



CITY OF LANDER
BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, March 05, 2026 at 6:00 PM
City Council Chambers, 240 Lincoln Street

AGENDA

Join Zoom Meeting

<https://us06web.zoom.us/j/81958935551?pwd=epeC89x1vfBp8z0Xqi8bfC5W1HAJuR.1>

Attendance: Chair Zach Mahlum, Members, Kara Colhoff, Mary Greene, Chris Savan, and Joe Henry. City Attorney Adam Phillips, Council Liaison Dan Hahn, Chad Cassady. Assistant Public Works Director Hunter Roseberry, Recording Secretary RaJean Strube Fossen

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. **BOARD OF ADJUSTMENT MINUTES** of January 15, and February 19, 2026

Move to untangle the acceptance of the minutes of January 15th.

Move to accept the minutes of January 15 and February 19th.

3. BOARD OF ADJUSTMENT - NEW BUSINESS - NONE

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

A. Title 4 suggested changes to appeals language

6. PLANNING COMMISSION - OLD BUSINESS

A. Suggested Title 4 changes for Short-term Rentals

7. ADJOURNMENT



CITY OF LANDER BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, January 15, 2026 at 6:00 PM
City Council Chambers, 240 Lincoln Street

MINUTES

Join Zoom Meeting

<https://us06web.zoom.us/j/86579690654>

This link is available for listen only. To participate in the meeting please join us in person at City Hall, 240 Lincoln Street, 6:00 pm

Attendance: Chair Zach Mahlum, Members, Chris Savan, Mary Greene, and Joe Henry. Kara Colovich excused. Council Liaison Dan Hahn, 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 December 4, 2025

Chris moved to accept the minutes. Joe seconded. Motion passed.

3. BOARD OF ADJUSTMENT - NEW BUSINESS

A. CU 25.13 485 N 4th Childcare, Brower

Ashton and Steven Brower, owners of the daycare, took the oath and described their childcare plan. This will be a childcare/preschool format to accommodate the lack of childcare in the community. Brower's are renters and the owner of the lot has signed the application.

Zach asked how many children. The owner responded that the type of license allows 48 children based on the square footage of the building. Joe felt that 48 children was a lot and asked about the square footage. The owners referenced paperwork where DFS has approved a maximum of 48. However they are planning on about half that number for their actual operations.

No public comment from the audience. Zach confirmed that they have all the paperwork from DFS. Construction has been inspected and approved by the Building Department.

RaJean reported that the application was in order and the Fire inspection has been passed. There was no public comment received prior to the meeting. DFS has reported that if approved tonight Little Lambs will be issued a certificate. City Staff recommends approve of CU 25.13.

Chris moved to approve, seconded by Joe. Motion passed.

RaJean stated that upon receipt of the Decision and Order and the DFS certificate they are legal to open for business. It is common for DFS to issue a temporary permit based on the approval tonight and then issue the full permit upon receipt of the Decision and Order. RaJean reminded them that the application and inspection process are paid in full. If they get an additional bill, it is a scam and they should report it to RaJean and their internet provider.

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

6. PLANNING COMMISSION - OLD BUSINESS

A. Discussion on Short term rental proposed changes to Title 4

A. Council comments, if any

B. Review problem definition and proposed solutions

C. Review 3rd Party tracking proposal

Zach asked Dan for any Comments. Dan likes the STR ideas as proposed.

Chris stated his interpretation that Title 4 should be state statute compliant for airport and appeals, etc., but no significant other changes for physical parameters are being suggested at this time.

RaJean reported that there are software programs that can help with compliance for a reasonable price in lieu of a licensing structure. The software may relieve the high level of staff and court responsibilities while still addressing many of the compliance concerns.

Next step, focus on definitions, compliance issues, and STR limits by zone. After the members agree on those items, then draft ordinance changes, go public for input, and then have public hearing and 3 ordinance readings.

C - hotel, motel, etc. and STR as permitted. Residential zones. Hunter likes STR general requirements like home business better than each zone.

Items discussed were to keep some form of grandfathering in the existing CU, keep primary residence requirement for now, discuss snowbirds, and definition of primary residence.

RaJean get with Adam to take a final look at the 2024 appeal changes to move forward.

Chris and Zach will take a look at definitions for the next meeting.

Chris will craft a draft of each zoning district requirement for discussion at the next meeting.

7. ADJOURNMENT



BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, February 19, 2026 at 6:00 PM
City Council Chambers, 240 Lincoln Street

MINUTES

Attendance: Chair Zach Mahlum, Members, Kara Colhoff, Chris Savan, and Joe Henry. Mary Greene is excused. City Attorney Adam Phillips, Council Liaison Chad Cassady, 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

Motion to untangle acceptance of the January 15, 2026

Motion to approve minutes of January 15 and February 5, 2026

Chris Moved to untangle the acceptance of the Jan 15th minutes. Seconded by Joe. Motion passed with Kara Abstaining due to absence.

Joe Moved to accept the minutes of Jan 15th. Chris noted one typo that RaJean will correct. Seconded by Chris. Motion passed with Kara abstaining.

Kara moved to table approval of the Feb 5th minutes as there is not a quorum of those attending the meeting present tonight. Chris seconded. Motion passed.

3. BOARD OF ADJUSTMENT - NEW BUSINESS

A. NCU 26.02 520 Market, Rich

Rex Rich owner and Harold Wages, agent both from Cody took the oath. Mr. Rich is seeking to add 2-4 living units without changing the footprint of the existing building. His rents are reasonable and he has been asked for when new rentals will be available for rent.

Zach verified that these are studio apartments that are planned. Zach asked if the studio apartments could be limited to 2 or if he will build out 4. The owner replied that there have been some stops and starts and he is leaning toward 2 right now

Zach asked if they have addressed parking. The owner and agent replied that they have up to six additional spaces if necessary.

Chris verified how many units will be in total. The owner would still like 10-12 total units are needed based on his conversations with renters and neighbors.

Kara asked if the owner has talked to the neighbors. The owner replied that of the ones he has seen on site, they are all for it.

Joe asked how many spaces are available noting that he only saw 10 painted on the lot. The agent replied that there are 21 spaces at this time and they have room for 6 more. RaJean reminded the members that the existing garages count as 8 spaces in addition to the parking lot.

Kara asked if this would be used as a STR. The owner stated that he uses the majority of the rentals for travelling nurses all over 30-day rentals. He has both 13 and 26 week contracts right now. He also currently has 4 2-year contracts.

RaJean read the Planning department and Building department City comments into the record. Zach read the NCU code section 4-11-1 emphasizing Section D. He personally feels that the expansion is appropriate for the application. His opinion is that the NCU should be approved, perhaps with the condition that adequate parking is provided at the time of the building permit.

Chris feels the expansion of units is a large impact not in concert with the zoning codes. Perhaps this should have been a variance application. He is concerned that granting 4 units may be negligible at this location but the Board may be setting a precedent that will cause future negative impacts throughout all residential districts. Chris acknowledges the benefits of this project considering additional housing units.

Joe stated that he is in favor of granting the NCU based on Zach's code interpretation.

Kara stated that the code language of "equally or more appropriate" citation from section D has merit, but this application pushes the density closer to R-5 and does not fit the character of the R-3 question.

Chris asked staff why and NCU application. RaJean interpreted the code as Zach did. One point in favor of NCU over variance is that NCU is a shorter term where a variance runs with the lot in perpetuity. Joe again agreed with Zach that an NCU could be appropriate instrument. The NCU does fit the vision of the City and approval contributes to the vision of the Council.

Chris asked if there was an abstention vote does the board still need three positive votes. Adam replied that an abstention or recusal should have been presented prior to the discussion if there was a known conflict. Three votes will be needed to pass.

Owner asked the members to consider that if this NCU is not awarded they are depriving him of his right to use his personal property as he sees benefits him

Joe moved to approve NCU 26.02, Kara seconded. Kara No, Joe Yes, Chris No, Zach Yes. Motion fails due to a tie.

Owner asked Adam if he could address his earlier comment on depriving him his right of enjoyment of his lands. Adam could not comment as he is not the personal agent for the owner.

Harold Wages suggested that the code be looked at for making changes and thinks that future requests will likely come before this board.

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

6. PLANNING COMMISSION - OLD BUSINESS

- A. Continue discussions on Short term rental requirements and administrative changes to Title 4

Discussions were held on Chris's proposed draft changes. Chris feels he left out the grandfather clause that was discussed at prior meetings if that is appropriate.

Kara noted that the fire inspection is annual but there is no frequency of license renewal.

Zach feels that we would address revocation language for all CU and licenses. He will make some suggestions for the next meeting for Adam and RaJean to review. The board was concerned about City staff requirements for tracking licenses. RaJean asked for clarification between permit and license so there will be more discussion at future meetings. Zach and Joe both asked about the compliance programs which RaJean explained that there are many that reduce the staff time required for compliance issues.

Work Session next time discuss Section 4-7. FAA was crafted by the contracted airport engineering firm . Chris asked for a comparison of these crafted codes vs FAA rules. RaJean will get with the originator to see what is available for Chris's review..

Members agreed on a few refinements to the proposed definitions which RaJean will incorporate for the next work session.

7. ADJOURNMENT

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

- A. Any order or decision of a City Administrator of this ordinance may be appealed to the Board of Adjustment by any person or agency affected by any such order or decision in accordance with W.S. 15-1-607. Any such appeal shall be filed within 30 days from the date of the action appealed from by filing a written notice of appeal specifying the grounds for the appeal with the City of Lander. Forms shall be provided for this purpose by the City of Lander. Upon receipt of a notice of appeal, the City of Lander shall transmit to the Board of Adjustment the notice of appeal and all of the original documents, or true copies thereof, constituting the record upon which the action being appealed from was filed.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City of Lander certifies to the Board of Adjustment after notice of appeal has been filed that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. The Board of Adjustment after receipt of the certificate and after a public hearing may allow the original order or decision to stand or the Board of Adjustment may stay the original order or decision appealed. If the Board reaffirms the order or decision of the City Administration, proceedings shall not be stayed except by a restraining order which may be granted by a court of record after giving due notice to the City of Lander.

Current language: **4-4-3 Appeals**

1. Any order or decision of the City of Lander may be appealed to the Board of Adjustment by any person or agency affected by any such order or decision. Any such appeal shall be filed within 30 days from the date of the action appealed from by filing a written notice of appeal specifying the grounds for the appeal with the City of Lander. Forms shall be provided for this purpose by the City of Lander. Upon receipt of a notice of appeal, the City of Lander shall transmit to the Board of Adjustment the notice of appeal and all of the original documents, or true copies thereof, constituting the record upon which the action being appealed from was filed.
2. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City of Lander certifies to the Board of Adjustment after notice of appeal has been filed that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. The Board of Adjustment after receipt of the certificate and after a public hearing may allow the original order or decision to stand or the Board of Adjustment may stay the original order or decision appealed. If the Board reaffirms the order or decision of the City of Lander, proceedings shall not be stayed except by a restraining order which may be granted by a court of record after giving due notice to the City of Lander.

4-4-7 Board Of Adjustment – Appeals

A. The decision of the Board of Adjustments may be reviewed by the district court pursuant to Rule 12 of the Wyoming Rules of Appellate Procedure in accordance with W.S. 15-1-609.

B. The Board may reverse or affirm wholly or partly a Decision and Order, requirement, decision or determination as necessary, but no power exercised under this paragraph shall exceed the power or authority vested in the administrative officer from whom the appeal is taken. The concurring vote of a majority of the board is necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the application on any matter upon which it is required to pass under any ordinance or to affect any variation in the ordinance.

Current language: **4-12-18 Appeals**

1. Any person aggrieved, or any taxpayer affected, by any decision of the Public Works Director made in his/her administration of this ordinance, may appeal to the Board of Adjustment.
2. All appeals hereunder must be taken within thirty (30) days of the decision of the Public Works Director, by filing with the Public Works Director a notice of appeal specifying the grounds thereof. The Public Works Director shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Public Works Director certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Public Works Director, and on due cause shown.
4. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
5. The Board of Adjustment may, in conformity with the provision of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances.

Planning Commission Appeals 4-9-3-B

1. Any developer or landowner aggrieved by the action of the Planning Commission or the administrative staff of the City of Lander in their administration of these regulations, may request a hearing before the City Council. The request shall be in writing, shall be submitted to the City Administration within thirty (30) days of the receipt of such a request, the City Council shall hold a hearing to determine the proper disposition of the matter. At the hearing, the Council shall consider not only the developer's/landowner's appeal, but also the written or verbal comments of the Commission, agency or person appealed from. The Council shall either reaffirm or modify the decision of the Commission, agency or person and note the decision in the record of its hearing. The developer or landowner may then proceed with the subdivision of the land based upon this decision of the Council. This decision shall be binding upon all agencies and administrative personnel of the City of Lander.

Section 7 Zoning District Regulations

- 4-7-1 A - Agricultural District.
- 4-7-2 R-1 Single Family Residential District.
- 4-7-3. R-2 Single Family and Multi-Family Residential Low-Density District.
- 4-7-4. R-3 Single and Multi-family Medium Density and Manufactured Home Residential District.
- 4-7-5 R-5 Multi-Family Residential High-Density District.
- 4-7-6 R-MED - Single Family, Multi-Family Low-Density Residential and Medical Services District.
- 4-7-7 C - General Commercial District.
- 4-7-8 M-I Manufacturing and Light Industrial District.
- 4-7-9 PL Public Lands District.
- 4-7-10 Airport District

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

- A. Permitted Uses. The following uses may be operated as permitted uses in the district:
 - 1. single family detached dwellings.
 - 2. manufactured homes.
 - 3. agricultural (shall include horticultural uses, nurseries and the production of crops and livestock).
- B. Permitted Accessory Uses: Any use which complies with all of the following conditions may be operated as an accessory use:
 - 1. is clearly incidental and customary to and commonly associated with the operation of the permitted use.
 - 2. is operated and maintained under the same ownership and on the same lot as the permitted use.
 - 3. does not include structures or structural features inconsistent with the permitted use.
 - 4. to include one secondary residential unit.
 - 5. To include use of the single residential unit allowed in 4., above, as a short-term rental OR Bed and breakfast operation subject to the conditions listed in the Decision and Order.
 - 6. if operated wholly or partly within a structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed 30% of the gross floor area of the permitted use.
- C. Minimum area of lot: 1 acre.
- D. Minimum width of lot: 100 feet.
- E. Minimum setback requirements for structures:
 - 1. front yard: 33 feet.
 - 2. side yard: 12 feet.
 - 3. rear yard: 20 feet.
 - 4. side yard on flanking street or corner lot: 28 feet.
- F. Maximum Number of single family or manufactured homes per lot: two per lot.
- G. Maximum number of agricultural structures or accessory structures: three per acre.
- H. Maximum Height of Structures: 30 feet.

- A. Permitted Uses. The following uses may be operated as permitted uses in the district:
1. single family detached dwellings.
 2. churches.
 3. public or private grade schools.
 4. public park, playground or other public recreational facilities.
- B. Conditional Use: subject to the conditions listed in the Decision and Order.
1. Childcare
 2. Foster care
 3. home business
 4. bed and breakfast OR short-term rental
 5. mortuary/crematory
 6. related uses of similar type as approved by the Board of Adjustment.
- C. Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-6-1 may be operated as an accessory use to a permitted use.
- D. Minimum Area of Lot: 7,500 square feet.
- E. Minimum Width of Lot: 50 feet at front setback line.
- F. Minimum Setback Requirement for Principal Structures:
1. front yard: 33 feet.
 2. side yard: 12 feet.
 3. rear yard: 20 feet or 20% of lot depth, whichever is smaller.
 4. side yard flanking street on corner lot: 28 feet.
 5. encroachment into the front yard setback and any side yard flanking street setbacks to within 18 feet of the curb line is permitted for use of a covered or uncovered carport, porch, or deck structure. That portion of the permitted structure within the setback area shall not be enclosed and in no case shall it be allowed beyond the property line.
- G. Maximum Number of Structures Containing Permitted Use Per Lot: one per lot.
- H. Maximum Number of Accessory Structures: No limit
- I. Maximum Height of Principle Structure: 30 feet.
- J. J. Maximum Lot Coverage 40%

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

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

B. Conditional

Uses: subject to the conditions listed in the Decision and Order.

1. Childcare.

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

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

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

E. Minimum Width of Lot:

1. Rectangular lots: 50 feet at front setback line.
2. Pie-shaped lots and other nontraditional lots: 50 feet at front setback line.

F. Minimum Setback Requirements for Principal Structures:

1. front yard: 28 feet.
2. side yard: 10 feet; except that there shall be no side yard setback for the common wall side yard of a multi-plex as long as:
 - a. all provisions of the current version of the City adopted building and fire codes are complied with, including but not limited to, an appropriate fire wall; and
 - b. where units are to be sold separately and ownership of the land is deeded separately each family dwelling unit shall be served by a separate water, sewer and all utilities where there is no homeowners association .
 - c. where units are to be sold separately without ownership of the land, separate utilities are optional with proof of how the utility billing will be handled in a Homeowners association recorded document.
3. rear yard:
 - a. 20 feet or 20% of lot depth, whichever is smaller.
4. side yard on flanking street on corner lot: 23 feet.
5. encroachment into the front yard setback and any side yard flanking street setbacks to within 18 feet of the curb line is permitted for use of a covered or uncovered carport, porch, or deck structure. That portion of the permitted structure within the setback area shall not be enclosed and in no case shall it be allowed beyond the property line.

G. Maximum Number of Structures Containing Permitted Use Per Lot: one per lot.

H. Maximum Height of Residential Structures: 30 feet.

Maximum Lot Coverage 1. Detached Single family dwellings, childcare, foster care:

40% 2. Multi family dwellings and other permitted uses: 50

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

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

1. single family detached dwellings.

- 2. multi-family dwellings up to 4 residential units.
- 3. single manufactured homes on privately owned lots.
- 4. manufactured home parks: must meet all zoning requirement listed herein and the layout requirements of the current Subdivision Rules and Regulations as may be amended from time to time, and the current version of the adopted International Building Codes.
- 5. churches.
- 6. public or private elementary and secondary schools.
- 7. public parks, playground and other public recreational facilities.

B. Conditional

Uses: subject to the conditions listed in the Decision and Order.

1. Childcare.

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

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

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

E. Minimum Width of Lot:

- 1. Rectangular lots: 50 feet at front setback line.
- 2. Pie-shaped lots and other nontraditional lots: 40 feet at front setback line.

F Minimum Setback Requirements for Principal Structures:

- 3. front yard: 20 feet.
- 4. side yard:
 - a. side yard:
 - (1) 10 feet
- 5. spacing for the interior of a manufactured home park: 15 feet spacing between all sides of the interior dwelling units that are not otherwise required to meet the setback from the front, side, or rear lot line.
 - (1) all provisions of the currently adopted International Residential Code Appendix E is complied with, and
 - (2) each family dwelling unit in a manufactured home park shall be served by a separate water and sewer service line.
- 6. rear yard:
 - a. 10 feet or 20% of lot depth, whichever is smaller.
 - b. excepting a manufactured home park where the rear setback is 15 feet.
- 5. side yard on flanking street or corner lot: 20 feet.
- 6. encroachment into the front yard setback and any side yard flanking street setbacks to within 18 feet of the curb line is permitted for use of a covered or uncovered carport, porch or deck structure. That portion of

the permitted structure within the setback area shall not be enclosed and in no case shall it be allowed beyond the property line.

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

G. Maximum Number of Accessory Structures: No limit

H. Maximum Height of Principle Structures: Three Stories not to exceed 40 feet.

I. Maximum Lot Coverage 1. Detached Single family dwellings, childcare, foster care: 40% 2. Multi family dwellings and other permitted uses: 50%

J.

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

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

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

B. Conditional

Uses: subject to the conditions listed in the Decision and Order.

1. Childcare.

- 2. Foster care.
- 3. Clinics, assisted living, and nursing homes.
- 4. Motels, hotels and hostels.
- 5. related uses of a similar type as approved by the Board of Adjustment.
- 6. recreational vehicle and campground district.
- 7. home business.
- 8. bed and breakfast OR /short-term rental.
- 9. restaurant.
- 10. Health club, civic or community center.
- 11. mortuary/crematory

C. Restrictions on Commercial and Conditional uses - Uses shall be subject to the following restrictions and limitations and when appropriate also subject to the conditions listed in the Decision and Order to preserve and enhance desirable neighborhood qualities:

- 1. Multiple Uses. Any number of permitted uses may be allowed on a single lot/development pad provided the specific use of some lots/development pads or structures may be limited based on access, parking limitations, or potential impacts to adjacent residential uses.

- 2. Storage Uses. Storage shall be limited to accessory storage of commodities sold at retail on the premises. All storage shall be completely enclosed within a structure unless otherwise approved by the planning commission. No commercial storage facility will be allowed.
- 3. Walls/Fences Between differing Use Districts. A six-foot-high solid wall/fence/screening or other approved buffer shall be constructed and maintained on all property lines which abut a residential use or zone district unless the property is separated from the residential use or zone district by a public road or alley. Walls or fences may be required to be set back from streets and alleys so as not to obstruct views.
- 4. Hours of Operation. No business shall be open to the public between the hours of ten p.m. and seven a.m. without a conditional use permit.
- 5. Uses in Structures. All uses shall be operated primarily within an enclosed structure. Limited seasonal outdoor displays and sales may be permitted if approved in the site plan review or by the Planning Commission.
- D. Loading Areas Screened. All loading areas shall be screened from public view or from view from any adjacent residential use or zone district by a maintained wall or screened fence not to exceed ten feet in height.
- E. Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-6-1 may be operated as an accessory use to permitted use.
- F. Minimum Area of Lot : 3,750 square feet.
- G. Minimum Width of Lot: 50 feet from front setback line.
- H. Minimum Setback Requirements for Principal Structures:
 - 1. front yard: shall be 12 feet.;
 - a. side yard
5 feet
 - 2. rear yard:
 - a. 10 feet or 20% of lot depth, whichever is smaller;
 - 3. side yard on flanking street on corner lot: shall be 12 feet.
- I. Maximum Number of Structures Containing Permitted Use per Lot: number of residential structures is not restricted excepting all structures must meet all setback, height, and full accommodations for off-street parking.
- J. Maximum number of Accessory Structures: No limit
- K. Maximum Height of Principle Structures: 40 feet.
- L. Maximum lot coverage 60%

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

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

- 6. Medical offices, clinic, assisted living facility, skilled nursing facility.
- 7. parking lots.

B. Conditional

Uses: subject to the conditions listed in the Decision and Order.

- 1. Childcare.
- 2. Foster care.
- 3. Bed and breakfast OR short-term rental
- 4. hospitals*.
- 5. offices and office structures.
- 6. home business.
- 7. mortuary/crematory.

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

D. Minimum Area of Lot. 6000 square feet
E. Minimum Width of Lot: 50 feet front setback line.

F. Minimum Setback Requirements for Principal Structures:

- 1. front yard: 28 feet;
- 2. side yard: 10 feet;
- 3. rear yard:
 - a. 20 feet or 20% of lot depth, whichever is smaller;
- 4. side yard on flanking street or corner lot: 23 feet.

G. Maximum Number of Structures Containing Permitted Use Per Lot: one per lot or as otherwise provided approved for medical facilities .

H. Maximum Height of Principle Structures: 30feet.

I. Maximum Lot Coverage 1. Detached Single family dwellings, childcare, foster care: 40% 2. Multi family dwellings and other permitted uses: 50%

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

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

- 1. amusement place or event center (not to include adult rated bookstore or uses of similar type).
- 2. auditorium and similar places of public assembly.
- 3. automobile and manufactured home sales, service and repair, new and used.
- 4. banks and other savings and lending institutions.
- 5. commercial recreational use facility.
- 6. commercial storage facilities.
- 7. fire station, police station and jail.
- 8. garage (public and private).
- 9. gasoline filling station.
- 10. hotel and motel, hostel and other temporary lodging accommodations.

- 11. library and museum.
 - 12. medical, dental and health clinic.
 - 13. mortuary/crematory.
 - 14. offices and office structure including professional services.
 - 15. parking of vehicles.
 - 16. private club, fraternity, sorority and lodge.
 - 17. radio and television studio including commercial towers permitted as a conditional use.
 - 18. restaurant, bar and food service establishments
 - 19. Retail establishment.
 - 20. school including public, private, vocational, and higher education:
 - 21. single & multi-family dwellings.
 - 22. theater, including drive-in theater.
 - 23. veterinary clinic, providing all animal runs or observation pens are completely enclosed.
 - 24. wholesale establishment.
 - 25. essential public utility and public service installation.
- B. Minimum Area of Lot: None
- C. Minimum Width of Lot: 30 feet on public street excepting Main Street where original Town of Lander lots were platted at 25 feet wide.
- D. Minimum Setback Requirements for Principal Structures:
- 1. front yard: 8 feet; **excepting Main Street where original Town of Lander lots were platted and constructed with no setback**
 - 2. side yard None
 - a. on flanking street on corner lot: 8 feet
- E. Maximum Height of Structures: 45 feet
- F. Conditional Uses: subject to the conditions listed in the Decision and Order.
- 1. Recreational vehicle and campground district (Subject to adopted Subdivision Rules and Regulations as may be amended from time to time)
 - 2. gaming
 - 3. commercial communications towers and antennas.
 - 4. Child Care.
 - 5. Foster care.
 - 6. Bed and Breakfast OR Short-term Rentals
 - 7. related uses of similar type as approved by the Board of Adjustment
- G. Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-6-1 may be operated as an accessory use to a permitted use;
- H. Maximum number of structures containing an accessory use: no limit**
- I. Maximum number of structures containing permitted use: no limit**

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

- A. Permitted Uses. The following uses may be operated as permitted uses in this district:
- 1. airport.
 - 2. assembly or fabrication from component parts or from materials

already processed or manufactured into their final usable state.

Section 6, Item A.

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

B. Conditional Uses. subject to the conditions listed in the Decision and Order.

1. Commercial Communications Towers and Antennas.
2. Motels, hotels and hostels
3. Junk Yard.
4. Any other manufacturing or industrial use judged by the Board of Adjustment to be no more detrimental to adjacent properties than any of the same type and character as the permitted uses listed above.

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

D. Maximum number of structures containing an accessory use: no limit

E. Minimum Area of Lot: None

F. Minimum Width of Lot: None.

G. Minimum Setback Requirements:

1. No setbacks are required except 5 feet where there exists or are planned future utility easements

- 2. when a parcel of ground or lot adjoins a residential district an eight-foot-high solid fence or other approved buffer shall be required.

H. Maximum Height of Structures: None.

I. Maximum Number of Structures Containing Permitted Use Per Lot: None

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

- A. Permitted Uses. The following uses may be operated as permitted uses in the district:
- 1. essential public utility and public service installation.
 - 2. governmental structures.
 - 3. public schools.
 - 4. public parks and recreational facilities;
 - 5. Healthcare facilities.
 - 6. Airport.
 - 7. Publicly owned bus, rail, or other transportation terminal.
 - 8. Parking lot.

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

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

D. Maximum number of structures containing permitted use: No limit

E. Minimum Area of Lot: None

F. Minimum Width of None.

- G. Minimum Setback Requirements for Principal Structures:
- 1. front yard: 8 feet.
 - 2. side yard : 8 feet. **Provided that there are no existing or platted utility easements.**
 - 3. When a lot or parcel of ground in the district adjoins a residential district, the setback requirements that apply to the yard area of the residential district shall be required .
 - 4. When a parcel of ground or lot adjoins a residential district at the rear yard, an eight-foot-high solid fence or other approved buffer shall be required.

H. Maximum Height of Principle Structures: None.

I. Maximum Number of Structures Containing Permitted Use Per Lot: None.

5 **4-7-10 Airport District**

Airport Protection District. There is created an airport protection district which boundaries are defined and fully set forth in the WYDOT Aeronautics Airport Layout Plan dated July 15, 2024, which is incorporated in the ordinance codified

in this section. The approved Airport Layout Plan, as may be amended from time to time, shall be maintained and made available for public inspection by City Administration. The Airport Layout Plan shall set forth the location of the airport and runway, horizontal surface, transitional surface, approach surface, conical surface and the geographic area of the City located within the horizontal and conical surfaces of the airport.

- A. Airport Zones. There are created and established certain airport zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the City. Such zones are shown on the airport overlay map. The airport zones are established and defined as follows:
1. Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred feet at a horizontal distance of ten thousand feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 2. Transitional zones. The transitional zones are the areas beneath the transitional surfaces.
 3. Horizontal zone. The horizontal zone is established by swinging arcs of ten thousand feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- B. Height Limitations. No structure shall be erected, altered or maintained, and no tree shall be allowed to grow in the following zones to a height in excess of the applicable height limit herein established for such zone. Such height limitations are established for each of the zones in question as follows:
1. Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone. Slopes thirty-four feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet along the extended runway centerline.
 2. Transitional zones. Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of seven thousand three hundred eighteen feet above mean sea level.
 3. Horizontal zone. Established at one hundred fifty feet above the airport elevation or at a height of seven thousand three hundred eighteen feet above mean sea level.
 4. Conical zone. Slopes twenty feet outward for each foot upward beginning at the periphery of the horizontal zone at one hundred fifty feet above the airport elevation and extending to a height of three hundred fifty feet above the airport elevation.
- C. Use Restrictions. No use shall be made of land or water within the Airport Protection District which may create electrical interference with navigational signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and other lights, which may result in visual glare for pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or endanger or interfere with the landing, take-off, or maneuvering of aircraft intending to use the airport.
- D. Nonconforming Uses. The owner of any existing nonconforming structure or tree shall permit the installation, operation and maintenance of markers and lights as deemed necessary by applying to the Board of Adjustments for a Nonconforming use permit on approved application provided by City Administration. The application and approval shall indicate to aircraft operators in the vicinity of the airport, the presence of an obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the owner.

- E. Future Uses. Any existing and future use of land within the airport protection district shall comply with the schedule of permitted land uses in accordance with the Airport Layout Plan and current FAA regulations as from time to time may be amended. A change in land use or height exception shall be reviewed pursuant to applicable City codes, and FAA designated height limitations for the Airport Protection District.
- F. Maintenance. For occupied or unoccupied properties, reasonable care shall be exercised by the property owner, tenant(s), contracted landscape service, or property management service, to maintain all landscaped areas in the same or similar condition that existed at the time landscaped areas were constructed. Reasonable care means promoting a healthy weed-free environment for optimal plant growth. Dead or dying plant materials shall be replaced. Irrigation systems shall be kept in good operating condition in order to maintain healthy landscaping and to conserve water. Landscaped areas that are not maintained shall constitute a nuisance as defined in Lander Municipal Code.
- G. Nonconforming properties. There are properties in the Airport Protection Zone that do not meet the requirements of this ordinance as may be amended from time to time. These properties may temporarily continue in this condition with a Nonconforming Use permit approved by the Board of Adjustments. The requirements of this section shall not apply when a change in ownership, a change in tenancy, or a change in use occurs to the property. These requirements shall not apply when interior or exterior remodeling of the building occurs. These requirements shall only apply when a building addition is constructed that exceeds 50% of the size of the existing building; when site reconstruction occurs to more than 50% of the existing property; and when abutting property is developed for expansion of the use.

End of Ordinance section

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

SECTION 3: Severability. If any section, subsection, sentence, phrase, or clause of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

PUBLIC HEARING

PASSED ON FIRST READING

PASSED ON SECOND READING ___

PASSED ON THIRD READING ___

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

THE CITY OF LANDER
A Municipal Corporation

By _____
Missy White, Mayor

ATTEST:

STATE OF WYOMING)
)ss.
COUNTY OF FREMONT)

CERTIFICATE

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

Rachelle Fontaine, City Clerk

ORDINANCE NO. 2026-XX

AN ORDINANCE AMENDING TITLE 4 OF THE LANDER MUNICIPAL CODE (ZONING) TO DEFINE TRANSIENT OCCUPANCY TYPES, ESTABLISH PRIMARY RESIDENCY REQUIREMENTS FOR CONDITIONAL USE PERMITS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS, AND SET MAXIMUM OCCUPANCY STANDARDS BASED ON FIRE CODE SAFETY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LANDER:

AMENDMENT TO SECTION 4-2-3 (DEFINITIONS)

Section 4-2-3 of the Lander Municipal Code is hereby amended to include the following definitions:

- **SHORT-TERM RENTAL (STR):** A dwelling or portion of a dwelling that is rented to a customer or customers for a time period of thirty (30) days or less.
- Existing Definition - **SHORT TERM RENTAL:** a dwelling or portion of a dwelling that is rented for a period of fewer than 30 days. This includes, but is not limited to Airbnb, VRBO and similar short-term vacation and living accommodations.
- **BED AND BREAKFAST (B&B):** A dwelling where individual rooms are rented to customers for a time period of thirty (30) days or less, where the owner or manager resides on-site and provides food service to guests at no additional cost. No existing definition
- **HOSTEL:** A business which rents single beds to customers or issues multiple reservations for the same dwelling unit for a time period of thirty (30) days or less, and in which all other living quarters and amenities are shared between renters. No existing Definition
- **MOTEL:** A business which rents individual rooms to customers for a time period of thirty (30) days or less, where the entrances to each room have independent exterior access.
- Existing Definition combined - **MOTEL/HOTEL:** A structure which provides a common entrance, lobby, hall and stairways, and in which temporary lodging is provided for compensation. **HOTEL:** A business which rents individual rooms to customers for a time period of thirty (30) days or less, where the entrances to each room are accessed from a common hallway.
- **SHORT-TERM RENTAL LICENSE:** A license that is issued and renewed by City staff that affirms that a transient occupancy use complies with the Municipal Code. Short-term Rental Licenses are only required when a conditional use

permit is required for operation of a short-term rental, bed and breakfast, or hostel use.

AMENDMENT TO SECTION 4-6-1 (CONDITIONAL USES)

Section 4-6-1 is hereby amended to include Subsection (F), establishing standards for transient occupancy:

4-6-1 (F) Standards for Transient Occupancy in Residential and Agricultural Districts:

1. **Primary Residency Requirement:** No Conditional Use Permit for a Short-Term Rental, Bed and Breakfast, or Hostel shall be granted unless the primary residence of the property owner is on the same lot.
2. **Safety Standard:** The maximum occupancy for residential-scale transient lodging (STR, B&B, or Hostel) shall not exceed one (1) person per fifty (50) square feet of occupiable floor area.
3. **Maximum Occupancy:** Total occupancy for any Short-Term Rental or Bed and Breakfast in the R-1, R-2, R-3, R-5, R-Med, and Agricultural districts shall not exceed ten (10) persons. Total occupancy for a Hostel in the R-5 district shall not exceed ten (10) persons. Any transient occupancy greater than ten (10) persons shall be classified as a motel or hotel and are subject to the City's building codes.
4. **Inspection & Licensing:** Any transient lodging use shall require a building inspection and fire inspection prior to receiving a Short-term Rental License to operate with the intended transient use. Annual fire inspections shall be required prior to renewal of the Short-term Rental License. Where a conditional use permit is required, no Short-term Rental License shall be granted until the conditional use permit is approved.
5. **Revocation:** City staff shall revoke a Short-term Rental License if a property is found to have a documented nuisance. Any citation for a nuisance shall reference the municipal code section violated. Any revocation of a license may be appealed to the Board of Adjustment.

AMENDMENTS TO DISTRICT REGULATIONS (SECTION 4-12)

The following uses are hereby added or modified in the District Regulations:

District	Modified Use Status
Agricultural (A)	Add Short-Term Rental and Bed and Breakfast as Conditional Uses subject to Section 4-6-1(F).
Residential (R-1, R-2, R-3, R-5, R-Med)	Modify Bed and Breakfast and Short-Term Rental status to include mandatory compliance with Section 4-6-1(F).
Multi-Family (R-5)	Add Hostel as a Conditional Use subject to Section 4-6-1(F).
Commercial (C) & Industrial (M-1)	All transient occupancy types defined in Section 4-2-3 are Permitted Uses not subject to primary residency requirements. All transient occupancy types are subject to the City's building codes.

PASSED AND APPROVED ON FIRST READING THIS XX DAY OF JANUARY, 2026.