

ORDINANCE NO. 749

AN ORDINANCE AMENDING SECTION 17.04.030 AND ADDING SECTIONS 17.08.020, 17.12.045, 17.12.060 AND 17.18.025 TO THE MILLS ZONING CODE

WHEREAS, the Town of Mills is a Municipal Corporation under the laws of the State of Wyoming; and

WHEREAS, the Town of Mills has identified several areas within the current zoning ordinance that require updates; and

WHEREAS, a public hearing notice was advertised in the 12 July 2020 edition of the Casper Star-Tribune, at least 15 days prior to the public hearing, as required by Mills Zoning Ordinance; and

WHEREAS, the Town of Mills Planning and Zoning Board held a public hearing to consider the amendment of Section 17.04.030 and additions of Sections 17.08.020, 17.12.050, 17.12.060 and 17.18.025 of The Mills Zoning Code on 6 August 2020 and forwarded a “Do Pass” recommendation to the Town Council approving the amendment; and

WHEREAS, the Mills Town Council held a public hearing for proposed amendment and additions on 11 August 2020; and

WHEREAS, the Mills Town Council has determined that amendment of amendment of Section 17.04.030 and additions of Sections 17.08.020, 17.12.050, 17.12.060 and 17.18.025 to the current Mills Zoning Ordinance would benefit the Town.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING:

Section 1.

That Section 17.04.030 of the Mills Municipal Code is hereby created to read as follows (proposed deletions are shown with ~~strikethrough~~ text, and additions are shown with *italicized/underlined* text:

17.04.030

CAMP TRAILER: ~~A recreational vehicle 8' x 32' or less designed to be used independent of utilities or attached temporarily to utilities — towed by a car or truck — and not permitted as a permanent residence on a residential lot.~~ *(See Recreational Vehicle).*

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. ~~Use of recreational vehicles as permanent dwellings or as a primary residence on a lot is prohibited.~~ *(Ord. 542, 2007) 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.*

MOBILE HOME PARK – ESTABLISHED: Any mobile home park licensed by the Town prior to ~~June 1, 1981~~ *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. (Ord. 381 §1, 1988. *Ord. _____, 2020*)

Section 2:

Section 17.08.020 is to be added to the current Mills Municipal Code

17.08.020

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 (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, and other similar recreational facilities operated and used during daylight hours	A
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

(BUSINESS / INDUSTRIAL)

DISTRICT REGULATIONS	MU MIXED USE
MINIMUM LOT AREA	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.
MINIMUM LOT WIDTH	40 FEET; 20 FEET PER INDIVIDUAL TOWNHOUSE/CONDOMINIUM UNIT.
FRONT YARD SETBACK	NONE
REAR YARD SETBACK	10 FEET
SIDE YARD SETBACK	5 FEET
CORNER SIDE YARD SETBACK	15 FEET
SIDE YARD ADJOINING RES. DISTRICT	5 FEET
MIN. DISTANCE BETWEEN BUILDINGS ON ADJACENT LOTS	10 FEET
PRINCIPAL BLDG. HEIGHT LIMITATION	3 STORIES MAX. 40'
GARAGE SETBACK	FRONT 25' REAR 10' SIDE 5'
ACCESSORY BUILDING SETBACK	FRONT 25' REAR 5' SIDE 5'
ACCESSORY BUILDING MAX. SIZE <i>(Ord. 557, 2009)</i>	<u>20'</u> <u>HIGHEST</u> <u>POINT</u>

- 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.

- B. Maximum Density. Seventeen residential dwelling units per acre; twelve office units per acre.

Section 3:

Section 17.12.050 is to be added to the current Mills Municipal Code

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.

17.12.045(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 (30) 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.

Section 4:

Section 17.12.060 is to be added to the current Mills Municipal Code

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 aerials 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.

17.12.060 (g) Setback, Height and Approval Requirements

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 take 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

ZONE	MAX HT.	P&Z REVI EW	COUNC IL APPRO VAL	ON TOP OF Structures
E-R D-R D-MH	70'	SR/ SP	SR/ SP	NP

PUD				
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 350square 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 remove such tower, as provided in this section, 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 this section.
- 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.

Section 5:

Section 17.18.025 is to be added to the current Mills Municipal Code

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.

PASSED on 1st reading the _____ day of _____, 2020.

PASSED on 2nd reading the _____ day of _____, 2020.

PASSED, APPROVED AND ADOPTED on 3rd and final reading the _____ day of _____, 2020.

TOWN OF MILLS, WYOMING

Seth Coleman, Mayor

Sara McCarthy, Council

Darla Ives, Council

James Hollander, Council

Ronald Wales, Council

ATTEST:

Christine Trumbull, Town Clerk