:</u>	<u>A</u>	<u>A</u>

**Section 3:**

**Section 17.08.090© Zoning District Minimum Lot Requirements**, is hereby amended by including the following:

<b>DISTRICT REGULATIONS</b>	<b>E-R Established Residential</b>	<b>MSR Mixed Residential</b>
MINIMUM LOT AREA	5,600 SQUARE FEET; <u>(3,500 SQ. FT. FOR TWIN HOMES)</u>	4,200 SQUARE FEET; <u>(3,500 SQ. FT. FOR TWIN HOMES)</u>
MINIMUM LOT WIDTH	40 FEET; <u>(35 FEET FOR TWIN HOMES)</u>	42 FEET; (35 FEET FOR TWIN HOMES)



**CHAPTER 17.12**

**SUPPLEMENTARY REGULATIONS**

**17.12.010**

**OFF-STREET PARKING AND LOADING**

**INTENT**

The intent and purpose of this article is to alleviate or prevent congestion of the public streets and to promote safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles used in accordance with the land use of individual properties within the town.

**REQUIREMENT**

Off-street parking spaces are required as an accessory use in each district in accordance with the permitted uses of the specific districts and the regulations outlined in this article.

**LOCATION**

Parking areas, whether open or enclosed, must be provided on the same lot containing the permitted use for which they are required, unless parking is provided on a separate lot under the same ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. All parking shall be located within 300 feet of the use it serves in residential districts and 500 feet in commercial and industrial districts.

**DESIGN**

All off-street parking shall be designed in accordance with the following requirements:

- A. An access of a minimum of 10 feet in width shall be provided to all off-street parking spaces.
- B. Except for parking areas provided for single family dwellings, all parking areas must be paved with asphalt, concrete, or similar permanent surface.
- C. Except for parking areas provided for single family units, suitable curbs or barriers shall be provided to protect public sidewalks, buildings, and other areas, and to preclude parking in areas where parking is not permitted.
- D. All parking aisles and parking spaces shall be entirely within the lot lines and located such that no vehicle will overhang into a public right-of-way.

- E. Each parking space shall be not less than 20 feet long and 10 feet wide.
- F. The minimum requirements for off-street parking lots are shown by the following table:

**PARKING TABLE**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
45°	10'0"	21.3'	12.5'	14.2'	55.1'	47.7'
60°	10'0"	22.3'	17.5'	11.5'	62.1'	57.1'
90°	10'0"	20.0'	22.0'	10.0'	62.0'	-----

A	Parking angle
B	Stall width
C	20' minimum stall-to-curb
D*	Aisle width
E	Curb length per car
F	Curb-to-curb
G	Center-to-center width of double row with aisle between
* Additional width may be required where the aisle serves as the principal means of access to on-site buildings or structures.	

- G. **FRACTIONAL MEASUREMENTS.** When the computation of required spaces results in a fraction, any fraction of a space less than one-half shall be disregarded, and any fraction over one-half shall require provision of a full parking or loading space.
- H. Two or more uses may combine to provide the required parking spaces jointly, however, the parking spaces provided in this manner shall equal the total space required if each use were to provide parking separately.
- I. As determined by the Board, landscaping or screening may be required to buffer a parking lot from a residential use.

**OFF-STREET LOADING**

Off-street loading space shall be provided for any business or industrial use which has a gross leasable floor area of 10,000 square feet or more. One off-street loading space shall be provided for each 10,000 square feet of gross leasable floor area. Each space shall be a minimum of 14 feet wide by 40 feet long with an unobstructed height of 14 feet. No area used for off-street loading shall be used also as off-street parking space.

## ADMINISTRATION OF PARKING REQUIREMENTS

- A. The Town Council shall make the final determination as to the number of spaces required for off-street parking and loading.
- B. For uses not specified or specifically defined, the Town Council ~~Board~~ shall determine parking requirements.
- C. The Town Council ~~Board~~ is authorized to review parking plans, and after proper hearing and investigation, permit an exception or modification of established requirements when reason is found that such action is necessary to prevent unreasonable hardship in development of any lot because of unique topographical or other features.
- D. Change of Use. In the event of any change in the use of a lot, all off-street parking and loading requirements of the new use shall be met.
- E. Addition. Any addition to a structure or any increase in the intensity of use within the building through the addition of dwelling units, seating **capacity**, or other specified measure used for parking requirements, shall require provision of off-street parking and loading adequate to meet the increased need.
- F. A waiver may be granted from the requirement of this chapter when specific enforcement would result in unnecessary hardship.
  - 1. Submission of a written request from the owner of record addressed to the Town Planner or designee stating the rationale for the request and providing any documentation, diagrams, renderings or photographs necessary to convey the intent of the waiver request.
  - 2. Notification of the request and the date, time and place of the Council meeting where the waiver will be considered shall be mailed to property owners within a 140' radius of the subject property. No public hearing shall be required; however, the council shall receive comments from meeting participants who desire to address the request.
  - 3. In rendering their decision, the Council shall consider such factors as proximity to other development and types of uses, man-made or natural barriers such as streets, drainages, draws, existing vegetation, slopes, etc., which achieve the intent of the buffering or landscaping requirement at a lower rate than is required by this Title. The Council may also consider alternative solutions which achieve the intent of landscaping and/or buffering.
  - 4. Requests for a reduction of off-street parking requirements shall be considered on the basis of use, number of employees, availability of on-street parking or shared parking with adjacent property owners.
  - 5. The Council shall have the authority to approve, modify or deny all waiver requests.

## **PARKING REQUIREMENTS PERMITTED USES**

### **RESIDENTIAL**

Single-Family Dwelling – Two spaces.

Mobile Homes – Two spaces.

Multi-Family Dwelling – Two spaces per dwelling unit.

Rentals or Apartments in a Single-Family Dwelling – One per unit.

Apartments Over a Business – One per apartment.

Home Occupation – One space for each 200 square feet of space within the building used for the home occupation, with a minimum of two spaces.

### **NON-RESIDENTIAL**

Automobile Sales and Service – One space per 1,000 square feet of indoor and outdoor sales area.

Banks – Financial Institutions – Five- and one-half spaces per 1,000 square feet of gross, leasable floor area.

Drive-in Banking Facilities – Five spaces per window for stacking, in addition to required parking spaces.

Boarding and Rooming Houses, and Dormitories – One space per apartment or dwelling unit.

Bowling Alley – Four spaces per alley, plus requirements for other associated uses.

Business Uses – Including, But Not Limited To: Duplicating Services, Furniture and Appliance Repair, Paint Stores, Rental Establishments, Car Washes, Discount Stores, and Wholesaling Services - One space per 400 square feet, plus one space per employee.

Cemeteries – As determined by the Town Council ~~Board~~.

Churches – One space per four seats in the Sanctuary or primary room of worship.

Day Care/Nursery Schools – One space per five students plus one-half space per employee.

Drive up Facilities for Eating and Drinking Establishments, Retail Sales and Other Commercial Uses – Requirements of the use, plus five spaces for stacking vehicles at each drive-up window.

Eating and Drinking Establishments – One space for each three seats or for each 50 square feet of floor area used for assembly or seating, whichever is greater.

Essential Public Utility Uses, Facilities, Services and Buildings – As determined by the Town Council.

Gasoline Services Station – One space per pump, two per lift, and one per 1,000 square feet of retail sales area.

Grocery Stores – Five- and one-half spaces per 1,000 square feet of gross, leasable floor area.

Hospitals – One space per two beds plus one space per staff member and doctor.

Industrial Uses: All Except Warehousing – One space per 500 square feet gross leasable floor area, plus one- and one-half spaces per employee on the largest shift, plus one space per company vehicle. For uses with one shift only; one space per employee plus one space per company vehicle.

Industrial Uses: Warehousing – One space per 1,000 square feet of gross, leasable floor area, plus one- and one-half spaces per employee on the largest shift, plus one space per company vehicle. For uses with one shift only; one space per employee plus one space per company vehicle.

Medical and Dental Clinics – One space per 200 square feet of gross leasable floor area or five spaces per doctor or dentist, whichever is greater.

Membership Clubs, Fraternal Organizations - One space per 50 square feet of space for general assembly, plus requirements of all associated uses within the building.

Mortuaries and Funeral Chapels – One space per 400 square feet of gross leasable floor area plus one per four seats in the Chapel.

Motels, Hotels – Including Newsstands, Gift Shops and Similar Incidental Uses Conducted Entirely Within the Principal Building – One space per room, plus one space per employee.

Non Retail, Heavy Commercial/Light Industrial Uses Including But Not Limited To: Nursery Stock Production and Sales, Yard Equipment and Supply Dealers, Firewood Operations, Building Contractors and Equipment, Transportation Centers, Service Garages, Trucking Services, Disposal Truck Storage, Warehouses, Wholesale Operations, Household Equipment and Appliance Repair, Animal Hospitals, Kennels, Bulk Cleaning and Laundry Plants, and Printing Services, Electrical, Plumbing and Heating, Roofing and Other Construction Contractors, Cold Storage Lockers and Lumber Dealers and Yards – Provided Adequate Safeguards are Taken to Protect Adjoining Properties from Objectionable or Harmful Substances, Conditions or Operation – One space per 400 square feet of gross leasable floor area, plus one space per employee.

Nursing Homes – One space for each four beds, plus one per employee.

Office – General – One space per 300 square feet of gross leasable floor area.

Offices – Including Professional, Finance, Insurance and Other Services – Two spaces per 1,000 square feet of gross leasable floor area.

Parks, Playfields, Playgrounds and Golf Courses Operated by a Public Agency – As determined by the Board.

Personal Services Outlets, Including But Not Limited To: Barber and Beauty Shops, Shoe Repair Shops, Self-Service Laundries, Dry Cleaning Outlets, Travel Agencies, and Photographic Studios – Five and one-half spaces per 1,000 square feet of gross leasable floor area.

Municipal, County, State and Federal Uses, Facilities, Services and Buildings – One space per 200 square feet of gross leasable floor area.

Public Colleges and Universities – As determined by the Town Council Board.

Publicly Established Historical Sites and Buildings – As determined by the Town Council Board.

Research Facilities, Testing Laboratories, and Facilities for the Manufacturing, Fabrication, Processing, or Assembly of Products: Provided That No Effects from Noise, Smoke, Glare, Vibration, Fumes or Other Environmental Factors are Measurable at the Property Line – One space per 500 square feet of gross leasable floor area, plus one- and one-half spaces per employee on the largest shift, plus one space per company vehicle. For uses with one shift only; one space per employee plus one space per company vehicle.

Retail Outlets, Including, But Not Limited To: Supermarkets, Variety, Sporting Goods, Hardware, or Radio and Television Stores, Department Store, Major Comparison Goods Store or Furniture Warehouse Store – Five and one-half spaces per 1,000 square feet of gross leasable floor area.

Sales, Services and Storage of Automobiles, Mobile Homes, Campers, Boats, Bicycles, Motor Vehicles, Motorized Equipment, and Accessories for such Vehicles, But Not Including Junk Yards – One space per 1,000 square feet of indoor and outdoor sales area plus spaces required for associated servicing uses.

### **SCHOOLS – PUBLIC AND PAROCHIAL**

Elementary – One space per 1,000 square feet of building area, plus one space per employee.

Junior High – One space per 1,000 square feet of building area, plus one space per employee.

Senior High – One space per 200 square feet of building area, plus one space per employee, plus one space per 3 seats in an auditorium or gymnasium.

Schools, Vocational, Business and Private – One space per 200 square feet of building area, plus one space per employee, plus one space per 3 seats in an auditorium or gymnasium.

Theaters, Public Auditoriums – One space per 3 seats.

### **17.12.020**

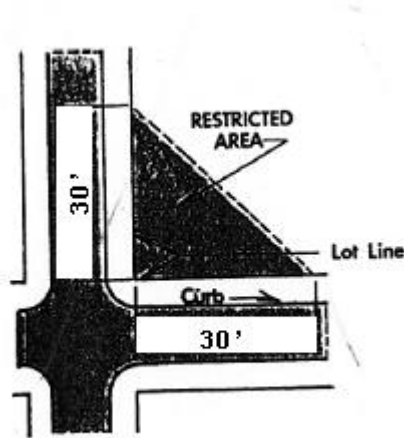
#### **FENCES, WALLS, AND HEDGES**

A fence, wall, hedge, column, pier, post, or any similar type structure or any combination of such structures, may be permitted in the required yards of the zoning districts subject to the following conditions and requirements. The intent of the conditions and requirements is to provide privacy and protection without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles.

- A. All fences and walls are subject to Building Code requirements.
- B. It shall be the responsibility of the property owner to locate all property lines.
- C. No fence, hedge or wall may extend beyond or across a property line unless in joint agreement with the abutting property owner.
- D. No person shall erect or cause to be erected or maintain any barbed wire, razor wire, or other similar sharp pointed metal fence along or adjacent to any public street below the height of six feet from ground level, provided, however, in residential districts barbed wire, razor wire, or other similar sharp pointed metal fences are entirely prohibited. Barbed wire or other sharp, pointed or electrically charged fence shall be permitted, with approval of the Town Council in areas zoned Urban Agriculture.
- E. No fence between the building front and the front property line shall exceed 42 inches, except as outlined in Section I.
- F. Fences, walls or compact hedges shall not exceed 7 feet in height. Heights, including retaining walls or other structures, shall be measured as follows:
  - 1. In required yards abutting a street, it shall be the total effective height measured from the finished grade on the side nearest the street;
  - 2. In other required yards, it shall be the total effective height above the finished grade measured on the side nearest the abutting property;
  - 3. On property lines the height may be measured from the finished grade of either side when the abutting property owners are in joint agreement.
- G. Any fence, hedge or wall placed within 15 feet of the intersection of a public sidewalk (or proposed location of such walk) and an alley or driveway, shall not restrict or obscure the

visibility through such fence, hedge, or wall by more than 25 percent of its total vertical plane area. Such fence, hedge or wall shall maintain at least 75 percent of the unobstructed view when viewed at an angle of 90 degrees from the direction of the fence, hedge or wall, at a distance of 30 feet.

- H. On corner lots, no fence, hedge, structure, wall or landscaping display shall interfere with the unobstructed view over 36 inches above the nearest street in a restricted triangular area formed by the three points established by:
1. The intersection of the property lines at the corner, and by measuring 30 feet back from this intersection on each property line;
  2. Rail type or chain link fences not exceeding 42 inches in height, with not more than two 4-inch rails, mounted on a minimum number of 4-inch posts, may be permitted in the restricted triangular area.
- I. In E-B, D-B, E-I, and D-I Districts, chain link fence seven feet in height may be constructed along all lot lines. Only open chain link fence shall be permitted between the building front and street at a height over 42 inches. Seven-foot open chain link fence may be permitted in the sight distance triangle defined in H, upon approval of the Town Council Board. Neither the fence nor anything inside the fence shall impair the sight distance triangle.



- J. Tree branches which overhang the public sidewalk shall be kept trimmed to a height of at least eight feet above sidewalk level.
- K. Tree branches which overhang public streets shall be kept trimmed to a height of not less than fourteen feet above the street.
- L. The Town Council may waive any of the above requirements where cause can be shown that the need of security or safety would be served by variance of the requirements. (Ord. 405, §1, 1992.)



### **17.12.030**

#### **PETS AND DOMESTIC ANIMALS**

- A. Pets, such as dogs, cats, birds, fish and other animals generally kept within a dwelling shall be a permitted accessory use in any district.
- B. Other domestic animals may be a permitted accessory use in any district, subject to petition, public hearing and other regulatory procedures of the Town Council.

### **17.12.040**

#### **SIGN REGULATIONS**

PURPOSE: The purpose of this section is to protect the public welfare in regulating the size, height, number, location, illumination and construction of signs permitted in the various zone districts of the Town of Mills. Conditions within the various zone districts that necessitate the regulation of signs include:

- A. Conflicts between traffic control signs and signals and various private signs resulting in vehicular and pedestrian safety problems;
- B. Signs are sometimes placed in locations or constructed in a manner that creates a danger to the public during periods of high winds or inclement weather;
- C. The uncontrolled use of signs defeats the sign's informational or advertising functions as competitors escalate sign size and expense in an effort to fairly attract attention;
- D. The uncontrolled use and proliferation of signs creates visual pollution that destroys the beauty of the Town, the attractiveness of commercial areas and the ability of the public to safely and quickly interpret the intended message.
  - 1. Measurement. The area of a sign shall include the surface upon which the information of the sign is presented, excluding only structural supports. Only one side of a double facing sign shall be considered in the total sign area permitted for any building, use or lot.
  - 2. Residential Districts. Permitted signs may be anywhere on the premises, provided no sign is within any road right-of-way and must be totally within the lot on which the sign is mounted.
    - a. Ground mounted signs shall have a maximum height of five (5) feet.
    - b. Wall mounted signs shall be flush and not project above the roof line.

- c. Lighting of a sign shall be by white light.
  - d. Permitted signs for single family residences shall indicate only the occupant's name and address and shall have a total area not exceeding two square feet.
  - e. Permitted signs for multi-family dwellings shall have a maximum area of six (6) square feet and shall be for identification purposes only.
3. Business and Industrial Districts. Permitted signs may be located on a lot such that no sign shall intrude into any public right-of-way and supports shall be at least ten (10) feet from any public right-of-way line.
- a. Any business use shall be permitted one wall sign for each side of a building fronting a public street. Wall signs shall project not more than one (1) foot from the building wall and shall run parallel to the wall.
  - b. Maximum area of a wall sign shall be one square foot of sign area per linear foot of street frontage to a maximum of 300 square feet per frontage.
  - c. One free standing sign shall be permitted per lot. Any free-standing sign shall have a clearance of ten (10) feet above the ground, to provide for a clear field of vision and pedestrian safety.
  - d. Maximum area of any free-standing sign in square feet shall be determined by multiplying the length of the lot frontage, in feet, by 1.5. No sign shall have an area larger than 300 square feet.
  - e. Any sign shall have a clearance of ten (10) feet over sidewalks and fifteen (15) feet over driveways and alleys.
  - f. Marquee signs shall have a clearance of ten (10) feet above the ground and no part of the changeable copy shall project above or below the marquee face.
  - g. No sign shall exceed thirty (30) feet in height from ground level.
4. Illumination. The light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas and the light rays shall not spill over the property lines into a residential zone except by indirect reflection. Neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
5. Miscellaneous Signs. Signs listed in this section shall be permitted in any zone district on private property, shall not require a permit but are subject to the general requirements of this article. These signs are classified as identity signs.

- a. **CONSTRUCTION SIGNS:** Construction signs which identify the architects, engineers, contractors, and other individuals or firms involved with construction, but not including any advertisement of any product or signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of sixteen square feet for each firm. The signs shall be removed within fourteen (14) days of the beginning of the intended use of the project or as individual subcontractors expire, whichever is sooner.
- b. **REAL ESTATE:** Real estate signs advertising the sale, rental or lease of residential property may be four (4) square feet and may be sixteen (16) square feet for other property provided they are on the premises for sale, rental or lease. Such signs shall be removed within seven (7) days of the sale, rental or lease.
- c. **POLITICAL CAMPAIGN:** One sign per premises of up to thirty-two (32) square feet on non-residential property may be permitted announcing candidates for public office. In residential areas or districts political campaign signs of up to sixteen (16) square feet, one per premises, may be permitted. These signs shall be confined within the private property and removed within seven days after the election for which they were made.
- d. **STREET BANNERS:** Street banners advertising a public entertainment or event, if approved by the Town Council and only for locations designated by the Town Council during and for fourteen (14) days before and seven days after the event.
- e. **SIGNS:** Signs commonly regarded as “garage,” or “yard sale” signs shall be permitted only on private property and shall be restricted to a maximum area of four (4) square feet. The sign shall be dated when posted and shall be removed the day following the garage or yard sale.
- f. **PRIVATE TRAFFIC DIRECTIONS:** Signs directing traffic movement onto a premises or within a premises, not exceeding three (3) square feet in area for each sign may be permitted. Horizontal signs on and flush with paved areas are exempt from these standards.
- g. **HOME OCCUPATIONS:** Signs not exceeding three (3) square feet in area for home occupations attached flat against the building, stationary and not illuminated, announcing only the name and occupation of the resident are permitted.

**17.12.040 Temporary Structures.**

**17.12.045(a) Intent**

It is deemed necessary and convenient for the Town of Mills and its residents, and in keeping with safeguarding the general welfare of the Town and its residents, to allow, from time to time, and under the conditions set out herein, for the placement of Temporary Structures within lots and properties found within the Town of Mills. It is understood that all such structures may only be placed within the Town in accordance with this Chapter and for those time periods set forth herein, except as otherwise specifically allowed by the Town Council of the Town of Mills.

#### 17.12.0(b) Conditions

Wherever permits are required by this Chapter, the Permittee shall be understood to have given his assent to all conditions imposed upon the issuance of the permit and, further, all the provisions set forth herein, including the immediate removal provisions set forth in Section 17.12.050(g) and to have authorized the same. All permits issued under this section shall refer to this condition and include a ratification by the permittee that they understand and consent to these conditions.

All temporary structures references in this Chapter are understood not to be mobile structures of any kind. Excluded from this Chapter are trailers of all types and vehicles of all types with storage containers of any kind or living quarters of any kind provided, however that temporary structures addressed by Section 17.12.050(c) and Section 17.12.050(d) which are designed to set upon the ground but which are further designed for repeated use and which may accordingly be affixed with axles and wheels for movement may be permitted under this Chapter.

Nothing in this Chapter shall be read to require the duty to obtain a permit in any area for which the zoning otherwise authorizes structures of the type that are addressed in this Chapter. Where zoning regulations otherwise authorize structures that are addressed by this Chapter and allow the same, those provisions shall be regarded as controlling.

#### 17.12.045(c) Construction offices, real estate offices and model homes for property, subdivision development and marketing.

Temporary structures utilized by construction companies, real estate offices and real estate brokers may be placed on any real property located within the Town of Mills, irrespective of any zoning otherwise precluding the same, on a temporary basis as follows:

1. Construction offices, real estate offices and model homes may be allowed by permit in any district or zoning area for the purpose of developing and marketing the property or subdivision in which they are to be located. Application for a temporary permit shall be made in accordance with the provisions set forth below and shall be accompanied by a site plan and a specific statement of such facts as concern the application for temporary permit.
2. Permits for such temporary uses and structures may be issued by the Planning or Building Official designated by the Town Council or such other Town officer designated for the issuance of such permits by the Town Council and shall not be issued if the site plan indicates undesirable conditions in regard to traffic flow, sanitation, or such other condition as may be reasonably contemplated to make the issuance of the permit undesirable or impractical. Permits for such temporary uses and structures shall be deemed to expire

within a reasonable period following the conclusion of their original anticipated purpose. All such temporary uses and structures shall be removed or discontinued within ten (10) days after the expiration of the reasonable period of their anticipated use,, provided that the same has not been properly renewed by petition to the Town Council..

3. In the case of model homes, all such model homes contemplated by this Section are limited to structures that are temporary in nature. Any structure built as a model home which is also contemplated as being permanent in nature or to be in place for a period in excess of six (6) months at the time of its construction shall not be subject to being permitted under this section and must, instead, but built in accordance with those sections of the Mills Town Code which address permanent structures.

17.12.045(d) Constructor's offices and construction sheds.

Contractors' offices and construction sheds may be placed on any real property located within the Town of Mills, irrespective of any zoning otherwise precluding the same, on a temporary basis as follows:

1. Normal setbacks for the land use classification district shall apply.
2. Said use shall be designed in such a fashion so as to create no traffic hazard.
3. The contractor's office or construction shed shall be limited to use for construction of the project at the site of such construction.

17.12.045(e) Special event structures.

The Town Council or its designee may grant permission by way of a permit for the temporary use of tents, outdoor shelters, or other enclosed temporary structures on property within the Town of Mills for special events or business promotional purposes as follows:

1. The Town Council or its designee shall have made a determination that the use of the tent, outdoor shelter, or other enclosed temporary structure will be undertaken in a safe manner which is not inconsistent with the general welfare of the Town and its residents and which shall not constitute an unreasonable hazard to the safety and welfare of the public.
2. The use of canvas or fabric shelters on a temporary basis for a period of less than 12 hours during daylight hours shall not require the issuance of a permit.
3. The Town Council may impose such restrictions on the issuance of the permit as it deems reasonable.

4. The period for the permit's operation shall not exceed seven (7) days. No party shall be issued more than five (5) permits under this Chapter for any one calendar year.
5. The request for a permit shall be on such forms as provided by the Town Clerk. An application fee of \$25.00 shall accompany the form requesting such permission. Permission granted for such use does not in any way give the applicant a vested right for such use, and any substantial change in operation which adversely affects the general welfare, including the aesthetics of the city, is subject to an order of immediate discontinuance by the Town Council, the Mayor or the Mayor's designee. Such granted temporary use shall not become valid until and unless all conditions and safeguards imposed are entirely implemented by the applicant/property owner. Among the conditions and safeguards which may be imposed by the Town Council shall be included all of the following:
  - A. A site plan clearly showing the circumstances of the temporary use.
  - B. The parking requirements as shall be deemed necessary by the City Commission.
  - C. Performance standards regarding noise, the presence of mechanical equipment, vibration, smoke, dust, dirt, odors, fumes, humidity, glare, heat, fire, radioactivity lighting and similar impacts arising from such temporary structure.
  - D. Reasonable hours of operation.
  - E. Such additional requirements and safeguards as are deemed necessary for the protection of the surrounding property and the protection of the general welfare of the city.
5. Nothing in this section shall be read to prevent the erection or placement of tents or temporary structures upon residential properties as long as they are not placed for purposes other than business or promotional purposes and they are not erected for a period of greater than seven (7) days.
6. Permits issued under other provisions of this Code for special events which were applied for with the indication that a temporary structure would be used for the same do not require a separate permit under this Chapter for the temporary structure.
7. The use of tents or shelters upon property belonging to the Town of Mills shall not be subject to the provisions of this Section but rather shall be subject to those permits required for the private use of public property by the Town of Mills.

17.12.045(f) Portable on-demand storage structures.

The Town Council or its designee may grant permission by way of a permit for the portable on demand storage structures as follows:

1. A portable on-demand storage structure may be utilized as a temporary structure within the city when in compliance with the standards of this subsection. Any use of such structures within the city not in compliance with this subsection shall be unlawful.
2. The term "portable on-demand storage structures" shall be defined to be: any container, storage unit, shed-like container or other portable structure, or like containers that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.
3. Length of time structures may be on property; extensions.
  - A. A portable on-demand storage structure may be located as a temporary structure on property within the city for a period not exceeding 120 hours in duration from time of delivery to time of removal. No more than two portable on-demand storage structures may be located on a specific piece of property within the city at one time; such structures shall be individually limited to the duration time period established herein. Such temporary structure may not be located on a specific property more than two times in any given thirty-calendar-day period. Such temporary structure shall be located no closer than 10 feet to the property line unless placed on an existing impervious driveway. Such structure may not exceed eight feet six inches in height, 10 feet in width or 20 feet in length. It shall be the obligation of the owner or user of such temporary structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the temporary structure. In the event of high winds or other weather conditions in which such structure may become a physical danger to persons or property, the appropriate law enforcement officers may require the immediate removal of such temporary structure.
  - B. In the event of fire, hurricane or natural disaster causing substantial damage to the structure, the property owner may apply to the city for permission to extend the time that a portable on-demand storage structure may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the City Clerk's office and shall give sufficient information to determine whether such extended duration should be granted. The Mayor shall determine whether or not to grant such extended duration and the length of such extension. In the event of an adverse decision by the Mayor, the applicant may appeal such decision to the City Commission. In the event of such appeal, the decision of the City Commission shall be final.

17.12.045(g) Durable Portable on-demand storage structures.

The Town Council or its designee may grant permission by way of a permit for durable portable on demand storage structures as follows:

1. The term "durable portable on-demand storage structures" shall be defined to be: any container, storage unit, shed-like container or other portable structure, or like containers that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements for a prolonged period of time as set forth herein. The term shall only apply to structures which are, by their nature, not affixed permanently to the ground and which are not served by public utilities such as electricity, natural gas, sewer or water.
2. The period for the permit's operation shall not exceed one (1) year in duration. The Town Council may reauthorize any permit issued under this Section for an additional year, but such permits shall not be presumed to be automatically extended.
3. The request for a permit shall be on such forms as provided by the Town Clerk and shall be first submitted to the Planning and Zoning Committee for consideration. The Planning and Zoning Committee shall provide its opinion on the issuance or denial of the permit within sixty (60) days of the receiving the same. The Town Council shall consider the application for the permit at the next regularly scheduled Town Council meeting after the Planning and Zoning Committee issues its findings. Failure of the Town Council to consider the application at the next regularly scheduled Town Council meeting shall not be regarded as requiring the issuance of the permit. The Town Council is not bound to the findings of the Planning and Zoning Committee and may issue its application based upon its own discretion. Issuance of such a permit shall in no way bind the Town Council to renew the permit upon an application for the same.
4. The Planning and Zoning Committee may request that the Town Council require the applicant to provide written notice of the proposed permit to residents within a specified distance of the proposed placement of the durable portable on-demand storage structure. The Town Council may require the same upon recommendation of the Planning and Zoning Committee or upon its own motion and adoption of the same.
5. Said application shall be accompanied by a site plan. An application fee of \$25.00 shall accompany the form requesting such permission
6. The Town Council may impose such restriction and conditions upon the issuance of the permit as it deems appropriate including such additional requirements and safeguards as are deemed necessary for the protection of the surrounding property and the protection of the general welfare of the city.

17.12.045(h) Violation of this Chapter.

Any failure to adhere to the provisions of this Chapter, 17.12.050, and any of its subparts shall be subject the provisions for violations of general offenses within the Town of Mills. In addition, any violation may be cause of the Police or Code Enforcement to issue an Order for the immediate removal of the offending structure, or its removal within a period not to exceed ten (10) days.



Failure to adhere to such an order shall authorize the Town to remove the structure immediately, without notice, and the cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the temporary structure was located and may be filed as a lien against such property by the City Clerk. Such lien shall be superior in dignity to all other liens or encumbrances upon the property, including the lien of a mortgage, and shall be equal in dignity to the lien of ad valorem taxes.

## 17.12.050

### MICRO WIND SYSTEMS AND SMALL WIND ENERGY CONVERSION SYSTEMS:

#### GENERAL REQUIREMENTS

- A. Minimum Lot Size – The minimum lot size for a *Small Wind Energy Conversion System* shall be 20,000 square feet. There is no minimum lot size requirement for *Micro Wind Systems*.
- B. Maximum Tower Height – The maximum tower height for a *Small Wind Energy Conversion System* on a property between 20,000 square feet and one-acre in size shall be seventy feet (70'). The maximum tower height on properties between 1.01-acres and five-acres in size shall be one hundred feet (100'). On properties larger than five-acres, there is no limitation on tower height, except as imposed by FAA regulations.
- C. Minimum Setbacks – Minimum setbacks for a tower shall be equal to the height of the tower. No part of the *Small Wind Energy Conversion System* structure, including, but not limited to, guy wire anchors, may extend closer than ten feet (10') to the property line.
- D. Sound – *Micro Wind Systems* and *Small Wind Energy Conversion Systems* shall not exceed 60 dbA, measured five feet (5') above ground level at the closest property line. The sound level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- E. Turbine Clearance – No portion of any turbine shall extend within twenty feet (20') of the ground. No portion of any turbine may extend over parking areas, driveways or sidewalks.
- F. Automatic Over-Speed Controls – All *Micro Wind Systems* and *Small Wind Energy Conversion Systems* shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the *Micro Wind System* or *Small Wind Energy Conversion System*.
- G. Utility Notification – No *Micro Wind System* or *Small Wind Energy Conversion System* shall be installed until evidence has been given that the electrical utility company has been informed of and approved the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- H. Tower color – Tower colors shall be white, off-white, gray, or neutral subdued tones, such as earth tones of green or brown. Towers shall not be finished in bright or vivid colors, nor shall the tower be used for advertising of any kind.
- I. Lighting – *Micro Wind Systems* and *Small Wind Energy Conversion Systems* shall not be artificially lighted, except as required by the FAA.

- J. Climb prevention – *Small Wind Energy Conversion Systems* shall not be climbable up to fifteen feet (15’) above the ground surface.

#### APPLICATION REQUIREMENTS

The applicant shall provide the following materials to the Community Development Department as part of a building permit application, for *Micro Wind Systems* and *Small Wind Energy Conversion Systems*:

- A. A completed application provided by the Community Development Office.
- B. Proof of ownership for the property where the proposed tower will be constructed, and all applicable fees, as established by the Town Council.
- C. A scaled 8-1/2” x 11” or larger plot plan of the proposed *Small Wind Energy Conversion System*, to include property lines, setbacks, physical dimensions of the property, and locations of structures and the tower, base, footings, generator, blades, guy wires, and all associated equipment.
- D. An engineering analysis of the *Micro Wind System* and/or tower showing compliance with all applicable current building codes and certified by a licensed professional engineer.
- E. Certification that the design is in compliance with the current National Electrical Code and local electrical code. Building permit applications for *Micro Wind Systems* and *Small Wind Energy Conversion Systems* shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to the National Electrical Code and local electrical codes.
- F. Evidence satisfactory to the Community Development Director, that the proposed system meets the following standards:
  - 1. That the *Micro Wind System or Small Wind Energy Conversion System* is UL listed, and/or meets the Institute of Electrical and Electronic Engineers (IEEE) standards, or other Nationally Recognized Testing Lab (NRTL);
  - 2. Information demonstrating that the wind turbine is approved under an emerging technology program, such as International Electro technical Commission (IEC) or any other small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. Non-certified wind turbines must submit a description of the safety features of the turbine prepared by a professional mechanical engineer.

## REVIEW AND APPROVAL

After the submittal of all required application materials, the Community Development Department shall review the submittal and shall issue a building permit for *Micro Wind Systems and Small Wind Energy Conversion Systems* if the application materials meet all requirements of this ordinance, and all applicable building and electrical codes.

## ABANDONED FACILITIES

- A. Any *Micro Wind System* or *Small Wind Energy Conversion System* that is not operated on a functional basis for a period of six (6) consecutive months shall be deemed abandoned. The building official may order the repair or removal of said *Micro Wind System* or *Small Wind Energy Conversion System*, in accordance with these provisions. The applicant, owner, or other person responsible for the facility shall repair or remove the same within thirty (30) days of receipt of notification by certified mail. If said facility is not either operational or removed after thirty (30) days from the date of notification, the Town may remove the system at the owner's expense.
- B. The Town reserves the right to enter upon and disconnect, dismantle or otherwise remove any *Micro Wind System* or *Small Wind Energy Conversion System* should it become an immediate hazard to the safety of persons or property due to emergency circumstances, as determined by the Town Manager or his designee, such as natural or man-made disasters or accidents, when the applicant, owner, or other person responsible for the facility is not available to immediately remedy the hazard. The Town shall attempt to notify any such applicant, owner, or other person responsible for the facility of such action within forty-eight hours. The applicant, owner, or other person responsible for the facility shall reimburse the Town for all costs incurred for action taken pursuant to this Section. (Ord. 558, 2009)

### **17.12.060 Wireless Telecommunication Services (WTS)**

#### **17.12.060 (a) Purpose and Exclusions**

The purpose of this chapter is to establish general guidelines for the siting of wireless communications towers, antennas and related equipment. The goals of this chapter are to:

1. Protect residential areas and land uses from the impacts of towers, antennas and related equipment;
2. Encourage the location of towers, antennas and related equipment in nonresidential areas;
3. Strongly encourage the joint use of new and existing tower sites as a primary option than construction of additional single-use towers;
4. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the impact on the community is minimal;

5. This excludes antennas used for non-commercial, residential family use such as residential satellite dishes, TV antennas and amateur radio antennas.

17.12.060 (b) Definitions

As used in this chapter, the following terms mean:

1. Accessory Use means a use dependent upon or pertaining to the principal use or main Use. Such use must be incidental to the principal use or main use; and (a) constitute a use which is secondary to significance to the principal or main use; and (b) be reasonably related to the main use.
2. Alternative tower structure. Alternative design antenna mounting structures other than a tower or monopole, i.e. clock tower, tower or monopole, i.e. light pole or windmill.
3. Antenna means any structure or device used for the purpose of collecting or transmitting electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, paging, personal Telecommunications services (PSC), microwave, Telecommunications and services, and devices including directional antennas, such as panels, microwave and satellite dishes, and omni-directional antennas> such as whip antennas.
4. Back haul network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or public switched telephone network including all ancillary equipment, structures and other improvements installed to support the communication equipment.
5. Buffering means the use of specific measures designed to separate and protect differing land uses on separate properties.
6. Co-location means the use of an existing tower or structure to support antennas. for the provision of wireless services without increasing the height of the Tower or structure.
7. Commercial wireless telecommunications services means licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, unlicensed wireless services and other similar services that are marketed to the general public.
8. Height, when referring to a tower or other structure, means the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
9. Preexisting towers and preexisting antennas. Any tower or antenna for which a building permit or Wireless Telecommunications permit (WTP) was issued prior to the effective date of this title, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
10. Structure means anything constructed or erected that requires a more or less permanent location on the ground; fences, signs, monuments, statues, flagpoles, and bridges shall be considered structures for the purpose of this chapter.
11. Tower means any ground, roof or otherwise mounted pole, spire, structure or combination thereof that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, monopole towers and associated supporting lines> cables, wires, braces, masts or other structures. The term includes but is not limited to radio and television transmission towers,

microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and any tower support.

17.12.060 (c) General Requirements

All towers, including, but not limited to, radio and television aeriels or antennas, dishes capable of receiving electronic transmissions from satellites or other sources, shall require a Special Review and Site Plan by the Planning and Zoning Commission and Town Council, subject to the procedures in Chapter 18.16 and Ordinance 513 of the Zoning Ordinance, and all sections of this chapter.

17.12.060 (d) Special Review Requirements

Applications for the construction or installation of new Wireless Telecommunication Facilities shall require a Special Review as set forth Chapter 17.16 of the Town of Mills Zoning Ordinance. A completed application and payment of an application fee are required prior to review.

17.12.060 (e) Site Plan Requirements

All applications for the construction or installation of antennae, towers and other equipment to provide commercial wireless telecommunication service are required to submit a site plan for approval by the town. In addition to the standard site plan requirements (as approved in Ordinance 719 of this code), the following information must be supplied with the site plan and prior to issuance of a building permit:

1. Site plan drawn to a one inch equals twenty feet scale.
2. The name, address, and phone number of all proposed users and operators of the tower.
3. The location, size and height of all structures on the property.
4. Location of the nearest residential structure and all other structures within a radius equal to twice the height of the proposed tower or antenna.
5. A description of the proposed tower and antennas. and all related fixtures, structures. appurtenances and apparatus, including height above pre-existing grade, materials. color and lighting.
6. The general capacity of the tower, and information necessary to assure that ANSI and all structural standards are met including loads for wind and ice.
7. The number and positioning of guy wires and antennas.
8. The actual intended transmission and the maximum effective radiated power of the antenna(s).
9. Certification that the proposed antenna(s) will not cause interference with other telecommunication devices.
10. A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities.
11. The type, locations and dimensions of all proposed and existing landscaping and fencing.
12. Site plans must show the locations for at least two equipment buildings, even if the tower is proposed for a single user.
13. For towers that are one hundred feet or greater in height above the ground, a visual study depicting the zone within a three-mile radius, where any

- portion of the proposed tower could be seen.
14. Each applicant must provide an inventory of its existing towers and antennas within the Town and within a fifteen mile radius of the proposed facility and provide specific information verifying the need for the proposed facility.
  15. The Town may, at its sole option and discretion seek the assistance of any qualified expert in determining whether to approve any application, and all costs and expenses incurred in connection with such consultation or expert opinion shall be paid by the applicant within thirty days of receiving notice of such costs by the Town. Costs and fees incurred under this provision shall remain due and owing from any applicant notwithstanding the approval or denial of such application by the Town or the withdrawal of any application by the applicant.

17.12.060 (f) Permit Requirements

Applications for tower and associated equipment shall complete the following requirements:

1. All commercial towers, radio and television aerials or antennas, dishes capable of receiving electronic transmission from satellites or other sources, shall obtain a building permit from the building inspector prior to construction or erection.
2. The design of all towers, radio and television aerials or antennas, dishes capable of receiving electronic transmission from satellites or other sources, shall comply with applicable sections of the most recent edition of the International Building and Electrical Codes, as adopted by the Town.
3. Pre-engineered and prefabricated towers, radio and television aerials or antennas, dishes capable of receiving electronic transmission from satellites or other sources, shall not require certification of a Wyoming professional engineer, providing the structure and installation are in accordance with manufacturer's recommendations. All drawings and installation instructions are subject to the approval of the building official.
4. All non-pre-engineered and non-prefabricated towers, radio and television aerials or antennas, dishes capable of receiving electronic transmission from satellites or other sources, including the substructure, shall be designed by a licensed professional engineer, registered in the State of Wyoming.
5. All towers, radio and television aerials or antennas, dishes capable of receiving electronic transmission from satellites or other sources, all Back haul equipment and accessory structures shall be installed and maintained in compliance with applicable requirements of the International Building and Electrical Codes, Mills Ordinances and all other applicable statutes and regulations.
6. All towers, radio and television aerials or antennas, dishes capable of receiving electronic transmission from satellites or other sources, shall be supported from a fixed location and non-transportable.
7. All applications shall include an estimate of the costs of tower removal along with a bond cash, letter of credit, or other approved security as required by Ordinance.

1. All towers, radio and television aerials or antennas, dishes capable of receiving electronic transmission from satellites or other sources, shall, as set forth in this chapter, be built according to a site plan approved as set forth above. The Planning and Zoning Commission shall take into consideration the following guidelines when considering such site plans and related materials. All such guidelines are discretionary with the Planning and Zoning Commission to use it best judgement, except where something below is indicated as being mandatory through the use of the words “must” or “shall” without modification through the inclusion of the term “ideally”:
  - A. All towers, radio and television aerials or antennas, dishes capable of receiving electronic transmission from satellites or other sources, shall ideally be set back a distance equal to at least one hundred percent (100%) of the height of the tower from any adjoining lot line. Any accessory structure shall ideally be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.
  - B. All towers, radio and television aerials or antennas, dishes capable of receiving electronic transmission from satellites or other sources, shall not interfere with normal radio, television and/or telephone reception in the vicinity. Commercial messages and advertisements shall not be displayed on any tower. Violations shall be considered nuisance violations and shall be corrected under the enforcement provisions of the Town of Mills.
  - C. All towers, radio and television aerials or antennas, dishes capable of receiving electronic transmission from satellites or other sources, shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the chief building official may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding property owners.
  - D. In order to protect the public from the unnecessary exposure to electromagnetic radiation, the tower owner shall provide documentation indicating that the power density levels do not exceed federally approved standards, FCC emission regulations or American National Standards Institute (ANSI) standards, whichever provides stricter requirements.
  - E. Maximum tower heights shall be taken into consideration the guidelines set out in Table 17.12.060 below.
  - F. Towers shall ideally not be located on top of buildings or structures in any residential district in nonresidential districts, towers are permitted on top of buildings or structures (which are not tower



accessory structures).

G. The base of the tower, any guy wires, and any associated structures, walls, or fences shall ideally be surrounded by a landscaped buffer developed in accordance with Ordinance 719 of this title. Towers and antennas shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

F. The information contained in Table 17.12.060 shall be taken into consideration where applicable, but where the same may be safely waived without danger to the health and safety of the public, or without interfering with existing communications, the Town Council may do so.

Table 17.12.060

<b>ZONE</b>	<b>MAX HT.</b>	<b>P&amp;Z REVI EW</b>	<b>COUN CIL APPRO VAL</b>	<b>ON TOP OF Structures</b>
E-R D-R D-MH PUD	70'	SR/ SP	SR/ SP	NP
UR UA	100'	SR/ SP	SR/ SP	NP
E-B D-B MU PLI	70'	SR/ SP	SR/ SP	30% of Bldg. Ht. up to 70'
E-I	100'	SP	SP	30% of Bldg. Ht. up to 100'
D-I	200'	SP	SP	30% of Bldg. Ht. up to 200'

**NP = Not Permitted**

**NA =Not applicable**

**SR = Special Review Permit Required**

**SP = Site Plan required**

**MAXIMUM HEIGHT = Maximum height permitted**

17.12.060 (h) Co-Location

The shared use of towers is encouraged. Applications for towers which will, immediately upon completion, operate with more than one user may reduce setback requirements from adjacent to residential property. The setback from adjacent nonresidential property maybe reduce by twenty-five percent when two users enter into a binding agreement prior to the issuance of the building permit The setback from adjacent nonresidential property may be reduced by up to fifty percent when three or more users enter into a binding agreement prior to the issuance of the building permit A binding agreement for the purposes of this section is one signed by all parties using the tower and by the affected landowners and which is binding for the duration of the facility's use or occupation of such land. This signed agreement will commit the users to occupy the tower immediately upon its completion.

17.12.060 (i) Antennas Mounted on Utility Poles or Light Poles

1. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
2. In residential districts, the equipment cabinet or structure may be located in a front, side or rear yard provided the facility is no greater than 20 feet in height or 350 square feet of gross floor area and the cabinet/structure is located a minimum of 25 feet from all lot lines.
3. In commercial or industrial districts, the equipment cabinet or structure shall be no greater than 20 feet in height. The facility shall be screened from view of all adjacent residential properties.
4. A Special Review and site plan application and fee are required.

17.12.060 (j) State or Federal Requirements

All towers meet current standards and regulations of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC) and any other agency of the , state or federal government with the authority to regulate towers and antennas.

17.12.060 (k) Building Codes; Safety Standards

To ensure the integrity of towers, the owner of a tower; shall ensure that the tower is maintained in compliance with applicable state and local building code standards and the applicable standards for towers that are published by the Electronic Industries Association, has ended.

17.12.060 (l) Removal of Abandoned Antennas and Towers, Insurance and Additional Requirements

1. Towers which are not used for a period of six months or more shall be removed by the owner within ninety days from date of written notification. Towers and grounds which are not maintained for a period of six months or more, as agreed to in the site plan agreement, shall be removed by the owner within ninety days from date of written notification. Failure to remove a tower in accordance with this provision shall constitute a criminal offense punishable under the General Offenses provision of the Town Code of the Town of Mills. Maintenance of a tower upon real property that is not in compliance with this provision shall constitute a criminal offense punishable under the General Offenses provisions of the Town Code of the

- Town of Mills. Each additional thirty (30) day period after a tower is in violation of this provision shall constitute an additional and separate offense.
2. All towers shall be covered by a general liability insurance policy in an amount not less than five hundred thousand dollars.
  3. The town reserves the right to enter upon and disconnect, dismantle or otherwise remove any tower or telecommunications facility should same become an immediate hazard to the safety of persons or property due to emergency circumstances, as determined by the mayor or his designee, such as natural or man-made disasters or accidents, when the owner of any such facility is not available to immediately remedy the board. The town shall notify any such owner of any such action within twenty-four hours. The owner and/or operator shall reimburse the town for the costs incurred by the town for action taken pursuant to this section.
  4. To enable the town to keep accurate, up-to-date records of the placement of telecommunication towers and facilities within city limits, at the time the work on the facility or tower is complete and before operation begins, the owner/operator of the tower shall submit documentation to the town's building department providing:
    - A. Certification in writing that the tower is structurally sound and conforms to the requirements of the town's building code and all other construction standards set forth by the town's code, federal and state law by filing, a sworn and certified statement by an engineer to that effect. The tower owner may be required by the town to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is jeopardized. The certification must be based upon on-site physical inspection by an engineer certified by the State of Wyoming;
    - B. The number of providers located on the tower, the type and use of any antenna located on the tower, and the name, address and telephone number of any owner, if there has been a change of ownership of the tower;
    - C. An initial payment of a registration fee which shall be in addition to any franchise fee paid by owner or operator of the tower or facility, for all towers or facilities located within the town. shall be required and shall be submitted to town clerk at the time of submission of the documentation, as required in subsections (5)(A) and (B) of this section;
    - D. An annual registration payment, which shall be in addition to any franchise fee paid by the owner or operator of the tower or facility, for all towers or facilities located within the town shall be required and submitted to the community development department no later than July 1st of each year, and shall include a written certification stating that the data submitted pursuant to subsection (E)(1) of this section is current as of the date of payment, and if not current, stating any changes therein. In the event the owner does not fulfill the annual registration requirement or does not pay the annual registration fee, the owner shall remove such tower within ninety days of written notification. In the event the owner shall fail to

removesuchtower, asprovided in thissection, the town shall have the right to enter the premises and remove the tower without further notice to owner, in which event, all removal costs shall be charged against the bond or security and the owner until satisfied, as provided in subsection B of thissection.

- E. The town reserves the right upon reasonable notice to the owner/operator of the tower to conduct inspections for the purpose of determining whether the tower, equipment, and/or related buildings comply with all provisions of this code, the applicable building codes or all other construction standards provided by local, state or federal law.

17.12.060 (m) Nonconforming Uses

1. No Expansion of Nonconforming Use

Towers that are constructed and antennas that are installed in accordance with the provisions of this title shall not be deemed to constitute the expansion of a nonconforming use.

2. Preexisting Towers

New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.

**CHAPTER 17.16**

**ADMINISTRATION**

**17.16.010**

**SPECIAL REVIEW**

**INTENT**

Although each zoning district is primarily intended for a predominant type of use (e.g., dwellings in residential districts), there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may dictate that the circumstances of development should be individually reviewed. It is the intent of this section to provide review of such uses so that the community is assured that they are compatible with their locations and surrounding land uses and will further the purpose of this Ordinance.

**APPLICATION OF SECTION**

Special review requirements shall be applicable to all uses designated “S,” “Uses Permitted by Special Review” in the permitted use section of this Ordinance.

**APPLICATION FOR SPECIAL USE PERMIT**

- A. Application Required: Any person desiring to obtain a special review permit shall complete a special review permit application and shall be filed with the Town on a form approved by the Town Council. Notwithstanding the content of the application form, the Council may require additional information as necessary to obtain a complete description of the project and identify potential impacts. No person shall begin development or operation of a special review permit without first applying for and obtaining a special review permit, as outlined herein. An application fee, as set by Resolution, by the Council, shall accompany the application. Consultation with the Town Planner regarding the preparation of the application is recommended.
- B. Notice and Public Hearing: The Council is the decision-making body for special review permit permits. The Council shall conduct a public hearing to obtain information pertaining to the request and the appropriateness of the special review permit. Notice of the hearing is required as follows:
  - 1. Notice of the public hearing shall be given at least ten (10) days prior to the hearing by publication in the Town's official newspaper and by USPS first class mail to the owners of all properties within one hundred forty feet (140') of the subject property. The notices must identify the date, time, location, and

purpose of the public hearing. The property owner list shall be based on the ownership data from the Natrona Regional Geospatial Cooperative (NRGC) geographic information system mapping service (or equivalent) on the day of application.

2. The person sending the notices by mail shall complete an affidavit of mailing which identifies the document, the property owners to which it was sent, and the date mailed.
  3. The Town Planner is granted authority to require or perform optional notice to inform other property owners, lessees, utility providers, or others that may be affected by the special review permit, of the public hearing. Optional notice is not subject to the ten (10) day requirement, may take any form, and is completely discretionary. Optional notice, or lack thereof, shall not be grounds for appeal.
- C. Standards of Review: The Council has authority to approve, impose conditions on, or deny special review permit applications. The Council shall base its determination upon the following considerations. Negative impacts shall be justification to impose conditions on or deny the application.
1. Is the site large enough to accommodate the proposed use and meet all of the dimensional standards and development regulations of the zoning district in which the project is located?
  2. Is the use, at the scale or density proposed, compatible with all other uses in the immediate area and with permitted uses that may be established in the area?
  3. Does the proposed use involve activities, processes, materials, equipment, hours of operation, or any other operational characteristics that would be materially detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, dust, glare, odors, hazards, or similar impacts?
  4. Does the proposal include provisions for necessary and desired public utilities and facilities such as potable water, fire hydrants, sewer, electrical power, streets, stormwater facilities, and sidewalks/pathways?
  5. Will the proposed use create excessive additional costs for public facilities and services that would be materially detrimental to the economic welfare of the community?
  6. Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of significant importance?
  7. Is the proposed use consistent with the applicable provisions of the Mills Comprehensive Plan?

- D. **Conditioning Authority:** The Council is authorized to impose conditions on the proposed use as necessary to ensure compliance with the provisions of this title and to mitigate or avoid negative impacts to neighboring properties or the general public health, safety and welfare of the community. Examples of such conditions may include, but are not limited to:
1. Limiting the size, height, location, or scale of the project or any component thereof.
  2. Limiting the hours of operation of the use, or any component thereof;
  3. Requiring sound-reduction methods;
  4. Requiring screening of loading areas, storage areas, and other unsightly features;
  5. Requiring dust control or surfacing improvements;
  6. Limiting the duration of the special review permit to give opportunity for future review as the surrounding area becomes more developed;
  7. Requiring the provision of on-site or off-site public facilities or services to serve the use.
- E. **Outstanding Violations:** The Council may withhold or delay issuance of a special review permit if there is an outstanding zoning violation that exists on the subject property, until the violation is remedied.
- F. **Filing of Permit:** If the special review permit is authorized by the Council, the Town shall approve the special review permit by Resolution. The Resolution is to include the date the special review permit was approved by the board; a description of what was approved; any conditions, limitations and restrictions imposed on such special review permit; and, the "time limitations and expiration" language found below. The permit shall be signed by the Town Council and recorded with the Natrona County Clerk's Office within fifteen (15) days, or as otherwise specified by the Council. Recording cost is at the applicant's expense.
- G. **Time Limitations and Expiration:**
1. Unless specified otherwise by the Council, development of a permitted special review permit shall commence within two (2) years of the granting of the special review permit, or the authorization shall expire. If the special review permit is associated with a building, commencing development shall be in the form of obtaining a building permit and starting construction on the project. If no building is associated with the special review permit, the special review permit activity shall commence within the specified deadline.

2. If a special review permit has been discontinued for one (1) year or more, the special review permit shall automatically become null and void and the activity shall not be reestablished except in accordance with the provisions and procedures of this title.
- H. Transfers: Special review permits are an entitlement to the specific property for which the approval was granted and upon property sale the entitlement, if not otherwise revoked or expired pursuant to this section, transfers to the new owner(s) without further application or approval, provided, however, the new owner(s) shall be bound by the same time limits and conditions of approval as the original permit holder(s). A special review permit is not transferable from one (1) property to another.
- I. Modifications: A request to modify, expand, or otherwise change an approved special review permit in a manner that is not in substantial conformance with the approved site plan and permit shall be processed as a new application.
- J. Revocation, Suspension or Modification by Council:
1. A special review permit may be revoked, suspended, or modified by the Council for cause upon notice to the permit holder and public hearing, for either a breach or violation of any condition of approval or limitation of the permit; or, if the special review permit is operated in a manner so as to create a public nuisance as defined and regulated by this Code.
  2. If the Council desires to revoke, suspend, or modify a special review permit, either on its own action or after a formal complaint, the Council shall notify the permit holder of its intention and provide the permit holder with the opportunity to contest the revocation, suspension, or modification in the context of a public hearing.
  3. Notice of the public hearing shall be mailed to the property owner by certified, return receipt mail, at least fourteen (14) days before the public hearing. Notice shall also be provided to neighbors and the public in the same manner set forth for application of a special review permit.
  4. The Council shall make findings of fact and conclusions of law if they decide to revoke, suspend, or modify the special review permit. If the Council does not decide to take such action, no findings of fact and conclusions of law shall be made.

#### ADDITIONAL REGULATIONS

The Town Council shall, from time to time, establish additional written specific regulations not inconsistent with the provisions of this section relating to procedures, and to criteria and relevant development features of any other special review uses.



## **17.16.015**

### **SITE PLAN AND LANDSCAPING REQUIREMENTS**

#### APPROVAL CRITERIA

- A. The staff, Zoning Board and Town Council shall approve site plans that meet the standards found in this chapter and the following criteria:
- B. Is compatible with the goals and policies of the Town of Mills land use plans.
- C. Promotes the efficient use of land by sound arrangement of buildings, safe and functional points of access, well planned parking circulation, and adequate sidewalks and pathways for pedestrians.
- D. Provides for usable open space within multi-family complexes, such as bicycle paths, playground areas, courtyards, areas for active recreation, swimming pools, landscaping, outdoor seating or picnic areas, and similar open space.
- E. Preserves and utilizes existing landscape features and amenities where possible and blends such features with the new structures and other improvements.

#### DEFINITION

The site plan is a plot plan of the entire area to be developed. It shows the location and size of buildings, the area of the land under consideration, street names and widths, parking area size, and all other items required on the site plan checklist. A site plan is required for all Planned Unit Developments; new multifamily residential buildings consisting of 8 or more dwelling units; new public, commercial, or industrial buildings; new churches; exterior additions to existing public, commercial, and industrial buildings, and exterior additions to existing churches. Off-street parking lots (new or being added to) also require site plan approval.

#### PROCEDURES

- A. Individuals are required to meet with the town planner or his designee at least seven days prior to submitting an application for review, in order to discuss their proposals and the site plan application. A landscaping plan must be submitted to and approved by the Town of Mills prior to issuance of any building permits.
- B. Following the applicant-staff meeting, a complete site plan application can be submitted to the town planner. The application shall consist of:
  - 1. An original and two copies of the site plan application form;

2. Ten copies or a PDF of a site plan containing all information required on the checklist;
  3. For sites that are 1 acre or more: A drainage plan providing for surface drainage and the effect the surface drainage will have on the area under consideration and adjoining areas and proving compliance with the Town's urban Storm Water Management Plan.
  4. For developments generating 75 or more vehicle trips per peak hour period: A traffic study prepared by a registered professional engineer shall be provided to the Town of Mills. Trip generation data shall be calculated using the trip generation guide (Institute of Transportation Engineers, most recent edition). If the data is not available, applicant shall provide an estimation which may either be accepted or rejected by the town planner.
  5. Natural hazards shall be identified and what action shall be taken to alleviate the problems.
  6. Buffering measures for the areas between all multifamily, townhouse and condominium dwellings adjacent to single-family dwellings, and for all PUD, commercial, industrial, and multifamily developments.
- C. The procedure for submittal, approval or denial, and appeal for PUD site plans is set forth in the Town of Mills Code and applicable State Statutes.
- D. Site plan applications for new or exterior additions to buildings, churches, and off-street parking lots up to 5,000 square feet in building/parking lot area may be approved by the town planner or designee. The one exception involves commercial buildings, which will be reviewed by the Town Zoning Board and Town Council as outline in "E" below. The application shall be reviewed for completeness within three working days of receipt. If not complete, the town planner shall notify the applicant and list the items needed to complete the application. After the application is complete, the town planner or designee shall approve, approve with contingencies, or deny the application within five working days and notify the applicant of the decision. If the application has been approved either with or without contingencies, the applicant shall sign the agreement and may obtain a building permit from the Town of Mills. If the application has been denied, the applicant shall not be issued a building permit. Decisions may be appealed in writing to the Town Council within ten calendar days of the decision. Denials that are not timely appealed shall become final.
- E. Site plan applications for commercial buildings of any size and for all new or exterior additions to buildings, churches, and off-street parking lots over 5,000 square feet in building/parking lot area, and multifamily developments over 8 units, must be approved by the Town Zoning Board and Town Council. Applications

must be submitted to the Town Clerk by 5:00 p.m. at least 15 days before the Town Zoning Board meeting at which the application is to be discussed.

1. The town planner or designee shall review the application for compliance with the site plan application requirements within three working days of submittal. If not complete, the application will be returned to the applicant within three days. Written notification shall include the reasons for the determination and shall list the items needed to complete the site plan, the drainage study, and/or the traffic study. If it is complete, the application shall be accepted, and the date of acceptance written on all copies.
2. Incomplete applications shall not be placed on the Board agenda until it is resubmitted in complete and accurate form.
3. The town planner shall notify the applicant in writing at least five calendar days prior to the Zoning Board meeting at which the application will be considered. A meeting will also be scheduled between the applicant and the town planner to discuss the staff's comments to the Board.
4. The application will be considered by the Zoning Board at its meeting, and the town planner will provide review comments to the Board. The applicant will be given the opportunity to discuss the site plan, and other comments regarding the site plan may also be made.
5. The Board shall take one of the following actions, approve, approve with conditions, deny, or table the application.
6. If the site plan is approved (with or without conditions), the applicant must sign a site plan agreement stating terms of approval and his/her willingness to comply with those terms. If the application is tabled, it shall be considered at the next regularly scheduled Board meeting and a decision to approve, approve with conditions, or deny shall be made. Appeal of decisions may be made in writing to the Town Council within ten calendar days of the decision.
7. The Town Council may consider the appeal at the next regularly scheduled Council meeting that is held after receipt of the written appeal within 15 business days of the Council meeting at which the appeal was heard. The Council shall make a final determination upon the appeal. (Ord. 514, 2005)

## **LANDSCAPING REGULATIONS**

The Town of Mills shall require landscaping in certain instances for the following reasons:

- A. To encourage quality development within the Town;

- B. To provide a smooth land use transition between adjoining properties;
- C. To screen service yards, parking lots, and other areas which may be a nuisance;
- D. To improve erosion control;
- E. To encourage a strong sense of commitment to the Town by its residents, business owners, developers, and public agencies; and
- F. To provide for the health, safety and welfare of the residents of the Town of Mills.

DEFINITION

Landscaping – The use of vegetation and inorganic durable materials such as those identified below to enhance the visual attractiveness of a site and improve erosion control.

In order to meet the requirements of the Town Subdivision and Zoning Ordinances, landscaping shall include, but not be limited to, the following:

- A. Formal turf areas;
- B. Trees, shrubs, bushes, ground cover or planting;
- C. Sprinkler systems;
- D. Decorative rock, natural or manmade;
- E. Rooftop gardens, exposed aggregate tile or similar decorative materials used in walkways (excluding sidewalks on public property), driveway approaches, and architectural features attached to the building;
- F. Decorative lighting (Standard street lighting or lighting used primarily for security purposes is not considered decorative);
- G. Benches, tables, fountains, planters, kiosks, bus shelters, waterfalls, and manmade streams;
- H. Decorative fences and retaining walls (i.e., railroad ties, brick, flagstone);
- I. Ponds, excluding detention and retention ponds;
- J. Berms and mounds.

PROCEDURES

- A. The owners of all proposed/new public, commercial, or industrial buildings, or parking lots (including churches); all exterior additions to existing public, commercial, or industrial buildings, or enlargement of a parking lot (including churches); or any new residential buildings or exterior additions to existing residential buildings with the exception of single-family and two-family dwellings, must submit and obtain approval of a complete landscaping application before any building permit is issued. Landscaping applications are to be submitted to the Mayor or a designee. A complete landscaping application consists of:
  - 1. A planting list;
  - 2. A time frame for installation or planting;
  - 3. One copy of a landscaping plan complying with the list of landscaping criteria; and
  - 4. The original copy of the landscaping application form.
- B. At the time the owner submits a landscaping application, the owner shall sign an agreement with the Town to comply with both the landscaping criteria below and an approved landscaping plan, and to complete the landscaping within the time frame stated in the agreement. Upon approval of a landscaping plan by the Mayor or a designee, the signed agreement shall be filed with the Town Clerk.
- C. Within five working days of receiving a landscaping application, the Mayor or a designee will review the application for completeness and compliance with the landscaping criteria. Applications determined to be incomplete will be returned to the applicant within the five-day period by U.S. Mail to the address provided in the application, along with written notification of additions and corrections necessary for compliance. If written notification of non-compliance is not mailed within such time, the landscaping application is considered complete.
- D. Applications for landscaping on sites 5,000 square feet or less in buildings/parking lot area shall be reviewed and acted upon by the Mayor or a designee. Upon his or her approval of the application, the Town Code Enforcement Officer will be notified that a building permit can be issued.
- E. The Mayor or a designee will forward landscaping applications for all commercial buildings and other applications for sites over 5,000 square feet in building/parking lot area to the Town Zoning Board for their comments and recommendations. Those comments will be given to the Mayor or a designee for final action. If the application is approved, the Mayor or designee will contact the Town Code Enforcement Officer within five days of receiving the Board comments, and the Code Enforcement Officer may issue a building permit.

Appeals of the decisions of the Mayor or a designee must be requested, in writing, to the Town Council within five working days of the date upon which the owner was notified of the decision.

The Town Council may consider the appeal at the next regularly scheduled Council meeting to be held after receipt of the written appeal. Within fifteen working days of the Council meeting at which the appeal was heard, the Council shall make a final determination upon the appeal.

### LANDSCAPING CRITERIA

The landscaping plan must comply with the following criteria:

- A. Minimum size of plant and other materials shall comply with the criteria and specifications set forth in Building Casper's Urban Forest, A Tree and Shrub Selection and Care Guide;
- B. Inorganic ground cover should consist of rock, lava, and bark installed over a minimum six mill screen type material to prevent weed infiltration;
  - 1. Bark chips – a minimum of one inch in size and a minimum of two inches in depth;
  - 2. Crushed stone – a minimum of one inch in size and a minimum of two inches in depth;
- C. Inorganic landscaping shall not be more than sixty percent of the landscaped area unless first approved by the Mayor or a designee;
- D. Landscaping of off-street parking lots and loading and unloading spaces shall be located to break up the expanse of paving, and shall be of such quality as to improve and enhance the site and its surrounding areas;
  - 1. Parking lots of one or more acres in size shall have interior planting areas provided at a ratio of one planting area for every fifty parking spaces,
  - 2. Each planter area shall be a minimum of 100 square feet, and shall contain at least two trees or one tree and two shrubs,
  - 3. The interior planting areas shall be not less than twenty-four feet from the perimeter of the parking lot,
  - 4. Parking lot landscape islands and perimeter buffer strips may be included in the minimum percentage of the land to be landscaped computation,

5. The total landscaping to be provided need not exceed the minimum percentage outlined in the Minimum Landscaping percentages table within this section;
- E. Landscaping shall be required along the perimeter lot line(s) of all off-street parking lots which abut any public way, residential property, or property zoned for a less intensive use;
1. Parking lots of one or more acres in size shall be buffered by a landscaping strip that is at least ten feet in width, which shall be located between the parking area and the abutting property or roadway and may encroach on the abutting street right-of-way with the consent of the right-of-way owner,
  2. The landscaping shall be of a height and density to partially screen the parking lots from adjoining properties or public streets,
  3. Parking lot landscape islands and perimeter buffer strips may be included in the minimum percentage of the land to be landscaped computation,
  4. The total landscaping to be provided need not exceed the minimum percentage outlined in the Minimum Landscaping Percentages Table within this section;
- F. No artificial trees, bushes, hedges, flowers, or shrubs may be used in landscaping any exterior areas, unless having received prior written approval from the Mayor or a designee;
- G. No synthetic ground cover, such as astro turf, is to be used for exterior landscaping unless warranted by soil conditions and unless prior written approval has been received from the Mayor or a designee;
- H. All planted areas must be provided with sprinkler irrigation systems;
- I. The owner or occupant, his successors and assigns, are responsible for irrigating, fertilizing, spraying, pruning, and general maintenance of all plantings and landscaped area. After two years, the owner or occupant, his successors and assigns, may substitute alternate landscaping upon approval by the Mayor or a designee;
- J. Upon demand of the Code Enforcement Officer or his designee, the owner shall replace and replant any plant material approved with the site plan or conditional use permit that dies within two years of planting or is not in conformity with the approved landscaping plan. The requirement to replace plant material shall not be assigned to the owner of a vacant property until such time as an active commercial or residential use is established on that property;

- K. Landscaping shall not:
1. Interfere with the installation, maintenance, and repair of any public utilities;
  2. Restrict pedestrian or vehicular access, or
  3. Constitute a traffic hazard (see attached illustration);
- L. The owner shall attempt to use the list of recommended plantings when selecting landscaping materials. The plant list identifies vegetation conducive to growth in the Casper area, and is available from the Town Planner or Code Enforcement Officer;
- M. A minimum percentage of the site shall be landscaped. A list of minimum percentages is attached;
- N. The landscape plan should be prepared by a landscape architect, landscape contractor, or other qualified person;
- O. The landscape plan must be prepared on a scale of 1" = 10' or a multiple thereof and must include:
1. North arrow, scale and date of preparation,
  2. Street address and location of land under consideration,
  3. Location and width of all interior and abutting roads, highways, rights-of-way, and railroad rights-of-way,
  4. Easements on the 1 and under consideration,
  5. Adjoining property lines and rights-of-way,
  6. The location, type, and size of all existing plant materials that are to remain on the site,
  7. The location, type size, and quantity of proposed plant and other landscaping materials, and
  8. All other significant features. (Ord. 513, 2005)



**LANDSCAPING APPLICATION FORM**

OWNER: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OWNER'S AUTHORIZED REPRESENTATIVE:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

\*\*\*\*\*

NAME OF DESIGNER OR LANDSCAPE PLAN:

\_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

AMOUNT PROPOSED FOR LANDSCAPING \$: \_\_\_\_\_

PERCENTAGE OF LAND UNDER CONSIDERATION

REQUIRED TO BE LANDSCAPED: \_\_\_\_\_

PERCENTAGE OF INORGANIC LANDSCAPING: \_\_\_\_\_

TYPES OF IRRIGATION/SPRINKLING PROVISIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TYPE AND NUMBER OF TREES AND PLANTINGS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE OF COMPLETION: \_\_\_\_\_

The following owner's signature signifies that all information on the landscaping plan application is correct and accurate to the best of the owner's knowledge and that the owner has thoroughly read and understands all landscaping information and requirements and shall honor all commitments made therein.

SIGNATURES OF PROPERTY OWNER: \_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE OF PLANNING DIRECTOR: \_\_\_\_\_

DATE: \_\_\_\_\_

**MINIMUM LANDSCAPING PERCENTAGES**

<b><u>Size of Site</u></b>	<b><u>Minimum Percentage of Land to be Landscaped</u></b>
<b><u>Residential Sites:</u></b>	
Multifamily sites of 9,000 square feet Or more*	20%
<b><u>Commercial Sites:</u></b>	
0 to 19,999 square feet	10%
20,000 square feet to 1 acre	8%
Over 1 acre	6%
<b><u>Industrial Sites:</u></b>	
0 to 19,999 square feet	6%
20,000 square feet to 1 acre	5%
Over 1 acre	4%

**17.16.020**

**HOME OCCUPATIONS**

Home Occupations - A home occupation shall be allowed as a permitted accessory use provided the following conditions are met:

- A. Such use must be conducted entirely within a dwelling and carried on by not more than two individuals, one of whom is the principal occupant.
- B. Such use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof;
- C. The total area used for such purposes may not exceed one half of the first-floor area of the user's dwelling unit;
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, including advertising signs or displays, or advertising that solicits or directs persons to the address; except for one sign, not exceeding three (3) square feet in the area, attached flat against the building, not illuminated, and announcing only the name and occupation of the owner.
- E. There shall be no exterior storage on the premises of materials or equipment used as part of the home occupation.
- F. No equipment or process shall be used in such home occupation which creates any glare, fumes, odors, or other objectionable conditions detectable to the normal senses off the lot.
- G. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- H. Off-street parking shall be provided for all home occupations adequate to accommodate the needs of the home occupation of not less than two parking spaces plus the parking spaces required by the dwelling unit. Such parking shall be provided on the same lot as the home occupation.
- I. Barber and beauty shops are permitted home occupations subject to a maximum of one operator, who is the principal resident of the dwelling, who also must be a licensed and approved barber or cosmetologist. (Ord. 380, 1987)
- J. Home occupations shall be permitted as an accessory use subject to the above requirements. If a complaint is filed with the Building Official by a property owner within a radius of 140 feet of the property, a public hearing before the Town Council shall be required to determine the continuance of the home occupation.

- K. Any home occupation shall be operated in compliance with all applicable local, state and federal laws. (Ord. 380, 1987)

**17.16.025**

**SECURITY QUARTERS**

Apartments, as a part of the main structure, or mobile homes necessary for safety or security reasons in conjunction with the principal use, located on the same lot as the principal use and occupied only by persons responsible for security of the principal use and on the payroll of the industry or business conducting the principal use.

As a Special Review Use in the Established and Developing Industrial Districts, EI and DI.

Such uses shall be approved through public hearing under the Special Review Use procedures with such contingencies as the Council may determine, including, but not limited to the following:

- A. One dwelling unit per lot, whether mobile home or stick built;
- B. The unit must be provided with public water and sewer;
- C. Two off-street parking spaces must be provided for the unit in addition to those required for the industrial use;
- D. All parking areas must be provided for the unit in addition to those required for the industrial use;
- E. All new construction and mobile homes must comply with the building and fire codes and meet yard requirements of the Zoning District in which the unit located;
- F. When a mobile home is located on a lot, the following shall apply:
  - 1. A mobile home shall be located on a foundation or skirted;
  - 2. Skirting shall be equipped with a door or panels to permit access to utility connections;
  - 3. Skirting shall be waterproof, rigid, durable and fire-resistant material and furnished in a manner compatible with the exterior of the mobile home.
- G. Anchors and tie-downs are required, and their design must be submitted to the building inspector for his approval;

- H. Security lighting must be provided on site as approved by the Council;
- I. All such uses shall be approved as special review uses and may be subject to annual review by the Council.

**17.16.030**

**PLANNING AND ZONING BOARD**

**ESTABLISHMENT**

There is hereby established a planning and zoning board to be known as “The Planning and Zoning Board of the Town of Mills, Wyoming,” and hereafter referred to in this section as “The Board.”

**ORGANIZATION**

- A. The Board shall consist of five members, who shall be residents of the Town of Mills, and who shall be appointed by the Town Council.
- B. Terms of office shall be three (3) years and shall be fixed so that two or three shall expire each calendar year. Appointments to fill vacancies shall be made by the Council and shall be made only for the unexpired portion of the term. The Council may remove any member of the Board for cause upon written charges and after a public hearing.
- C. The Board shall elect a Chairman and Vice-Chairman from its own membership. Officers shall serve annual terms and may succeed themselves.
- D. Election of officers shall take place at the first meeting of each calendar year.
- E. The Building Official shall be the Secretary of the Board, and the Building Official and Town Planner, appointed by the Council, shall be the staff of the Board.
- F. The Board may adopt requirements by rule to carry out the provisions of this Ordinance.
- G. Meetings shall be held on a regular basis at the call of the Chairman or at such other times as the Board may determine.

**17.16.035**

**VARIANCES**

- A. The Town Council shall have the authority, in specific instances and on petition of the Landowner, to grant a variance from the provisions of this Ordinance; when, owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardships. Such variation of the provisions of the Ordinance shall be determined by the Town Council to not be contrary to the public interest and that the spirit of the Ordinance shall be observed, and substantial justice done.
  
- B. The Town Council shall have the authority to vary or adjust the provisions of the Ordinance.
  
- C. The Council may grant a variance in the instance of:
  - 1. Unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or physical conditions peculiar to the affected property; or
  - 2. Other circumstances where the landowner establishes that a hardship exists on the affected property.
  
- D. The Council may grant a variance only if it makes findings that substantial compliance with the following is established:
  - 1. That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property; or
  - 2. That there exist other certain circumstances or conditions peculiar to the property;

And because of such circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the Zoning Ordinance.
  
- E. The Council must make findings:
  - 1. That much unnecessary hardship has not been willfully created by the applicant;
  - 2. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property;

3. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provisions which are in question.
- F. In the instance where unusual hardship is claimed, other than that created by unique physical circumstances, a variance may be granted only after substantial compliance is established with one or more of the criteria established in Paragraphs D and E, and only on the affirmative vote of at least 4 Council members. The burden of establishing a unique hardship and compliance with necessary criteria shall be the petitioners.
  - G. Upon request to grant variances where it has been shown that an illegal construction or a non-conforming building or use has existed for a period of at least five (5) years in violation of this chapter and the Town has not taken steps toward enforcement, the Council may grant a variance to the applicant.
  - H. Application for Variances. All applicants for a variance shall follow the procedures for Zone Change Requests as outlined in Section 17.16.040 of this Ordinance. Review and hearing of variance petitions shall be in accordance with Section 17.16.040.
  - I. A variance, unless otherwise noted, shall be granted for a period of 170 days only, after which time the owner must make a reapplication. (Ord. 355, 1984.)

### **17.16.040**

## **AMENDMENTS AND ZONE CHANGES**

### **GENERAL**

The Town Council may, from time to time on its own motion, by petition of any person or persons of interest, or on initial recommendation from the Zoning Board, amend, supplement, or repeal the regulations and provisions of this Ordinance; provided that where property is sought to be rezoned on proposal other than the Town Council or Zoning Board, the person proposing the rezoning of property shall have a property interest in the total area of the property.

### **ZONE CHANGE – PETITION**

- A. The owner of interest of property to be rezoned shall submit a petition requesting amendment of the zoning district map to the Town Clerk. The Clerk shall verify that the petition contains the following information:
  1. Legal description of the property to be rezoned.

2. Existing and proposed zoning districts applicable to the property.
  3. Signatures of the owners of the property to be rezoned.
  4. Names, addresses and signatures of a minimum of 50 percent of the owners of record (as shown by County records) of real property within 140 feet of the property to be rezoned.
    - a. The signing of the zone change petition indicates the owner favors the zone change.
    - b. No signature may be withdrawn from a petition.
- B. The Town Clerk, after verifying completeness of the petition shall forward the petition to the Zoning Board for review.

HEARING. Upon receipt of a Zone Change Petition from the Town Clerk, the Zoning Board shall, at its next regular meeting, establish a date of public hearing to hear evidence and information on the proposal. The Mayor shall also request that the Mayor Designee present the petition to the Zoning Board for a “Do Pass” or “Do Not Pass” recommendation at some point before the 3<sup>rd</sup> reading of the ordinance.

NOTICE OF HEARING

- A. The Zoning Board shall publish notice of the date, time, and place of hearing and summary of the proposed amendment in a newspaper of general circulation within the Town. Such notice shall be published at least 15 days prior to the date of such hearing.
- B. A notice reciting rezoning applied for, and directing further inquiry to the Town Clerk, shall be posted at least fifteen days prior to the hearing on the property proposed for rezoning along the part thereof fronting a public street.
- C. A written notice of the public hearing shall be sent by first class mail at least fifteen days prior to the date of the hearing to owners of property within the area proposed for rezoning and to either an owner or to an occupant of each separately owned property adjacent within 140 feet of the area proposed for rezoning.
- D. Such notice by posting and by mailing is for convenience of the public only, and any omission thereof or defect therein shall in no way impair the validity of the proceedings for the proposed amendment.
- E. Exception – General Revision – When said zoning district map is in any way to be changed or amended incidental to or as a general revision of the Zoning Ordinance, whether such revision be made by repeal of the existing Zoning Ordinance and



enactment of a new Zoning Ordinance, or otherwise, said notice in this section by posting and mailing shall not be required.

### ZONING BOARD REVIEW

The Zoning Board, after the public hearing thereon, shall make an advisory report to the Town Council, recommending action on the proposal. Any proposed amendment or change initiated by the Council shall be referred to the Zoning Board for review. Any amendment proposed by the Zoning Board shall be made to the Council as a recommendation accompanied by an advisory report.

### NATURE OF REVIEW

The Zoning Board reviews each proposed amendment for conformity with the Land Use Plan, and the effect of the amendment on the stated intent of this Ordinance and established district.

### PROCEDURE BEFORE TOWN COUNCIL

After receiving the advisory report from the Zoning Board, the Town Council shall hold a public hearing before acting on the proposed amendment. Notice of the time, date, and place of the hearing shall be published by the Town Clerk, at least fifteen days prior to the hearing, in a newspaper of general circulation with the Town.

### A NOTICE RECITING ZONING

A notice reciting rezoning applied for, and directing further inquiry to the Town Clerk, shall be posted at least fifteen days prior to the hearing on the property proposed for rezoning along the part thereof fronting on a public street.

### ACTION BY COUNCIL

The Town Council shall, after conducting a public hearing on the Zone Change Petition, approve or deny the zone change.

The zoning district map shall be amended to reflect the decision of the Council. If there is a protest against the change of an amendment of a zoning district boundary signed by twenty (20) percent or more of the area of lots within a distance of 140 feet of the subject property, the amendment shall become effective only upon an affirmative vote of three-fourths of the members of the Town Council.

## COSTS

For individual applications for rezoning, the Town Council may establish a fee to be charged for advertising and processing set by resolution.

## ANNEXED TERRITORY

- A. Zoning of land in the process of annexation may be done in accordance with the procedure and notice requirements of this article. The proposed Zoning Ordinance shall not be passed on final reading prior to the date when the annexation Ordinance is passed on final reading, but the Ordinance annexing the property can also zone the property. If the zoning process is commenced prior to the effective date of annexation Ordinance, the legal protest area for rezoning shall be determined solely on geographic location, irrespective of whether the land in such legal protest area is within or without or partly within and partly without the limits of the Town of Mills.
- B. Any area annexed shall be brought under the provision of this Ordinance and the map thereunder within ninety (90) days from the effective date of the annexation Ordinance irrespective of any legal review which may be instituted challenging the annexation. During such ninety-day period, or such portion thereof as is required to zone the territory, the Town of Mills shall refuse to issue any building or occupancy permit for any portion or all of the newly annexed area.

## **17.16.050**

### **NON-CONFORMING USE**

#### **NON-CONFORMING USE, BUILDING LOT**

It is the intent of this section to permit the continuation of uses and use of lots and buildings which were lawful prior to the time that this Ordinance was adopted, but which would be prohibited under the Ordinance. It is also the intent of this section that no use, building, or lot determined to be non-conforming shall be enlarged or expanded after the adoption of this Ordinance.

#### **NON-CONFORMING USE DEFINED**

Non-conforming use, lot and building shall be hereby defined as:

- A. Non-conforming Use. Any use within a building or on a lot which does not conform with the provision so this Ordinance for permitted uses, including lot size minimum, lot area per dwelling unit, or required off-street parking.

- B. Non-conforming Building. Any building which does not conform to the provisions of this Ordinance, including minimum setbacks, heights, or number of principal buildings per lot.
- C. Non-conforming Lot. Any lot which does not conform to the provisions of this Ordinance, including lot size, width, or frontage.

#### GENERAL PROVISIONS

- A. If for any reason other than seasonal agricultural or residential use, any non-conforming use, or use of any non-conforming building or lot is discontinued for a period of more than 170 days, any future use of the building or lot shall conform with the provisions of this Ordinance. (Ord. 355 §2, 1984.)
- B. No structure may be enlarged or altered in any way which increases its non-conformity.
- C. There may be a change of ownership, management, or tenancy of a non-conforming use, building, or lot, providing there is no change in the character of the non-conforming use.
- D. If any non-conforming building or a building containing a non-conforming use, is destroyed by fire or any other means such that the extent of repairs will cost more than 50 percent of the total valuation of the building, exclusive of the foundation, any reconstruction shall be in conformance with the provision of the International Building code. The Building Official shall make such determination.
- E. Any repair of a damaged non-conforming building shall be commenced within 6 months of the time of such damage and shall be completed within 17 months of the initiation of construction.
- F. Minor additions, alterations, or repairs to improve the appearance, safety, or efficiency of the building, which do not constitute an expansion of the use within the building shall be permitted.
- G. A non-conforming use shall be allowed to be extended within the total area of a building, providing such extension shall not occupy any land or area outside of the building.
- H. When any non-conforming use or structure shall be moved for any reason any distance, it shall conform to the provisions of this Ordinance.

**17.16.060**

**INTERPRETATION, ENFORCEMENT, SEVERABILITY AND PENALTY OF ORDINANCE**

Interpretation of Ordinance – Where this Ordinance imposes a greater restriction upon the land, buildings, or structures than is imposed or required by existing provisions of law, Ordinance, contract or deed, the provisions of this Ordinance shall apply.

Enforcement of Ordinance and Authority of the Mayor – This Ordinance shall be enforced by the Mayor or his authorized representative, who shall have the authority to grant building permits and certificates of occupancy, to make inspections and all decisions necessary to carry out property enforcement of the provisions of this Ordinance. No oversight or dereliction on the part of the Mayor or his authorized representative or on the part of any official or employee of the Town shall legalize, authorize or otherwise excuse the violation of the provisions of this Ordinance.

Violations – Penalty as provided in Section 1.01.100, 1.01.115, and 1.01.120 of the Mills Town Code; any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code shall be guilty of a misdemeanor. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued, or permitted by any such person, and he shall be punished accordingly. (Ord. 164 §1, 1966.)

Penalty Upon Conviction – Upon conviction by the municipal court of a violation of any Ordinance of the Town of Mills, the municipal court shall have the power and authority of imposing fines not exceeding two hundred dollars for each violation of a Town Ordinance. (Ord. 222 §2 (part), 1973.)

Failure to Pay Fine, Costs – Upon the rendition of judgment against any defendant for violation of any provision of this code, the police magistrate or Justice of the Peace shall make an order and enter the same upon his docket. If the defendant shall neglect or refuse to satisfy such judgment and costs of suit, he shall be confined in the town jail or other place of confinement provided for that purpose, one day for each one dollar and fifty cents of such judgment and costs. During such confinement, he may be required to labor upon the streets or do other work for the Town under the supervision and direction of the Mayor. Execution shall be issued immediately upon the rendition of judgment. (Ord. 163 §2, 1966.)

Severability of Part of Ordinance – If for any reason any part, section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Effect of Repealing Ordinance – When any Ordinance repealing a former Ordinance, clause or provision is repealed, the repeal shall not be construed to revive the former Ordinance, clause or provision, unless it is specifically stated.

Building Permits – No permit shall be issued by the Mayor or his authorized representative for the excavation or erection of a building, or part of a building, or for repairs to or alteration of, or moving a building or part of a building or for the use of any premises, until after a statement of its intended use has been filed by the applicant and unless the plans and intended use indicate that the building and premises are to conform in all respects to the provisions of this chapter, or unless such proposed building or use shall have been duly authorized by the Council.

All applications for building permits shall be accompanied by a plat in duplicate showing the lot to be built upon, the location of the building and lot and other information as may be required to comply with the current edition of the International Building Code. An original copy of such applications and plat shall be kept in the office of the Mayor or his authorized representative and a duplicate copy shall be kept at the building at all times during construction. The Mayor or his authorized representative shall require that lot lines be defined on the ground before construction of, or excavation for a building is commenced.

Certificate of Occupancy – Except for one-family dwellings, no buildings shall be changed in use, nor shall any new structure or building be occupied or used unless the owner first shall have obtained a certificate of occupancy from the Mayor or his authorized representative. Provided the use shall be in conformance with the provisions of the Ordinance, a certificate of occupancy shall be issued within three days of the time of notification that the building is completed and ready for occupancy. A copy of all certificates of occupancy shall be filed by the Mayor or his authorized representative and shall be available for examination by any person with either proprietary or tenancy interest in the property or building.

### **17.16.070**

#### **FEES**

A recording fee shall be established to defray the cost of recording the site plans. The initial fee, which may be amended from time to time by resolution of the Town Council, shall be as follows:

- A. The developer shall pay a site plan fee shall be set by resolution, whether such site plan approval is provided for by Ordinance or by Agreement between the Town of Mills and the Developer.

- B. A site plan recordation fee shall be set by resolution will be assessed for recording the site plan in the County Clerk's office, said fee to be collected by the Town Clerk prior to the recordation of the site plan.
- C. A zone change or variance fee shall be set by resolution and shall be paid prior to consideration of the zone change or variance, by either the Planning Board or the Town Council of the Town of Mills. (Ord. 338, 1982.)

## CHAPTER 17.18

### ANNEXATIONS AND SUBDIVISIONS

#### 17.18.010

##### GENERAL PROVISIONS

17.04.010(a) Definitions. As used in this title, the following words and phrases shall have the meanings ascribed to them in this section:

- (1) "Sell" or "sale" includes sale, contract to sell, lease, assignment, auction, award by lottery, or any offer or solicitation of any offer to do any of the foregoing, concerning a subdivision or any part of a subdivision.
- (2) "Subdivider or developer" means any person who lays out any subdivision or parts thereof either for the account of the owner or others;
- (3) "Subdivision" means a division of a lot, tract, parcel or other unit of land into three or more lots, plots, units, sites or other subdivisions of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. The word "subdivide" or any derivative thereof shall have reference to the term subdivision, including mobile home courts, the creation of which constitutes a subdivision of land. (Ord. 274 §1 (part) , 1979).

#### 17.18.020

##### PROCEDURE

17.18.020(a) Compliance with procedure. Any person desiring to subdivide or plat any land which is within, or partially within, the town limits, or any person wishing to annex property to the town limits, shall comply with the provisions set forth in this chapter. (Ord. 274 §2 (part) 1979).

17.18.020(b) Platting requirements—Procedures.

- (a) A letter of application for annexation and/or subdivision outlining: The area to be annexed or subdivided, the proposed zoning, and the proposed park/public use contribution, to be signed by the owners of the property.
- (b) The developer shall submit a preliminary plat to the town clerk, to be reviewed by the Town Planner and forwarded to the Council with recommendations. Upon approval of the preliminary plat, the Town Council shall establish a date of public hearing for zoning the property (if required).
- (c) The Council reviews the preliminary plat and approves or denies the plat. If

- approved, the Council will establish a date of public hearing for zoning the property.
- (d) Upon approval by the Council of the preliminary plat, the developer shall prepare and submit a final plat to the Mayor or His/Her Designee for review and recommendation to the Council. The Council shall review and approve or deny the plat.
  - (e) The developer shall submit water and sewer plans, road construction specifications, a drainage plan, and other material required with the preliminary plat.
  - (f) Approval of the subdivision or annexation shall be:
    - (1) A Council vote approving the final plat;
    - (2) The signatures of the mayor and the town engineer on the master copy of the final plat, certifying that the plat and engineering plans meet town standards;
    - (3) An ordinance adopted by the Council approving the subdivision and/or annexation plat and establishing zoning;
  - (4) A written agreement between the town and the developer outlining obligations of both for construction of improvements within the subdivision.
  - (5) The final plat shall be submitted and recorded by the County Clerk.

17.18.020(d) Preliminary plat requirements.

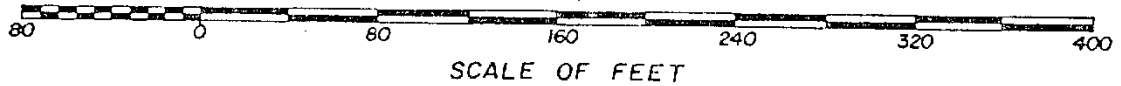
- (a) The developer shall submit seven copies of the preliminary plat to the town clerk prior to the meeting at which it will be considered.
- (b) The plat shall be drawn on a stable base material, and copies submitted to the clerk shall be blue-line reproductions.
- (c) Preliminary plat contents:
  - (1) The name of the subdivision, which shall not duplicate the name of an existing subdivision in Natrona County;
  - (2) The legal description of the subdivision by section, township and range;
  - (3) A metes and bounds description of the property;
  - (4) The plat shall be drawn at a scale of one-inch equals fifty feet, or one-inch equals one hundred feet, and the scale shall be represented by a bar scale;
  - (5) The existing and proposed contours at a maximum interval of two feet;
  - (6) All existing drainages, utility lines, roadways, easements, and other natural and manmade features;
  - (7) All proposed lot, roadway and easement locations, including all dimensions and lot sizes;
  - (8) All existing soil types and distributions;
  - (9) All proposed water, sewer and storm sewer distribution and collection facilities;
  - (10) A vicinity sketch, oriented with the plat, which shows existing streets, highways, drainage courses, adjacent subdivisions, section lines, other natural and manmade features, land ownership and land use. The vicinity sketch shall be drawn to a scale of one-inch equals two thousand feet or larger, and shall extend one-half mile in all directions from the perimeter of the subdivision;
  - (11) The scale, true north arrow and date of preparation;
  - (12) The names and addresses of the owner/subdivider, land surveyor and professional engineer. (Ord. 333 §3, 1982; Ord. 274 §2 (part), 1979).



17.18.020(e) Final plat requirements.

- (a) The final plat (linen or Mylar original and seven paper copies) shall be submitted to the town clerk two weeks prior to the Council meeting at which it is to be considered. The plat shall be signed by the owner and surveyor when submitted.
- (b) The final plat shall be drawn on tracing cloth or other suitable base material. Acceptable size: (Wyoming State Statutes Annotated, 1977) Size C—twenty-two inches by thirty-six inches.
- (c) The final plat shall be prepared, and accuracy certified by a registered land surveyor of the state.
- (d) Final plat contents:
  - (1) The name of the subdivision, which shall not duplicate the name of an existing subdivision in Natrona County;
  - (2) The legal description of the subdivision by section, township and range;
  - (3) The plat shall be drawn at a scale of one-inch equals fifty feet, or one-inch equals one hundred feet, and the scale shall be represented by a bar scale;
  - (4) All lots, blocks, roadways, easements and other proposed features with distances, bearings and ties for all surveyed lines. Addresses shall be assigned to all lots;
  - (5) All lots or blocks must be properly identified by number and all streets identified by name or number. All easements and existing utilities shall be shown with distances, ties and bearings;
  - (6) Boundary control points shall be appropriately named on both the plan and monument, and angle points should be numbered;
  - (7) True bearings and distances of all lines and any differences between bearings and distance on this survey and the recorded distances and bearings of other adjoining surveys shall be noted;
  - (8) A vicinity sketch, oriented with the plat, which shows existing streets, highways, drainage courses, adjacent subdivisions, section lines, and other natural and manmade features. The vicinity sketch shall be drawn to a scale of one-inch equals two thousand feet or larger, and shall extend one-half mile in all directions from the perimeter of the subdivision;
  - (9) The surveyor's certificate, including:
    - (a) Date of survey,
    - (b) Statement that all corners are properly monumented,
    - (c) Closure (minimum 1:10,000)
    - (d) Surveyor's registration number and signature;
  - (10) Certificate of dedication, including:
    - (a) Name of owner,
    - (b) Metes and bounds description of the total subdivision perimeter,
    - (c) Dedication of streets, alleys, public sites and easements to the public;
  - (11) Signature blocks for:
    - (a) The mayor of the town, with town clerk attest,
    - (b) The town engineer,
    - (c) Statement of date recorded by county clerk, with town clerk signature;
  - (12) A legend of all corner monuments;
  - (13) Scale, true north arrow, and date of preparation;
  - (14) All corner monuments, boundary and easement lines shall be standardized as

shown below. All plats, maps and construction drawings shall include a bar scale as shown below:



**LEGEND**

- Brass Cap Corner.....○
- Original corner.....●
- Local corner.....□
- 5/8" x 16" Rebar.....■
- Brass Cap or Aluminum Cap set.....B.C. or A.C.
- Subdivision Boundary.....—————
- Easement.....- - - - -

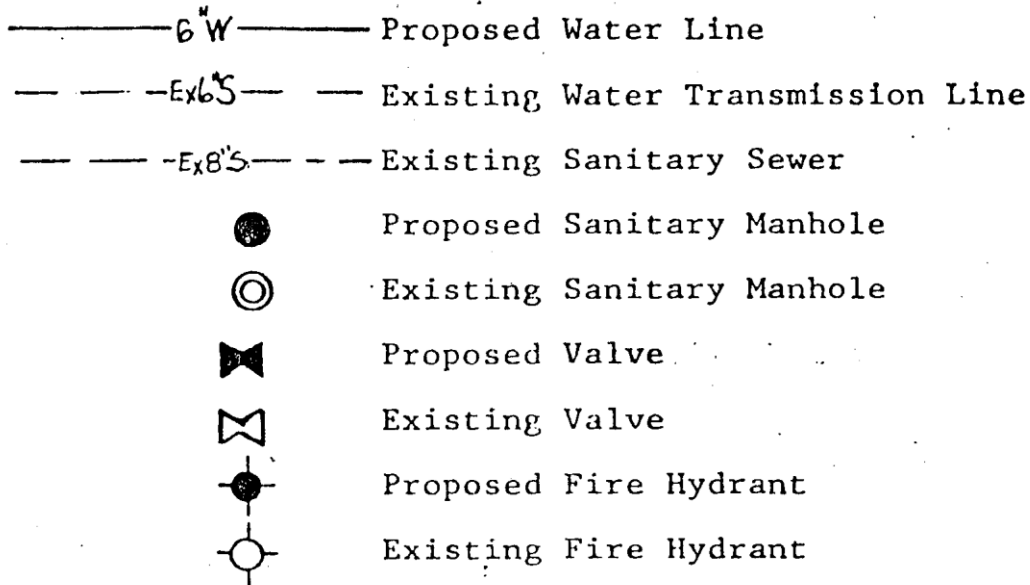
*Plat Closure Ratio; 1:*

(Ord. 333 §4, 1982: Ord. 274 §2 (part), 1979).

17.18.020(f) Water and sewer system extension requirements.

- (a) Two prints of the water system design shall be submitted to the town clerk for review. One copy will be marked and returned to the developer or his engineer. The other will be marked and retained by the town engineer. The developer shall make all required corrections and submit two corrected copies to the town engineer. If the corrected prints are in order, the town engineer will give one print to the engineer responsible for inspection and retain the second print for the town's use. The developer shall submit a third copy of the final draft to the town clerk with DEQ approval.
- (b) Construction drawings shall be signed by a licensed professional engineer licensed to practice in the state. All plans shall contain the name and professional license number of the engineer.
- (c) The construction drawings shall be drawn on a twenty-two inch by thirty-six-inch sheet with the title box in the lower right-hand corner. The title box shall contain the names of the developer, the subdivision, town of Mills, and other information deemed appropriate, as requested by the Council and town engineer.
- (d) Water and sewer design shall meet all standards and regulations of the State Department of Environmental Quality and other regulatory agencies.
- (e) Contents of construction drawings:
  - (1) All drawings shall be drawn at a scale of one-inch equals fifty feet, or one-foot equals one hundred feet, matching the scale of the final plat;
  - (2) Each page shall contain a bar scale;
  - (3) A vicinity sketch drawn on a scale of one-inch equals two thousand feet or larger, showing adjacent areas affected by construction;
  - (4) A general plan of the adjacent areas, showing spot elevations or contour lines sufficient to show the existing surface topography;

- (5) Plan drawings of individual water lines, including the size and location of all proposed lines and the size and location of existing lines to which the proposed construction will connect;
- (6) Sufficient detail of the town system so that ties and looping can readily be obtained;
- (7) Specifications, sizes and construction requirements of all facilities;
- (8) Design adequate to meet the town master plan.
- (9) The plans shall state, "The work shall be performed in accordance with this drawing and the town's specifications," dated May 23, 1979; or in its latest revision;
- (10) Any details not covered by standard details in the town's specifications;
- (11) Water and sewer line symbols shall be as follows:



- (f) The developer is responsible for retaining a licensed engineer to inspect the water or sewer line installation and certify to the town that the work was completed in accordance with the plans and specifications. The town engineer has the authority to accept or reject any engineer who is requested by the developer. The accepted engineer may have qualified inspectors work under his supervision. Daily inspection reports must be kept and copies turned in to the town engineer once a week. The inspecting engineer, with the approval of the town engineer, shall have the authority to stop construction of any project when work is not in compliance with regulation and approved plans.
- (g) After construction, the owner will be required to furnish three sets of "as constructed" plans to the town office, one set will be for the town clerk's office, one set for the public works department, and one set for the town engineer. Fire hydrants, fittings, valves and utility conflicts, including gas and telephone, shall be accurately shown on the "as constructed" plans. All sheets shall be stamped or visibly marked "as constructed," certified by the inspecting engineer. (Ord. 274 §2(part), 1979).

17.18.020(g) Requirements—Road plan, profile, construction drawings.

- (a) As required in subsection (a) of Section 17.08.060.
- (b) As required in subsection (b) of Section 17.08.060.
- (c) As required in subsection (c) of Section 17.08.060.
- (d) Plan and profile drawings shall meet the requirements of all applicable regulatory agencies.
- (e) Contents of construction drawings:
  - (1) All drawings shall be drawn at a scale of one-inch equals fifty feet, or one-inch equals one hundred feet, matching the scale of the final plat. The vertical scale shall be one-inch equals ten feet, or other suitable scale;
  - (2) Each page shall contain a bar scale;
  - (3) A typical cross section of the road construction, with additional cross sections for roads which vary from the typical. The cross section shall show all dimensions and specifications of sub-base, base, curb, gutter and sidewalk and other proposed construction;
  - (4) Design adequate to meet the town master plan;
  - (5) The plans shall state “the work shall be performed in accordance with this drawing and the town’s specifications,” dated May 23, 1979, or in its latest revision;
  - (6) Any details not covered by standard details in the town’s specifications.
- (f) The developer is responsible for retaining a licensed engineer to inspect the roadway installation and certify to the town that the work was completed in accordance with the plans and specifications. The developer’s engineer may have qualified inspectors work under his supervision. The town engineer has the authority to accept or reject any inspector who is requested by the engineer. If the developer feels the decision of the town’s engineer is unjust, he may, upon written request, be granted a review hearing before the town Council. Daily inspection reports must be kept and copies turned in to the town engineer once a week. The inspecting engineer, with the approval of the town engineer, shall have the authority to stop construction of any project when work is not in compliance with regulation and approved plans.
- (g) After construction, the owner will be required to furnish three sets of “as constructed” plans to the town office, one set will be for the town clerk’s office, one set for the public works department, and one set for the town engineer. All sheets shall be stamped or visibly marked “as constructed,” certified by the inspecting engineer. (Ord. 274 §2(part), 1979).

17.18.020(h) Drainage plan requirements.

- (a) Two prints of the drainage system design shall be submitted to the town clerk for review. One copy will be marked and returned to the developer or his engineer. The other will be marked and retained by the town engineer. The developer shall make all required corrections and submit two corrected copies to the town engineer. If the corrected prints are in order, the town engineer will give one print to the engineer responsible for inspection and retain the second print for the town’s use. The developer shall submit a third copy of the final draft to the town clerk.
- (b) The drainage plan shall be signed by a licensed professional engineer licensed to

practice in the state. All plans shall contain the name and professional license number of the engineer.

- (c) The drainage plan shall be drawn on a twenty-two inch by thirty-six inch sheet with the title box in the lower right-hand corner. The title box shall contain the name of the developer, the subdivision, town of Mills, and other information deemed appropriate, as requested by the town engineer.
- (d) Contents drainage plan:
  - (1) All drawings shall be drawn at a scale of one-inch equals fifty feet, or one inch equals one hundred feet, matching the scale of the final plat;
  - (2) Each page shall contain a bar scale;
  - (3) A vicinity sketch drawn on a scale of one-inch equals two thousand feet or larger, showing adjacent area affected by construction;
  - (4) A general plan of the adjacent areas, showing spot elevations or contour lines sufficient to show the existing surface topography;
  - (5) Plan drawings of individual storm sewers, catch basins, detention areas, outflows and other proposed facilities, including size, location, specifications and construction requirements;
  - (6) The plans shall state “the work shall be performed in accordance with this drawing and the town’s specifications,” dated May 23, 1979, or in its latest revision.
- (e) After construction, the owner will be required to furnish three sets of “as constructed” plans to the town office, one set will be for the town clerk’s office, one set for the public works department, and one set for the town engineer. Fire hydrants, fittings, valves and utility conflicts, including gas and telephone, shall be accurately shown on the “as constructed” plans. All sheets shall be stamped or visibly marked “as constructed,” certified by the inspecting engineer. (Ord. 274 §2 (part), 1979)

17.18.020(i) Adoption of design standards. The town shall adopt and enforce standards for subdivision layout, street construction, water and sewer system construction and storm sewer construction, as deemed necessary to promote health, welfare and orderly growth of the town. (Ord. 274 §2 (part), 1979)

17.18.020(j) Platting requirements—Documents.

- (a) Preliminary plat;
- (b) Final plat;
- (c) Water distribution system plans;
- (d) Sewage collection system plans;
- (e) Road plan, profile, construction drawings;
- (f) Drainage plan;
- (g) A letter of application for annexation and/or subdivision outlining the area to be annexed and/or subdivided and the proposed development of the area;
- (h) A subdivision or annexation fee shall be set by resolution.
- (i) A plan outlining methods to be used to control wind and water erosion created during construction of the subdivision;
- (j) Covenants to be recorded with the final plat, which will establish requirements for

- development and use of all land within the subdivision (optional);
- (k) Letter of credit of other acceptable form of proof of financial responsibility;
- (1) Subdivision title insurance or other acceptable proof of ownership. (Ord. 333 §2, 1982; Ord. 319, 1981; Ord. 274 §2 (part), 1979).

17.18.020(c) Site plan recording and zoning request fees.

- (a) The developer shall pay a site-plan fee set by resolution, whether such site plan approval is provided for by ordinance or by agreement between the town and the developer.
- (b) A site-plan-recording fee shall be set by resolution and will be assessed for recording the site plan in the county clerk’s office, the fee to be collected by the town clerk prior to the recordation of the site plan.
- (c) A zone change or variance fee shall be set by resolution and shall be paid prior to consideration of the zone change or variance, by either the planning commission or the town Council. (Ord. 338 §1, 2, 3, 1982).

**17.18.025 MINOR BOUNDARY ADJUSTMENTS**

17.18.025(a) Purpose: To create an administrative process that establishes minimum procedures and informational requirements to expedite the preparation, review and approval of minor subdivision boundary adjustments that meet the applicability standards in (section below 17.18.025(b)). No public hearing shall be required.

17.18.025(b) Applicability Standards:

- (1) The minor boundary adjustment plat shall not affect, create or alter more than two (2) lots, and shall not be used to adjust boundaries of more than two (2) lots or tracts at a time.
- (2) Only those boundaries specified below that are currently platted may be changed as minor boundary adjustments. All other boundary adjustments shall comply with Chapter 17.18, Subdivision Regulations, and the Zoning Ordinance.
  - 1. The division of previously platted property into no more than two (2) lots. All lots must be in conformance with the applicable zoning district regulations and the requirements of Mills Municipal Code.
  - 2. An adjustment for encroachment, right-of-way width change, or setback violation, on a lot size and boundary dispute.
  - 3. An adjustment to combine with an adjacent lot or tract. The adjustment of the boundary of a lot or tract for the purpose of combining portions of it with an adjacent lot or tract within the same subdivision subject to the following:

- i. Merge divided portion. The divided portion shall be totally merged with and combined with the adjoining lot or tract so that no additional lots are created, and the resulting lot or tract shall be established as a single lot or tract for all purposes, by means of an acceptable recorded instrument.
    - ii. Conformance with zoning district. Each of the resulting lots shall conform to the requirements of Chapter 17.18, Annexations and Subdivisions and the Zoning Ordinance of the Mills Municipal Code, and the degree of any nonconformity of either lot shall not be increased.
  - 4. Easements. Recording of public easements and the dedication and/or release of public easements.
- (3) Planning staff shall determine whether or not any minor boundary adjustment application is submitted with the intent of, or having the effect of, avoiding preliminary and/or final plat procedures and requirements. If it is determined that the minor boundary adjustment plat application circumvents preliminary and/or final plat procedures, the Town Planner or his/her designee shall reject the application submitted under this section and require the applicant to submit a preliminary plat meeting all the provisions of Chapter 17.18, Annexations and Subdivisions and the Zoning Ordinance of the Mills Municipal Code.
  - (4) A minor boundary adjustment shall not be approved by the Town Planner or his/her designee if it proposes variances to any provision contained within this chapter, nor if the minor boundary adjustment would require a variance pursuant to the Zoning Ordinance. Variances shall only be considered by the Planning and Zoning Board as specified in Section 17.16.035, Variances, Mills Zoning Ordinance.
  - (5) The subject property adjustment does not require, under these regulations, the design or construction of any public improvements except sidewalk.
  - (6) The minor boundary adjustment procedure as set forth in this section may not be used more than two (2) times in five (5) calendar years on any piece of property.

17.18.025(c) Pre-application Meeting: Persons desiring minor boundary adjustments to property may meet with Planning staff, prior to submitting an application for minor boundary adjustment. The purpose of the meeting shall be to review the proposal and the requirements and procedures for minor boundary adjustments.

- (1) The Town Planner or his/her designee shall have the authority to prepare forms requiring supporting information for minor boundary adjustments.

17.18.025(d) Application – Contents – Fee: A complete minor boundary adjustment application must be submitted to the Planning staff. A complete application shall consist of:

- (1) One copy of a minor boundary adjustment plat, one PDF version, one transparency containing all items required in 17.18.20, final plat, and an electronic copy in a .dwg format for incorporation into Natrona County's GIS system.
- (2) A completed minor boundary adjustment application.
- (3) The original of the minor boundary adjustment plat application.
- (4) A nonrefundable review fee, established by the council, must be paid at time of submission.
- (5) Proof of ownership of the land in question, such as a title policy, a letter from a title company certifying ownership, or an attorney's title opinion.

17.18.025(e) Preparation and Required Information: A minor boundary adjustment plat must be prepared by a registered Wyoming land surveyor and be clearly drawn on a transparent, stable base material, and shall include the following:

- (1) The name of the subdivision, legal description, name and signature(s) of owner(s), developer(s) and engineer, placed in the lower right-hand corner of the plat;
- (2) Space for the filing record of the clerk's office;
- (3) Dedication and acknowledgement statement executed by the owners of all legal and equitable interests in the property being subdivided, with corporate seal when appropriate. The dedication shall be in a form approved by the Town Attorney and in accordance with state law;
- (4) Date of preparation, written scale, graphic scale (one inch equals fifty feet [1" = 50'] or a multiple thereof) and north sign designated as a true north;
- (5) Location of land other than roads intended to be conveyed or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision. Such land shall be identified by a lot and block or tract number;
- (6) Certification in the form required by law by a Wyoming land surveyor to the effect that the layout represents a survey made by him or under his supervision, and that all dimensional and other details are correct;



- (7) Exact closure, which shall be in excess of one foot in ten thousand feet;
- (8) Signature blocks for use, after approval by the Town Planner, Town Engineer and Mayor, and Town Clerk;
- (9) Any differences between bearings (azimuths) and distances of other adjoining surveys, in written notations;
- (10) The basis of bearings (azimuths) and distances of other adjoining surveys, in written notations.
- (11) A layout including the following:
  1. Boundary lines with accurate distances and bearings, and the exact location and width of all existing or recorded streets intersecting the boundary of the property,
  2. Where applicable, curve data, so labeled, showing the radii, central angles, arc length, notation of nontangent curves, and location of points of curvatures and intersections,
  3. Location of existing and proposed easements (including, but not limited to drainage, access and utility easements), designated as to use and size,
  4. The right-of-way lines, widths, locations and street names of all existing streets or roads within the proposed subdivision,
  5. The location and amount of land to be dedicated for public facilities, if such dedication has been agreed upon in writing by the town;
  6. Two reference northing, easting points, with convergence angle and scale factor in Wyoming State Plan Coordinates, East Central Zone NAD83/2011.
- (12) The names of abutting subdivisions, or an indication that abutting property is unplatted;
- (13) A vicinity map indicating the location of the subdivision with respect to a recognizable larger area, at a scale of one inch equals six hundred feet (1" = 600') unless written approval of the Town Planner is obtained for another scale;
- (14) A size conforming to one of the following:
  1. Eleven by seventeen inches,
  2. Twenty-Two by thirty-four inches.

3. Twenty-Four by thirty-six inches
- (15) Upon approval of the boundary adjustment and prior to its recording, the applicant shall submit a digital format of the plat in a computer-aided drafting (CAD) format per Natrona County Geographic Information System (GIS) data submittal requirements.

17.18.025(f) Application – Planning Department – Review Procedures

- (1) The Town Planner, or their designee, will use their best efforts to review the application for conformance with the application requirements within five (5) working days of submittal.
- (2) If the application does not conform to the requirements of 17.18, the application will be returned to the applicant. The Town Planner shall notify the owner, in writing, if the application is determined to be incomplete. The written notice shall document the reasons upon which the determination was made and shall list items needed for the application to be complete. Applicant shall have thirty (30) working days from the date of written notice to make corrections to the application and otherwise fully conform to the requirements. This time period may be extended because of caseload and complexity of applications at the sole discretion of the Town Planner or his/her designee. If the applicant fails to bring the application into full conformance with the requirements within thirty (30) days from the date of written notice, and an extension is not granted, the Town Planner or his/her designee shall deny the application.
- (3) Upon determination by the Town Planner that the application is complete, and otherwise fully conforms to the application requirements, the staff shall furnish the following Town of Mills departments and offices with a copy of such minor boundary adjustment plat and relating supporting documents for review and comment:
  1. Public Works Department
  2. Town Engineer
  3. Town Surveyor
  4. Building Inspector
  5. Fire Chief
  6. Police Chief
- (4) If the Town Planner determines that other agencies and offices may be affected by or interested in the minor boundary adjustment plat, staff may furnish the following agencies and offices with a copy of such minor boundary adjustment plat and supporting documents for review and comment:

1. Wyoming Department of Transportation
  2. Natural Gas Companies
  3. Electric Power Companies
  4. Telephone and Communication Companies
  5. Cable Television Companies
  6. Adjacent Municipalities
  7. Natrona County Development Office
  8. Natrona County Road and Bridge
  9. Other Interested Agencies and Offices
- (5) All such reviewing agencies and offices will be requested to review the application and required supporting documents within five (5) working days from the date of distribution of the minor boundary adjustment plat to make any objections or comments to the Town Planner. This time period may be extended because of caseload and complexity of applications at the sole discretion of the Town Planner. The Town Planner shall prepare a staff report based on comments received.
- (6) The Town Planner and the Town Engineer, or their designees, will use their best efforts to hold a review in the Mills Town Hall within five (5) working days from the preparation of the staff report to approve, approve with conditions, or deny the purposed boundary adjustment plat.
- (7) In taking action on a minor boundary adjustment plat, the Town Planner or Town Engineer shall consider any comments received from agencies or offices receiving copies of the minor boundary adjustment plat. If the Town Planner or designee determines that the minor boundary adjustment plat is in conformance with the provision of this chapter, as well as the zoning regulations applicable to the zoning of the subject property, the Town Planner and the Town Engineer shall approve the minor boundary adjustment plat. If the Town Planner and the Town Engineer determine that the minor boundary adjustment plat, as proposed, may be detrimental to the public health, safety, or welfare, or does not meet the applicability standards in this section, or involves factors which should be reviewed by the Planning and Zoning Board and Town Council, the Town Planner and the Town Engineer shall deny the application or shall treat it as a final plat, under Mills Municipal Code, Chapter 17.18. When treated as a final plat, the applicant shall pay such additional fees and provide additional required materials as may be required for processing the final plat under said chapter, or the applicant may withdraw the application at applicant's sole discretion.
- (8) The decision of the Town Planner and the Town Engineer on the minor boundary adjustment plat shall be considered final.
- (9) After the Town Planner and the Town Engineer have approved the minor boundary adjustment plat, said plat shall be forwarded to the Town Council for approval, by Resolution.

- (10) If the Council approves the minor boundary adjustment plat, the Mayor, Town Planner, Town Engineer, Town Clerk and Owner and/or legal representative shall sign the final plat for submittal of recordation to the Natrona County Clerk.
- (11) No minor boundary adjustment plat shall be recorded by the Natrona County Clerk prior to signing by the Town Planner, Town Engineer and Mayor accompanied by the associated Resolution for approval.
- (12) The applicant shall pay the application fee established by the Mills Town Council.  
The Town Clerk, upon payment of the required fees by the applicant, will record the plat and Improvement Agreement, if any, with the Natrona County Clerk's Office.

### **Section 6:**

This ordinance shall be in full force and effect upon passage on three readings and publication.

### **17.18.030**

#### **ZONING PROVISIONS**

17.18.030(a) Zoning ordinance adopted. The zoning plan attached to the ordinance codified in this chapter as Exhibit "A" and by this reference made a part of this chapter is adopted as the zoning ordinance of the town of Mills and shall govern the use and location of all land and structures within the town as specified in that plan. (Ord. 312 §1, 1981).

17.18.030(b) Appointment of town planner. To assist the Town Council, a town planner may be appointed. The town planner shall have any additional powers as granted by the Town Council

### **17.18.040**

#### **COMPLIANCE**

17.18.040(a) Certification. Any manufactured (mobile) home, located or proposed to be located or installed in a manufactured (mobile) home park or on a subdivided lot, shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. For manufactured (mobile) homes built prior to June 15, 1976, a label certifying compliance with the standard for manufactured homes (mobile), NFPA 501, ANSI 119.1, in effect at the time of manufacture is required before

any such home may be located or installed with the Town (Ord. 503, §1, 2004)

17.18.040(b) Effective date. This Ordinance shall be in full force and effect ten (10) days following its passage and approval on third and final reading; however, the provisions of this Ordinance shall not be given retroactive effect with regard to any present or otherwise lawful building or structure within the Town. (Ord. 503, §2, 2004)

17.18.040(c) Repeal of Conflicting Ordinances. All existing Ordinance or parts of Ordinances of the town of Mills are hereby repealed insofar as they may be inconsistent with the provisions of this Ordinance. (Ord. 503, §3, 2004)

Dated this 14<sup>th</sup> day of November, 2018

\_\_\_\_\_  
Seth Coleman, Mayor

\_\_\_\_\_  
Christine Trumbull, Town Clerk

\_\_\_\_\_  
Darla, R. Ives, Council

\_\_\_\_\_  
Sara McCarthy, Council

\_\_\_\_\_  
Mike Pyatt, Council

\_\_\_\_\_  
Ronald Wales, Council