



**CITY OF LANDER**  
**BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING**

Thursday, November 16, 2023 at 6:00 PM  
City Council Chambers, 240 Lincoln Street

**AGENDA**

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Join Zoom Meeting

<https://us06web.zoom.us/j/86247534927?pwd=EgNEyRB9mn2D76uG17V8pbUku2KvZg.1>

Meeting ID: 862 4753 4927

Passcode: 944206

Attendance: Chair Zach Mahlum, Members, Tom Russel, Kara Colovich, Kristin Yannone, Dave Fehringer, Rob Newsom, and Joe Henry. City Attorney Adam Phillips, Council Liaison Missy White, Assistant Public Works Director Hunter Roseberry, Recording Secretary RaJean Strube Fossen

**1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

This meeting is being recorded electronically. All petitioners to the Board of Adjustments will receive a written decision and order within thirty (30) days of this hearing. The decision will be clearly stated with findings of fact and conclusions of law. Anyone wishing to appeal against a decision and order may do so through District Court.

Anyone wishing to speak tonight, must first be recognized, come to the podium, take the oath, and state your name prior to speaking.

**2. APPROVAL OF MINUTES**

A. **BOARD OF ADJUSTMENT MINUTES** of November 2, 2023

B.

**3. BOARD OF ADJUSTMENT - NEW BUSINESS**

**4. BOARD OF ADJUSTMENT - OLD BUSINESS**

**5. PLANNING COMMISSION - NEW BUSINESS**

**6. PLANNING COMMISSION - OLD BUSINESS**

A. Review of Suggested Title 4 changes for all residential zones

B. Proposed changes on residential off-street parking requirements

**7. ADJOURNMENT**

| Description  | R-1 Single Family                 |                        | R-2 Low Density                   |   | R-3 Medium Density                |   | R-5 High Density                    |   | R-5 Med                           |   |
|--|-----------------------------------|------------------------|-----------------------------------|---|-----------------------------------|---|-------------------------------------|---|-----------------------------------|---|
|  | <del>Existing</del>               | Proposed               | <del>Existing</del>               | Proposed                                      | <del>Existing</del>               | Proposed                                      | <del>Existing</del>                 | Proposed                                      | <del>Existing</del>               | Proposed                                      |
| Multifamily Dwellings  | Not allowed                       | No change              | <del>Allowed</del>                | Allowed up to 4 units                         | <del>Allowed up to 4 units</del>  | Allowed up to 6 units                         | Allowed no limit on # units         | No change                                     | Allowed                           | No change                                     |
| Residential Off-Street parking required  | 1 minimum, 2 maximum              | No change              | <del>1 minimum, 2 maximum</del>   | 1 per dwelling unit                           | <del>1 minimum, 2 maximum</del>   | 1 per dwelling unit                           | <del>1 minimum, 2 maximum</del>     | 1 per dwelling unit                           | <del>1 minimum, 2 maximum</del>   | 1 per dwelling unit                           |
| Licensed child/foster care facilities  | Allowed by permit only            | No change              | Allowed by permit only            | No change                                     | Allowed by permit only            | No change                                     | <del>Allowed</del>                  | Allowed by permit only                        | Allowed by permit only            | No change                                     |
| Professional structures  | Allowed by permit only            | No change              | Allowed by permit only            | No change                                     | Allowed by permit only            | No change                                     | Allowed                             | No change                                     | <del>Not Allowed</del>            | Not allowed unless permitted                  |
| Short term rentals   | <del>Allowed by permit only</del> | Sugget not allowing    | Allowed by permit only            | No change                                     | Allowed by permit only            | No change                                     | Allowed by permit only              | No change                                     | Not Allowed                       | No change                                     |
| Permanent Accessory Structure (garage, storage sheds on a slab or foundation)  | <del>Allowed</del>                | Allowed up to 2 units  | <del>Allowed</del>                | Allowed up to 2 units                         | Allowed                           | No change                                     | Allowed                             | No change                                     | Allowed                           | No change                                     |
| Temporary Accessory Structure (skid structures, canisters NOT on a foundation) | <del>Allowed</del>                | Allowed up to 2 units  | <del>Allowed</del>                | Allowed up to 2 units                         | Allowed                           | No change                                     | Allowed                             | No change                                     | Allowed                           | No change                                     |
| Lot size   | 7,500 sq ft                       | No change              | <del>3750 sqft</del>              | No change                                     | 3750 sqft                         | No change                                     | 3750 sqft                           | No change                                     | <del>6000 sqft</del>              | 3750 sq ft                                    |
| Lot Width  | 50 ft                             | No change              | <del>50 ft</del>                  | 40 ft   | <del>50 ft</del>                  | 40 ft   | <del>50 ft</del>                    | 40 ft   | <del>50 ft</del>                  | 40 ft   |
| Front Setback  | <del>33 ft</del>                  | 28 ft                  | <del>28 ft</del>                  | 23 ft   | <del>20 ft</del>                  | 15 ft   | 12 ft                               | No change                                     | <del>28 ft</del>                  | 23 ft   |
| Side Setback   | <del>12 ft</del>                  | 10ft                   | <del>10 ft</del>                  | 5 ft, 10 ft if existing underground utilities | <del>10 ft</del>                  | 5 ft, 10 ft if existing underground utilities | <del>5 ft</del>                     | 5 ft, 10 ft if existing underground utilities | <del>10 ft</del>                  | 5 ft, 10 ft if existing underground utilities |
| Side Setback on a corner lot   | 28 ft                             | No change              | 23 ft                             | No change                                     | <del>23 ft</del>                  | 15 ft   | <del>12 ft</del>                    | No change                                     | <del>28 ft</del>                  | 23 ft   |
| Rear Setback   | <del>20 ft or 20% lot depth</del> | 15 ft or 20% lot depth | <del>20 ft or 20% lot depth</del> | 15 ft or 20% lot depth                        | <del>20 ft or 20% lot depth</del> | 15 ft or 20% lot depth                        | <del>10 feet or 20% lot depth</del> | No change                                     | <del>20 ft or 20% lot depth</del> | 15 ft or 20% lot depth                        |
| Number of Residential structures allowed                                       | <del>1 per lot</del>              | no change              | <del>1 per lot</del>              | 2 per lot                                     | <del>2 per lot</del>              | 3 per lot                                     |                                     |   |                                   |   |

| Description                           | R-1 Single Family   |                    | R-2 Low Density     |                    | R-3 Medium Density  |                    | R-5 High Density         |                    | R-5 Med             |                    |
|---------------------------------------|---------------------|--------------------|---------------------|--------------------|---------------------|--------------------|--------------------------|--------------------|---------------------|--------------------|
|                                       | <del>Existing</del> | Proposed           | <del>Existing</del> | Proposed           | <del>Existing</del> | Proposed           | <del>Existing</del>      | Proposed           | <del>Existing</del> | Proposed           |
| Maximum height of Structure           | <del>30 ft</del>    | 45 ft              | <del>30 ft</del>    | 45 ft              | <del>30 ft</del>    | 45 ft              | <del>Three stories</del> | 50 ft              | <del>30 ft</del>    | 45 ft              |
| Maximum height of Assessory Structure | <del>20 ft-</del>   | 30 ft              | <del>20 ft-</del>   | 30 ft              | <del>20 ft-</del>   | 30 ft              | <del>20 ft-</del>        | 30 ft              | <del>20 ft-</del>   | 30 ft              |
| Maximum lot coverage                  | <del>40%</del>      | Delete requirement | <del>40%</del>      | Delete requirement | <del>40%</del>      | Delete Requirement | <del>60%</del>           | Delete Requirement | <del>40%</del>      | Delete requirement |
|                                       |                     |                    |                     |                    |                     |                    |                          |                    |                     |                    |

Section 4.11.10

- A.1 Off-street parking and loading shall be provided and maintained as required by this Section for all permitted uses which are established after the effective date of this ordinance Must be read as modified by 4.1.A.2
- A.3 Residential parking must be provided on the same lot Suggest allowing parking elsewhere. The burdened property should have something recorded to protect
- A.6 Parking requirements can be waived for properties front on Main, Lincoln or Garfield between
- A.7 The Business Park can count street spaces towards required parking.
- B.3 All weather surface to avoid flowing water across public sidewalks Encourage permeable surfaces
- B.4 "each parking or loading space must be usable and readily accessible " This is to vague to be enforced!
- B.6 "Parking and loading areas provided in accordance with the requirements of this ordinance shall not be used for the sale, repair, assembly or disassembly, storage or servicing of vehicles or equipment." This is violate by most properties in Lander. Do we want to re-write it? If this were enforced, there'd be no parking problems; lots of other problems, but no

C Required parking spaces

- C.1 Home business - 1 per 200 sq. ft. or fraction thereof At a minimum, clarify that only the square footage dedicated to the home office use is considered. Kristin recommends dropping this requirement subject
- C.2 Residential parking requirements

For "dwellings" Single Family, Two Family, and Multiple Family units are defined as well 4.2.3 defines "dwelling" as "A structure or a portion thereof used for living purposes constituting a separate, independent housekeeping unit which contains eating, sleeping, and sanitary services for residential occupancy, not including Recreational

"Dwellings shall be as follows: 1BR - 1 space; 2BR-1.5 spaces; 3-BR, 1.75 spaces; 4-BR, 2 Literal interpretation would mean that one-bdrooms would require one space per living unit and all others would require two spaces per living unit, under the rule

Proposed change:

The number of required on-site parking spaces will be calculated based upon the number of bedrooms contained in all the dwelling units on the lot taken together, not per individual dwelling unit. See below for an example of this calculation:

Required parking: 1BR - 1 space; 2BR-1.5 spaces; 3-BR, 1.75 spaces; 4-BR, 2 spaces

Example: a 4-unit building consisting of two 2-BR and two 3-BR units would be require to have the following parking spaces:

Each 2-BR unit: 1.5 spaces for a total of 3 spaces

Each 3-BR unit: 1.75 spaces for a total of 3.5 spaces. This rounds up to 4 spaces

The total required spaces for the project would be 7 spaces

We may to want to round up if >.5, rather than .5 or greater round up. Under the literal definition, this would be 2 spaces for each of the units or 8 spaces total

#### **4-11-10 General Requirements - Off-Street Parking And Loading Requirements**

A. The following general requirements shall apply:

1. off-street parking and loading shall be provided and maintained as required by this Section for all permitted uses which are established after the effective date of this ordinance;
2. these requirements shall not be retroactive to permitted uses existing on the date this ordinance becomes effective but shall apply to any expansion of these uses which occurs after that date;
3. in residential districts, required off-street parking shall be provided on the same lot to which the parking pertains. In other districts, such parking may be provided either on the same lot or on another lot in the R-5 or P-L Districts, located not farther than 1,000 feet from the structure or use they are required to serve;
4. groups of more than four parking spaces shall be designed so that no backing movements onto a street will be required;
5. no structure shall be erected or enlarged, nor shall any use be enlarged, if such action will eliminate the required off-street parking areas.
6. The requirements of 4-11-10, may be waived at the discretion of the Planning Commission with regards to structures with frontage on Main, Lincoln or Garfield Streets located between First Street and Ninth Street.
7. The businesses within the Lander Business Park will be allowed to count overflow off-street parking for their total parking spaces per use.

B. Off-street parking and loading will be designed, used and maintained in accordance with the following specifications:

1. individual off-street parking spaces shall be at least nine feet wide and 18 feet long;
2. individual off-street loading spaces shall be located only in side or rear yards of the lot and shall be at least 12 feet wide, 50 feet long and have a minimum height clearance of 14 feet;
3. areas used for required parking and maneuvering of vehicles shall have an all-weather surface of asphalt or concrete or alternatives approved by the Planning Commission and shall be designed in a manner which avoids the flow of water across public sidewalks;
4. each parking or loading space must be usable and readily accessible and arranged so that no part of any parked vehicle extends beyond the property line;
5. required parking and loading areas shall be provided with designated entrances and exits located so as to minimize traffic congestion and avoid undue interference with public use of streets, alleys and walkways;
6. parking and loading areas provided in accordance with the requirements of this ordinance shall not be used for the sale, repair, assembly or disassembly, storage or servicing of vehicles or equipment.

C. At the time a structure is being erected or enlarged, or the use of an existing structure is changed, off-street parking spaces shall be provided as follows:

1. Home business - 1 per 200 sq. ft. or fraction thereof;

2. There shall be provided off-street parking spaces described as follows: (garage counted as a parking space)

Dwellings shall be as follows:

One Bedroom Residences – 1 space  
Two Bedroom Residences – 1.5 spaces  
Three Bedroom Residences – 1.75 spaces  
Four Bedrooms and Over – 2 spaces

3. Boarding houses - 1 per each sleeping or living unit.
4. Retirement homes, housing project for senior citizens - .5 per dwelling unit plus 1 for manager.
5. Motel or hotel - 1 per sleeping room plus 1 for manager.
6. Clubs or lodgers - Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
7. Convalescent hospital, nursing home - .4 X lawful number of occupants plus 1 per each staff member on duty on maximum shift.
8. Hospital - 1 per bed plus .75 X maximum number of employees on duty on a maximum shift.
9. Churches - .35 X seating capacity of sanctuary.
10. Preschool, nursery or kindergarten - 2 spaces per employee.
11. Elementary or junior high school - 1 per each employee and each faculty member
12. High school and vocational schools - 1 per each employee and each faculty member plus 1 per five students.
13. Stadia, areas, theaters, auditoriums or meeting rooms - .35 X seating capacity or, if no fixed seats, 1 space per 50 square feet of floor area.
14. Bowling Alley - 5 per lane.
15. Dance Hall or skating rink - 1 per 80 square feet of floor area.
16. Retail and repair shops, including shoe repair, contractors' showrooms, galleries, structure material supply stores, package beverage stores with no seating - 1 per 1000 square feet of floor area plus one per three employees.
17. Restaurants and beverage establishment with seating 1 per 100 sq ft of customer floor area;
18. Barber shops and Cosmetology Shop - 1 plus 1.5 per chair;
19. Banks and business or professional offices (except medical and dental clinics) - 1 per 300 square feet of floor area.
20. Medical and dental clinics - 2 per staff person.
21. Gas stations - 1 per nozzle plus 2 per lift (in addition to stopping places adjacent to pumps).
22. Mortuary - 1 space per 4 seats or 8 feet of bench length in the chapel.
23. Laundromats - .5 per machine.

- 24. Other retail and service establishments - 1 per 300 square feet of floor area sales space.
- 25. Warehouses, storage and wholesale business, and freight terminals – 2 spaces plus, 1 space per employee on maximum shift. And sufficient space to park all company owned or leased vehicles, including passenger auto manufacturers, trucks, tractors, trailers and similar company owned or leased motor vehicles.
- 26. Manufacturing uses, research testing and processing, assembly, all industries - 1 X number of employees on a maximum shift.
- 27. Uses not specified - Shall be determined by the City Administration in accordance with the most recently adopted National Codes.
- 28. Gaming, one space per every 75 square feet of gaming area or any portion thereof.

D. Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

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

F. At least the following amounts of off-street loading shall be provided, plus an area adequate for maneuvering and walk/bike ways, ingress and egress:

| Number of Spaces | Gross Floor Area in Square Feet |
|------------------|---------------------------------|
| 1                | 3,000 to 20,000                 |
| 2                | 20,000 to 40,000                |
| 3                | 40,000 to 60,000                |
| 4                | 60,000 to 80,000                |
| 5                | 80,000 to 100,000               |
| 6                | 100,000 to 150,000              |

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

**HISTORY**

- Amended by Ord. 1022 on 3/28/2000
- Amended by Ord. 1039 on 4/10/2001
- Amended by Ord. 1152 on 1/13/2009
- Amended by Ord. 1198 on 10/27/2015