



CITY OF LANDER
BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, October 02, 2025 at 6:00 PM
City Council Chambers, 240 Lincoln Street

AGENDA

Join from PC, Mac, iPad, or Android:<https://us06web.zoom.us/j/86460253452>

Attendance: Chair Zach Mahlum, Members, Tom Russel, Kara Colovich, MJ Greene, Chris Savan, Rob Newsom, and Joe Henry. City Attorney Adam Phillips, Council Liaison Missy White, Assistant Public Works Director Hunter Roseberry, Recording Secretary Anne Even for RaJean Strube Fossen

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

This meeting is being recorded electronically.

2. APPROVAL OF MINUTES

A. **PLANNING COMMISSION MINUTES** of September 18, 2025

3. BOARD OF ADJUSTMENT - NEW BUSINESS

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

6. PLANNING COMMISSION - OLD BUSINESS

A. Discussion on Definitions and Short-term Rentals

7. ADJOURNMENT



CITY OF LANDER BOARD OF ADJUSTMENT & PLANNING COMMISSION MEETING

Thursday, September 18, 2025 at 6:00 PM

City Council Chambers, 240 Lincoln Street

MINUTES

Attendance: Chair Zach Mahlum, Members, Tom Russell, Kara Colovich, Rob Newsom, and Joe Henry. Mary Greene and Chris Savan are excused. City Attorney Adam Phillips, Council Liaison Dan Hahn and Chad Cassady, 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 and PLANNING COMMISSION MINUTES of September 4, 2025

Tom moved to accept the minutes, Kara Seconded. Motion passed

3. BOARD OF ADJUSTMENT - NEW BUSINESS

4. BOARD OF ADJUSTMENT - OLD BUSINESS

5. PLANNING COMMISSION - NEW BUSINESS

A. S 25.08 Popo Agie River Park Addition and rezoning

RaJean Strube Fossen took the oath and explained the City generated plat and rezoning request from R-3 residential to PL Commercial. This plat is the result of a CDBG grant that will cover the costs of extending Jefferson Street into the Popo Agie River Park that was purchased in 2021. In addition Water, Sewer, a gravel parking lot, and safety lighting infrastructure will be paid for by the grant. RaJean read the City staff comments recommending approval.

Wes Rhoden still owns a portion of the land where Jefferson Street will be constructed and therefore is a willing signer on the plat. Mr. Rhoden also filled out a rezoning request.

Joe asked about sales price. RaJean reported that has been handled in Council executive session as real estate matters cannot be disclosed in case it creates unfair competition for the landowner.

Zach verified the publication dates and that postcards were mailed to persons within 400'.

Kara wondered on the timing of the purchases to which RaJean replied that the land purchase and the plat will be recorded concurrently.

Rob asked about parks and recreation budget keeping up with the large park. RaJean reported that the Council adopted the 2025 Master plan knowing that the Council is aware that the annual budget will increase to accommodate the new park.

RaJean described the Master plan for development inside the park for Tom.

Monica Leininger, 380 Poor Farm Road is adjacent to the park in the county. They are not against the park annexation, think it is a community asset, and prefer a park over a residential subdivision. She knows this leads to the possibility of their neighborhood for consideration for annexation. She would appreciate it if the City to properly sign Poor Farm Road and help them enforce their private landowner rights as the park traffic and use increases.

Kara Moved to recommend to city council the approval of S 25.08 Popo Agie River Park Addition and the rezoning request . Seconded by Joe. Motion passed.

6. PLANNING COMMISSION - OLD BUSINESS

A. Continue discussions on Title 4 proposed changes

Discussions were held on the proposed priorities of STRs. Zach asked the council liaisons if they had a preference for where the commission work next. Chad saw the difficulty from the hostel deliberations and is on board for clarifying the definitions. Dan agrees that we need to address the definitions and wants to know what limits we can put on STRs.

Chad stated that we are continually in a struggle to find a balance in character of neighborhood and private property rights. If we lean too far one way we infringe on private property rights. If we lean too far the other way then the 400' radius for public notice empowers the neighbors to define the character which may infringe private property rights. Is that acceptable?

Caps were discussed with considerations for both a number limit and an assessment of demand every period of years. Caps don't stop neighborhood character. Caps don't solve the housing stock. Caps hinder the natural supply and demand cycle.

Members want to hear from Councilmember's constituents because they don't want to spend another 2 years on suggestions and then get proposed zoning changes denied. Members want the buy in of Council before presenting to the public.

Licensure and treating STR's as home businesses were discussed. Licensure provides some level of protection for bad behavior. Licensure comes with extra enforcement time and may involve fines up to and including revocation.

Members asked if the Council work session could include the two ideas of licensure and requirements for being a primary residence. It was suggested to add draft definitions, and building a structure for number of guests allowed per dwelling.

RaJean is gone for the October 2nd meeting but the members would like to have a session.

7. ADJOURNMENT at 7:50 pm

Determination of Problems with Short-term Rental permissions in Lander

Planning Commission meeting notes from Sept 4, 2025

The members defined the problems as:

- 1. STRs may grow to reduce the attainable housing stock**
- 2. There is a fear of new/transient faces and a feeling that there will be a change in character in the neighborhoods when STRs are permitted**
- 3. Members feel their decisions may be deemed arbitrary and capricious when placing conditions on individual applicants.**

Possible solutions to the potential reduction of housing stock include requiring that the home is a primary residence as evidenced by IRS forms, limits on # within the city, limits on # by individual zone type.

Possible solutions discussed for the fear of change include requirement for primary residence, requirement for local, in-town ownership or ADU, Conditions on STRs can vary to better meet each zoning type and not allowing any more STRs.

Possible solutions to stop the perception of arbitrary conditions include better defined/tighter codes, refined definitions, adding business licensing, and adding conditions to be met to the application.

Chapter 18.05

DEFINITIONS¹

Sections:

18.05.010 Description.

18.05.020 Words not defined.

18.05.030 Definition of terms.

18.05.010 Description.

For the purposes of this title, certain words and terms have meaning in a broad context: words used in the present tense shall include future and past tenses; words used in singular number shall include the plural, and the plural shall include the singular; the word “used” or “occupied” shall include “arranged,” “designed,” “constructed,” “altered,” “converted,” “rented,” “leased,” or intended to be used or occupied; the word “shall” is mandatory and not directory, and the word “may” is permissive; the word “person” includes a “firm,” “association,” “organization,” “partnership,” “trust,” “company,” or “corporation,” as well as an individual. The word “lot” includes the words “plot” or “parcel.” [Amended during 2011 recodification. Code 1997 § 12-115-05.]

18.05.020 Words not defined.

Words in this title but not defined herein shall have meaning as defined in any other ordinance adopted by the city if such definition exists within another ordinance. If a word or phrase is not defined in this title, or any other ordinance adopted by the city, then that word or phrase shall be interpreted according to its plain and ordinary meaning as defined by dictionary. Words or phrases must also be interpreted in harmony with other provisions of the Riverton City Code. Where ambiguity exists, legislative history and other resolutions, ordinances, or policies adopted by city elected or appointed officials may be considered for guidance. [Amended during 2011 recodification. Code 1997 § 12-115-10.]

18.05.030 Definition of terms.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title:

“Active recreation areas” means areas of the landscape dedicated to active play where lawn may be used as the playing surface (e.g., sports fields and play areas).

“Activity zones” means portions of the landscape designed for recreation or function, such areas, fire pits, vegetable gardens, and playgrounds.

“Adjacent landowners” means any property owner of record according to the records of the county recorder, whose property adjoins or abuts. Lands separated by a public right-of-way, easement or private access way shall be considered as adjacent for the purposes of this title.

“Agricultural industry or business” means an industry or business involving agricultural products in packaging, treatment, sales, intensive feeding, or storage, including but not limited to animal feed yards, fur farms, commercial milk production, food packaging or processing plants, commercial poultry or egg production, and similar uses as determined by the planning commission.

“Agriculture” means the tilling of the soil, the raising of crops, horticulture and gardening, including the grazing and pasturing of domestic animals, but not including any agricultural business or industry.

“Alley” means a public thoroughfare less than 25 feet wide.

“Animals and fowl for recreation and family food production” means the keeping of animals for the exclusive use of persons residing on the lot; provided, that the number of animal units maintained for food production at any one time shall not exceed that required to supply the household needs for a one-year period.

Animal Unit. Each horse and cow or other similar large domestic animal shall be counted as one animal unit. Each medium size domestic animal such as sheep and goats shall be counted at a ratio of five per animal unit. Small domestic animals and fowl shall be counted at a ratio of 10 per animal unit, except dogs and cats.

“Attached garage/structure” means a structure or garage that shares a minimum of 50 percent of at least one common wall with the main dwelling.

“Basement” means enclosed room or space, fully or partially underground. A basement shall be counted as an above-ground story if it is one-half or more above finished grade.

“Block” means the land surrounded by streets and other rights-of-way other than an alley, or land designated as a block on any recorded subdivision plat.

“Boardinghouse” means a building with not more than five guest rooms where, for compensation, meals are provided for at least five but not more than 15 persons.

Bona Fide Division of Agricultural Land for Agricultural Purposes. The division of agricultural land into three or more lots may be made upon written petition of such findings as follows by a landowner, and for which the planning commission makes the following findings:

- (a) No urban services will be required for said division of agricultural land.
- (b) The purpose and use of each of the lots in the division shall be for agriculture, not for investment, building development, recreational use, cabin or other housing use, livestock feed yard, or agricultural industry or business.
- (c) Each of the parcels created has access to an existing public street or to a private street approved by the planning commission and the city council.
- (d) Each of the lots created shall be found to be capable of producing an income from the sales of agricultural products sufficient to justify its existence as a separate agricultural entity now or in the future. Among the controlling factors used in making a decision as to whether a division of land is or is not a bona fide division or partition of agricultural purposes, the planning commission and the city council shall make findings as to the availability of water for irrigation or stock watering purposes; the class of the soil and the depth of the soil mantle; the slope of the land; past history of agricultural production, and the present state of agricultural technology.
- (e) The division shall not result in the creation of any lots or parcels less than five acres in area.

“Building” means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

“Building, accessory” means a detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.

“Building height” means the vertical distance from the average finished grade surface to the highest point of the building roof or coping.

“Building line” means a line parallel to the front, side or rear lot line and established at the point where that lot line is closest to any part of the building or structure exclusive of the ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues and ornamental features which do not project into a yard more than two and one-half feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies open upon fire towers which do not project into a yard more than five feet.

“Building, main” means the principal building or one of the principal buildings housing a principal building upon a lot.

“Building occupancy front” means that side of a commercial or industrial building which is normally the primary access or architectural front of the structure. Only one building occupancy frontage can be designated for each public street that abuts the property and each such designation shall be subject to approval of the planning commission.

“Building official” means individuals designated by the city council to handle code compliance.

“Carport” means a structure at least 20 feet by 20 feet for sheltering vehicles not completely enclosed by walls or doors. For the purposes of this title, a carport shall be subject to all of the regulations prescribed for a private garage.

“Central open shape” means an unobstructed area that functions as the focal point of Localscapes® and is designed in a shape that is geometric in nature.

“Check cashing” means cashing a check for consideration or extending a deferred deposit loan and shall include any other similar types of businesses licensed by the state pursuant to the Check Cashing Registration Act, including deferred deposit lenders, as defined herein. “Check cashing” shall not be construed to include the activities of depository institutions or persons who cash a check in a transaction that is incidental to the retail sale of goods or services for consideration that does not exceed the greater of one percent of the amount of the check or \$1.00.

“City” means Riverton City, Utah, Municipal Corporation, a body politic with perpetual existence unless disincorporated according to Utah law.

“City council” means the city council of Riverton City, Utah.

“City engineer” means any registered civil engineer so appointed or employed by the city council.

“Conditional use” means a use of land for which a conditional use permit is required, pursuant to this title.

“Condominium” means the ownership of a single unit in a multi-unit project, together with an undivided interest in the common areas and facilities of the property. For regulation purposes, the development of a condominium project is treated by Utah state law and by this code as a subdivision, and condominium developments must comply with the subdivision regulations of this code.

“Cul-de-sac” means a minor terminal street provided with a turnabout.

“Dedication” means land set aside by an owner for any general and public uses, reserving no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner through the presentment for filing of a plat showing the dedication thereon.

“Deferred deposit loan” means a transaction where:

(a) A person:

(i) Presents to a deferred deposit lender a check written on that person’s account; or

(ii) Provides written or electronic authorization to a deferred deposit lender to effect a debit from that person’s account using an electronic payment; and

(b) The deferred deposit lender:

(i) Provides the person described above an amount of money that is equal to the face value of the check or the amount of the debit less any fee or interest charged for the transaction; and

(ii) Agrees not to cash the check or process the debit until a specific date.

“Dwelling” means any building, or portion thereof, which is designed for use for residential purposes, except hotels, apartment hotels, boardinghouses, lodging houses, tourist courts, and mobile homes.

“Dwelling, farm or ranch” means a building to provide housing for migratory or temporary farm workers, persons permanently working on a farm or ranch, or for family members of the main household who are engaged full-time in operating a farm or ranch.

“Dwelling, multifamily” means a building arranged or designed to be occupied by three or more families, excluding accessory dwelling units.

“Dwelling, single-family” means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit, excluding accessory dwelling units.

“Dwelling, two-family” means a building arranged or designed to be occupied by two families, the structure having two dwelling units, excluding accessory dwelling units.

“Dwelling unit” means a building, or a portion thereof, designed for single-family residential occupancy meeting all requirements of this code and which has at least one kitchen and one bathroom, but not

including garages or other accessory structures, travel trailers, campers, or motor homes. within a dwelling unit shall be contiguous, and accessible without exiting the dwelling unit, and may not be separated from the dwelling unit by or only accessible through garage space.

“Easement” means that portion of a lot or lots reserved or granted for the present or future use by a person or agency other than the legal owner or owners of said properties. The easement may be for use under, on or above the surface of said lot or lots.

“Family” means:

(a) One person living alone or a group of individuals who share ties of blood, marriage, or adoption; a group residing together and consisting of parents, children, and other relatives by blood or marriage; a group of individuals residing together who have consented to an arrangement similar to ties of blood or marriage; or

(b) A group not to exceed four unrelated persons living together as a single household unit.

“Family member” means any individual who shares ties of blood, marriage, or adoption or who resides together in a group consisting of parents, children, and other relatives by blood or marriage, or in a group of individuals residing together who have consented to an arrangement similar to ties of blood or marriage.

“Final plat” means the final drawing of a subdivision and dedication prepared for filing with the Salt Lake County recorder being in compliance with all the requirements set forth in this title.

“Finished grade” means the grade of the site at the conclusion of all grading efforts. Relative to a building or structure, it is the grade as measured one foot from foundation.

“Frontage” means the property fronting one side of the street between intersecting or interception streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary; measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

“Garage, private” means a building at least 20 feet by 20 feet designed or used for the storage of not more than four automobiles owned and used by the occupants of the building to which it is accessory; provided, that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of one and one-half times as many automobiles as there are dwelling units in the multiple dwelling.

“Garage, public” means a building or a portion thereof, other than a private garage, designed for servicing, repairing equipment, hiring, selling or storing motor-driven vehicles.

“Gathering areas” means portions of the landscape that are dedicated to congregating, such as patios, gazebos, decks, and other seating areas.

“Geographic information system (GIS)” is an organized collection of computer hardware, software, geographic data, and personnel designed to efficiently capture, store, update, manipulate, analyze, and display all forms of geographically referenced information. Riverton City utilizes ArcView/ArcInfo and compatible systems and data.

“Geographic information system (GIS) data” means locational and descriptive data of geographic features, in a format compatible with ArcView and ArcInfo software and hardware.

“Guest house” means a separate dwelling structure without kitchen facilities located on a lot with one or more main dwelling structures and used for housing of guests or servants, but not rented, leased, or sold separate from the rental, lease, or sale of the main building.

“Hardscape” means durable landscape materials, such as concrete, wood, pavers, stone, or compacted inorganic mulch.

“Home occupation” means a use conducted by persons residing on the same lot as their dwelling, which use is clearly incidental and secondary to the use of the premises for residential purposes and which does not change the residential character thereof, and in connection with, any display of merchandise, stock in trade or trade equipment does not detract from the established neighborhood environment. In general, a home occupation is an accessory use so located that the average neighbor, under normal conditions, would not be aware of its existence.

“Household pet” means an animal or fowl ordinarily permitted in the house, and kept for company or pleasure, such as dogs, cats, canaries, but not including a sufficient number of animals to constitute a kennel as defined in this title.

“Improved frontage” means improvements including, without limitation, curb, gutters, sidewalks, paved streets (including tie-in to curb and gutter), stormwater facilities, piped irrigation systems, water lines, fire hydrants and sewer lines installed across the full lot width on all public streets, and private streets approved by the city council.

“Junkyard” means the use of any lot, portion of a lot, or tract of land for the storage, keeping, or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition

or abandonment of automobiles or other vehicles, or machinery or parts thereof; provided, definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

“Kennel” means the keeping of three or more dogs or cats six months old.

“Lawn” means ground that is covered with grass or turf that is regularly mowed.

“Locascapes®” means a landscaping approach designed to create locally adapted and sustainable landscapes through a basic five-step approach (central open shape, gathering areas, activity zones, connecting pathways, and planting beds).

“Lot” means a parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area as are required by this title, having improved frontage upon a public street or an improved private right-of-way.

“Lot area” means the total gross land area of a parcel of land not including street right-of-way dedicated to the public.

“Lot, corner” means a lot abutting on two intersecting or intercepting streets, where the interior angle of the intersection or interception does not exceed 130 degrees.

“Lot depth” means the horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

“Lot line, front” means, for an interior lot, the lot line adjoining the street, for the corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

“Lot line, rear” means, ordinarily, that line of a lot which is opposite and distant from the front line of the lot. In the case of a triangular, or gore-shaped lot, a line 10 feet in length within the parcel, parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the city shall designate the rear lot line.

“Lot line, side” means any lot boundary line that is not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

“Lot width” means the horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.

“Master plan” means the official plan adopted by the city pursuant to Section [10-9-20](#), Utah Annotated 1953.

Section 6, ItemA.

“Master street plan” means a plan labeled “Master Street Plan of the City,” adopted by the city pursuant to the laws of the state of Utah.

“Mobile home” means a detached single-family dwelling unit of not less than 30 feet in length, designed for long-term occupancy and to be transported on its own wheels or on a flatbed or other trailers or detachable wheels; containing a flush toilet, sleeping accommodations, a tub or shower or both, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems, and ready for occupancy, except for connections to utilities and other work. Pre-sectionalized, modular, or prefabricated houses not placed on permanent foundations shall be regarded as mobile homes. If placed upon a permanent foundation, such structures that meet all applicable building and housing codes shall not be considered as mobile homes, but shall be regulated as conventional housing. A “recreational coach” or recreational vehicle shall not be considered a mobile home.

“Mobile home lot” means a lot within a mobile home subdivision, designed and to be used for the accommodation of one mobile home.

“Mobile home park” means a space designed and approved by the local jurisdiction for occupancy by mobile homes, to be under a single ownership or management, and meeting all requirements of this title.

“Mobile home space” means a space within a mobile home park, designed and to be used for the accommodation of one mobile home.

“Mobile home subdivision” means a subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by the mobile homes exclusively.

“Modular home” means a permanent dwelling structure built in prefabricated units, which is assembled and erected on the site, or at another location and brought as a unit to the site; said modular home is classified as a mobile home until it is placed on a permanent foundation and complies with all applicable building codes.

“Motel” means a building or group of buildings for the drive-in accommodation of transient guests, comprised of individual sleeping or living units, and designed and located to serve the motoring public.

“Mulch” means any material such as rock, bark, compost, wood chips or other materials laid applied to the soil.

“Natural waterways” means those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels as determined by the city engineer.

“Noncompatible use of land” or “noncompatible zone” means a use of land or zone that is determined to be or of potentially being in conflict with, or of adverse impact to, adjoining parcels. Adjoining uses which differ in activity, intensity and utilization or which are contrary to harmonious uses may be determined as noncompatible at the discretion of the planning commission, and shall include without limitation:

(a) The shared border between any residential zone, other than rural residential zone, and:

(i) A rural residential zone,

(ii) An agricultural zone,

(iii) Any commercial zone,

(iv) Any professional office zone;

(b) The shared border between any commercial zone and any noncommercial zone;

(c) The shared border between any planned community zone and any other zone;

(d) The shared border between any industrial zone and any other zone.

“Nonconforming building or structure” means a structure that legally existed before its current land use designation; and because of one or more subsequent land use ordinance or zoning changes, the building or structure no longer conforms to the setback, height restrictions, or other regulations, excluding those regulations which govern the use of land.

“Nonconforming use” means the use of land that legally existed before its current land use designation, has been maintained continuously since the time the land use ordinance governing the land has changed, and because of one or more subsequent land use ordinance changes the use does not conform to the regulations that now govern the use of the land.

“Official map” means a map adopted by the city council under the provisions of Utah state law.

“Owner occupant” means:

- (a) An individual who is listed on a recorded deed as an owner of the property;
- (b) Any person who is related by blood, marriage, or adoption to an individual who is listed on a recorded deed as an owner of the property; or
- (c) An individual who is a trustor of a family trust who possesses legal ownership of the property.

“Park strip” means a typically narrow landscaped area located between the back-of-curb and sidewalk.

“Parking lot” means an open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

“Parking space” means space within a building, lot, or parking structure for the parking or storage of one automobile.

“Paths” means designed routes between landscape areas and features.

“Person” means any individual, corporation, partnership, firm, or association of individuals, however styled or designated.

“Planned unit development (PUD)” means an integrated design for development of residential, commercial, or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.

“Planning commission” means the planning commission of Riverton City, Utah.

“Planting bed” means areas of the landscape that consist of plants such as trees, ornamental grasses, shrubs, perennials, and other regionally appropriate plants.

“Plat” means a map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other divisions and dedications.

“Protection strip” means a strip of land bordering both the boundary of a subdivision and a street within the subdivision, but not at the end of a street, which, if approved by agreement with the city council,

may be held by the subdivider for the purpose of controlling the access of property by own the subdivision.

“Public use” means any use owned or controlled by federal, state, or local government.

“Quasi-public use” means any use not for profit, which, in the opinion of the planning commission and city council, benefits the public as a whole.

“Recreational coach” means a vehicle such as a recreational trailer, tent camper trailer, truck camper, travel trailer, camp car, or other vehicle with or without motor power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, designed and for use of human habitation.

Setback. The setback for all structures is the distance between the property line and the building foundation excluding the following:

- (a) Unenclosed and/or uncovered steps not protruding more than five feet into the setback area.
- (b) Uncovered patios.
- (c) Decks and balconies not greater than 30 inches in height from finished grade, and not less than five feet from the rear property line and eight feet from the side property line(s).
- (d) Basement window wells and access stairs, maintaining a minimum one-foot separation from property line.

“Story” means the space within a building included between the surface of any floor and the surface of the ceiling next above it.

“Story, half” means a story with at least two of its opposite sides situated in a slopping roof, the floor of which does not exceed two-thirds of the floor immediately below it.

“Street” means a thoroughfare which has been dedicated or abandoned to the public and accepted by the proper public authority, or a thoroughfare not less than 30 feet wide which has been made public by right of use and which affords the principal access to the abutting property, and/or provides vehicular circulation.

“Street, collector” means a street, existing or proposed, of considerable continuity, which is the main means of access of the major street system.

“Street, major” means a street, existing or proposed, which serves, or is intended to serve traffic way, functioning as a controlled-access highway, expressway, thoroughfare, or other equivalent use comprising the basic structure of the vehicular circulation system.

“Street, marginal access” means a minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection for through traffic.

“Street, minor” means a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

“Street, private” means a thoroughfare within a subdivision which has been reserved by dedication to the subdivider to lot owners to be used as a private access to serve the lots platted within the subdivision. Private streets shall comply with the adopted street construction standards of the city and shall be maintained by the subdivider or other private agency.

“Structural alteration” means any change in supporting members of a building or structure, such as bearing walls, columns, beams and girders.

“Structure” means anything constructed or erected either above or below ground, which requires location on the ground attached to something having a location on the ground. For the purpose of calculating the total allowed building coverage of a single-family lot, swimming pools are not considered a structure or building.

“Subdivider” means any person, including a corporate person, who undertakes to create a subdivision.

“Subdivision” means the division created since regulations were promulgated in the local jurisdiction of any tract, lot or parcel of land as an undivided tract by one individual or by joint tenants in common or by an entirety, into three or more lots, plots, sites, or other division of land for the purpose, whether immediate or future, of sale, lease, or of building development. This definition shall not include bona fide division or partition of agricultural land larger than five acres for agricultural purposes nor shall it include or apply to any cemetery or burial plot, while used for that purpose, or the allocation of land in the settlement of an estate, or to a court decree for the distribution of property. The word “subdivide” and any derivative thereof shall have reference to the term “subdivision” as herein defined.

For the purpose of these regulations, a subdivision of land shall include: (a) the dedication of a road, highway or street through a tract of land which may create a division of lots or parcels constituting a subdivision except for a bona fide division for agricultural purposes; (b) further division of land heretofore divided or platted into lots, sites, or parcels for the purpose of building development whether immediate or future.

“Subdivision, cluster” means a subdivision of land in which the residential lots have areas minimum lot area of the zone in which the subdivision is located, but which complies with the least provisions of this title, and in which a significant part of the land is privately reserved or dedicated as permanent open space.

“Subdivision, large lot” means a subdivision of land where parcel sizes are one acre or larger, but which do not meet the requirements of division for agriculture.

“Subdivision, minor” means the division of land that meets the following conditions:

- (a) The subdivision consists of fewer than five lots.
- (b) The subdivision has sufficient frontage on an existing public street to meet the minimum width requirements for each lot as provided in this title.
- (c) The subdivision is not traversed by the mapped lines of a proposed street or a street to be widened, as shown on the master plan, major street plan, or on the official map.
- (d) Each of the lots in the subdivision meets width and area requirements of this title, or has been granted a variance from such requirements by the board of adjustment, under power of the board granted in this title and Chapter [2.80](#) RCC.
- (e) The lots are not part of a minor subdivision approved less than three years earlier.

“Subdivision, one lot” means the creation of a single lot being the third or more division of land from the original parcel.

“Subdivision, planned development” means the creation of three or more land uses or separate land parcels which may or may not continue to be held by the subdivider for sale or lease as part of an approved plan where development, maintenance, and ownership of land and improvements are defined by agreement with all users of the parcels. Condominiums, planned unit developments, cluster subdivisions, and similar projects shall be classified as planned development subdivisions for the purposes of this title.

“Title loan” means a loan secured by the title to a motor vehicle, mobile home, or motor boat, as defined by state statute. “Title loan” does not include a purchase money loan or loan made in connection with the sale of a motor vehicle, mobile home, or motor boat.

“Tobacco paraphernalia” means cigarette papers or wrappers, pipes, holders of smoking materials of all types including water-based or “hookah” pipes, electronic cigarettes and any other item designed

for the smoking, ingestion, or preparation of tobacco products, nicotine, or any substitute for or additive to tobacco, and as defined in Utah State Code.

“Tobacco products” means any substance containing any tobacco leaf, nicotine, and/or any substitutes for or additives to tobacco, including but not limited to cigarettes, cigars, bidis, pipe tobacco, snuff, chewing tobacco, smokeless tobacco, or electronic cigarettes, and as defined in Utah State Code.

“Tobacco retailer” means any person or business who sells, exchanges or offers to sell or exchanges for any form of consideration tobacco, tobacco products, and/or tobacco paraphernalia, as defined herein and as defined in Utah State Code, and either devotes 20 percent or more floor area or display area to, or derives 75 percent or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia.

“Total landscaped area” means improved areas of the property that incorporate all of the completed features of the landscape. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, and other nonirrigated areas intentionally left undeveloped.

“Tourist court” means any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities, designed for temporary use by automobile tourists or transients, with a garage attached or parking space conveniently located to each unit, including auto courts, motels, or motor lodges.

“Trailer camp” means any area or tract of land used or designed to accommodate two or more automobile trailers or camping parties.

“Use, accessory” means a subordinate use customarily incidental to and located upon the same lot by a main use.

“Use, main” means the principal function or use of the land and/or building or structure.

“Yard” means a space on the lot, other than a court, unoccupied and unobstructed from the ground upwards, by buildings, except as otherwise provided therein.

“Yard, front” means a space extending across the full width of a lot, between the front building line and the front lot line. The depth of the front yard is the minimum distance between the front lot line and the front building line.

“Yard, rear” means a space extending across the full width of a lot, between the rear building line and the rear lot line. The depth of the rear yard is the minimum distance between the rear lot line and the

rear building line.

“Yard, side” means a space extending along the full depth of a lot between the side building line and the side lot line. The width of the side yard shall be the minimum distance between the side lot line and the side building line.

“Zoning ordinance” means this title as adopted and amended by the city council. [Ord. 23-13 (Exh. A); Ord. 23-04 § 1 (Exh. A); Ord. 22-18 § 1 (Exh. A § 3); Ord. 19-21 § 1 (Exh. A); Ord. 18-22 § 1 (Exh. A); Ord. 15-02 § 1 (Exh. A); Ord. 14-18 § 1 (Exh. A); Ord. 11-17 § 1 (Exh. A); Amended during 2011 recodification; Ord. 10-02 § 1 (Exh. A); Ord. 5-1-01-1 § 1 (Exh. A). Code 1997 § 12-115-15.]

¹**Cross-reference:** Definitions, RCC [17.05.030](#).

The Riverton City Code is current through Ordinance 25-14, and legislation passed May 20, 2025.

Disclaimer: The City Recorder's Office has the official version of the Riverton City Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.rivertonutah.gov/>

City Telephone: (801) 254-0704

Codification services provided by [General Code](#)

CHAPTER 14

HOTELS, ROOMING HOUSES AND SIMILAR ESTABLISHMENTS

14-1 "Rooming House" Defined

For the purposes of this chapter, "rooming house" shall mean any building used for the purpose of receiving and lodging transient persons, or persons for temporary stay, and persons for permanent stay, whether such building be denominated a rooming house, hotel, lodging house, motel or any other name. It is provided, however, that no part of a building, used for a separate business, and in no way connected with rooms used for a rooming house, shall be considered a part of a rooming house contemplated in this chapter.

(R.O. 1937, § 384.)

14-7 Register and Supplementary List

All rooming house keepers shall be required to keep a register, in which shall be entered the true names of all parties lodging at such rooming house, together with the number of rooms occupied by such parties, which names shall be placed on the register by the persons so staying or lodging at such rooming house before occupying any room therein; provided, that where a person is unable to write, the rooming house keeper shall cause the name to be entered thereon before such person shall be permitted to occupy any room or place in such rooming house. No rooming house keeper shall permit the occupancy of any place or room upon the premises under his control unless the names of the occupants shall be so entered upon such register. No person shall enter upon such register a false or fictitious name, or partially false or fictitious name; provided, that where the rooming house keeper or his agent has entered such name upon such register under the provisions of this section, and the entering of such name shall prove to be false or fictitious, it may be shown in defense that such rooming house keeper or the agent thereof, did not knowingly enter the same as being false or fictitious. Only one registration shall be required of a guest during any one continuous stay, but all rooming house keepers shall be required to keep and maintain, in addition to such register, a supplementary list, on which shall be shown and indicated the names of all persons occupying rooms in such rooming house on each day, and the rooms occupied by them respectively, together with the dates of arrival of such guests and of registration in the register. On each day the rooming house keeper shall have on hand a complete and correct supplementary list which, in conjunction with the registrations of such day shall show the names of all occupants of rooms on such day and the rooms occupied by them respectively. The person in charge of such rooming house shall exhibit such register and supplementary list to any police officer of the city at any time, upon demand.

(R.O. 1937, § 386.)

14-9 Locking of Doors Leading to Outside from Upstairs Floors

It is unlawful for any person in a rooming house in the city, having any sleeping room situated above the first floor, which room is entered by a hallway and stairs, to lock, or permit to be locked, any door leading from such hallway or stairs to the outside of the building.

It shall be the duty of every person conducting a rooming house, having any sleeping room above the first floor, which room is entered by a hallway and stairs, and the duty of his or her agent, servant or employee, in charge thereof, to keep unlocked at all times all doors leading from such hallway or stairs to the outside of the building.

In all prosecutions under this section, it shall be prima facie evidence of the defendant's guilt that he or she was the proprietor of the rooming house in question, or in charge thereof, and that a door was locked in violation of this section.

(R.O. 1937, §§ 393, 394, 396.)

CHAPTER 17.04. DEFINITIONS

Sec. 17.04.010. Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a detached subordinate building, the use of which is customarily incidental to that of the principal building or to the principal use of the land, and which is located on the same lot with the principal building or use.

Accessory structure means any structure other than a principal structure.

Accessory use means a use which is clearly incidental to and customarily found in connection with and located on the same lot as the principal use.

Adult animal means an animal which is five months of age or older.

Area of lot means the total horizontal area within the lot lines of a lot.

Boardinghouse and *roominghouse* mean a building or portion thereof which is used to accommodate, for compensation, three or more boarders or roomers, not including members of the occupant's family, who might be occupying such building. The term "compensation" shall include compensation in money, services or other things of value.

Building means any wall, sign, or other structure of any kind or nature whatsoever, and any permanent structure built for the shelter or enclosure of persons, animals, chattels or enclosure of any kind which is permanently affixed to the land, has one or more floors and a roof, and is bound by either open space or the lot lines of a lot.

Building height means the height of any building is the vertical distance above grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hip roof.

Business district means a B-G General Business District, B-D Downtown Core Business District, or B-L Light Business Commercial District.

Bulk is the term used to decide the size and mutual relationship of buildings and other structures, and therefore includes:

- A. The size of buildings and other structures;
- B. The shape of buildings and other structures;
- C. The location of exterior walls of buildings and other structures in relation to lot lines, to the centerline of streets, to other walls of the same building, and to other buildings or structures; and
- D. All open spaces relating to a building or a structure.

Carport means a space used for the housing or storage of motor vehicles and enclosed on not more than two sides by walls.

Condominium means a building in which the owner of a unit owns only the air space within the unit exclusive of the floors and ceilings.

Density means the intensity of use permitted in residential areas, determined by the ratio of dwelling units to land area.

Dwelling means a building or portion thereof used exclusively for residential occupancy, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, motels, tents, other structures designed or used primarily for temporary occupancy and not including mobile homes.

Dwelling, one-family, means a detached building, arranged, designed and intended to be occupied by not more than one family, and contains at least 600 square feet of floor area.

Dwelling, two-family, including duplexes, means a single structure designed and constructed on a single foot print containing two separate living units occupied and/or owned by two families living separate from and independently of each other, containing at least 600 square feet of floor area per living unit and separated by a shared common interior fire wall as required by adopted building codes.

Dwelling, multiple-family, means a building occupied by three or more families living independently of each other in separate dwelling units, and containing at least 300 square feet of floor area in each dwelling unit, including apartment houses, condominiums, townhouses, and other such dwelling facilities joined into one structure and composed of separate dwelling units.

Dwelling unit means one or more rooms connected together but structurally divided from all other rooms in the same structure and constituting a separate, independent housekeeping unit for permanent residential occupancy, designed to be occupied as a unit by one family, with facilities for sleeping, cooking and eating.

Employees means the greatest number of persons to be employed in the building in question during any season of the year, and at any time of day or night.

Family means any number of persons immediately related by blood, marriage or adoption; or not more than three persons not necessarily related by blood, marriage or adoption.

Fence means a structure designed or intended to constitute an enclosure or barrier, including a wall or a planter not exceeding 24 inches in width or other similar structure.

Floor area means the sum of the gross horizontal areas of the several floors of the structure, including interior balconies and mezzanines, garages, all horizontal measurements to be made between the exterior faces of walls, including the walls of roofed porches having more than two walls, excluding therefrom, basements. The term "basements," as used herein, is defined as a floor level below the first floor in a building which does not exceed 36 inches in height above the lowest point of elevation of the finished surface of the ground, paving or sidewalk immediately adjoining said building.

Garage means a building or portion thereof in which a motor vehicle containing flammable or combustible liquids or gas in its tank is stored, repaired or kept.

Half-block means the portion of a block located on either side of a dedicated alley in blocks which are bisected by one alley traversing the length of the block.

Home occupations means any use conducted entirely within the dwelling and carried on by the occupants thereof, which is clearly incidental and secondary to the primary use of the dwelling for dwelling purposes and does not change the character thereof.

Hotel and motel mean a building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six or more guest rooms, and in which no provision is made for cooking in any individual room or suite. A motel or hotel room or suite which includes cooking facilities shall be considered a dwelling unit.

Household pet means any trained or domesticated animal kept at a place of residence, excluding horses, cows, sheep, goats, pigs, animals of bovine genus, chickens, ducks, peacocks, turkeys, geese, fowl, rabbits, mink, chinchilla, snakes of over three feet in length or any venomous animal, venomous amphibian, venomous reptiles,

venomous snakes, venomous lizards, venomous frogs and any such animals not ordinarily kept as household pets. Household pets include dogs, cats, canaries, parrots, and other small caged birds, hamsters, guinea pigs, and similar rodents, ferrets, fish, reptiles and other such species that normally would be kept at a dwelling, but does not include any species or animal capable of inflicting substantial physical harm to man.

Industrial district means any I-L Limited Industrial District, I-G General Industrial District, or I-R Restricted Industrial District.

Junkyard means an industrial use (not permitted in residential and business districts) contained within a building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or, for the collection, dismantling, storage, salvaging, or demolition of vehicles, machinery or other materials and including the sale of whole or parts thereof.

Landscaping shall be considered to have the same meaning as landscape, landscaped, and landscaped areas, and shall include those areas covered with grasses, natural grass, vegetative ground cover or other natural living plant material such as shrubs, trees and flowers, and shall also include non-vegetative elements such as washed rock, lava rock, bark chips and/or ornamental features such as pools, fountains, benches and other such similar and physical ornamental and decorative features.

Lot means the basic land development unit, a parcel of land having fixed boundaries not divided by any public street or alley, which is used or intended to be used by one or more principal permitted uses.

Lot line, front, means the property line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.

Lot line, rear, means the line opposite the front line. In the case of an irregular lot, the line designated by the city as the rear lot line, with due consideration to the orientation of the existing structures and streets in the vicinity.

Lot line, side, means any lot lines other than the front lot lines or rear lot lines.

Lot, reverse corner, means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

Major addition means the extension of an existing building where the cost of the addition, not including repairs and reconstruction of the existing building, is in excess of the assessed valuation of the existing building as assessed by the county assessor during the year preceding the year in which such major addition takes place.

Mixed use district means any zone district which permits a combination of usually separated land uses, especially residential and commercial. For purposes of this title, the mixture of uses may occur either within the same lot or within the same structure. The term "mixed use district" includes the R-M Residential Mixed Use District and B-N Neighborhood Business Zone.

Mobile home means any dwelling unit larger than 256 square feet in area which is either wholly or in substantial part manufactured at an off-site location and any movable or portable dwelling over 32 feet in length and over eight feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year around occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or more units separately towable but designed to be joined into a single unit, and no structure which would otherwise be a mobile home within the terms of this definition shall cease to be a mobile home by reason of being placed upon a permanent foundation or by reason of removal of the wheels or chassis or any part thereof.

Mobile home and travel trailer district means any MH Mobile Home and Travel Trailer Park District.

Modular home means a structure manufactured pursuant to the authority of the National Manufactured Housing Construction and Safety Standards Act (42 USC 4501 et seq., as amended) and the construction of which meets or exceeds the International Building Code as adopted by the city, which home is transferable in one or

more sections and which is built on a permanent chassis off-site, with wheels and axles that are a temporary means of transport of the unit to its site and which is designed to be used and shall be affixed to a permanent foundation.

Nonconforming building means any legally existing building which does not conform to the location and bulk regulations of this title for the district in which such nonconforming building is located, either at the effective date of the ordinance from which this title is derived, or as a result of subsequent amendments which may be incorporated into this title.

Nonconforming use means any use whether within a building or other structure or on a tract of land, which does not conform to the use regulations of this title for the district in which such nonconforming use is located either at the effective date of the ordinance from which this title is derived or a result of subsequent amendments which may be incorporated into this title.

Off-street loading space means an off-street space, either within a structure or without a structure, on the same lot provided and maintained solely for loading and unloading of materials and merchandise and having direct and unobstructed access to a street.

Off-street parking space means a reasonably level off-street area, either enclosed or open and, if open, surfaced to an extent to permit the reasonable use thereof under all weather conditions, used exclusively for the temporary storage or parking of motor vehicles and having direct and unobstructed access to a street. Off-street parking spaces shall be of not less than nine by 20 feet.

Permitted use means a use by right which is specifically authorized in a particular zone district.

Premises means all of any lot or part or all of any building or group of buildings located thereon.

Professional office means an office for professions such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, and others who, through training, are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

Projected area means that area enclosed by the projected lines of the structure.

Projected line means a line which is transferred from the outer periphery of a structure, including all attachments and appurtenances.

Residential district means any R-E Estate Residential, R-L Limited Residential, R-G-R General Residential Restricted, or R-G General Residential zone of the city.

Setback means the horizontal distance required to be maintained between a given lot line and the projected lines of any structure.

Setback space means the land area resulting from application of setback requirements between the lot line and the closest possible projected line of a conforming structure.

Street means a public thoroughfare which affords the principal means of access to abutting property.

Structure means any manmade object except driveways, sidewalks, curbs and parking lot dividers.

Structure, principal, means a structure which contains a primary permitted use. Only one principal structure shall be constructed per lot.

Townhouse means a building in which the owner of a unit also owns the land upon which the unit is located and which is completely independent except for the yard surrounding the building.

Unobstructed open space means an area upon which no structure may be erected or surface area utilized for vehicular movement or parking. For purposes of this title, such areas include, but are not limited to, landscaped yards, patios, plazas, arcades and pedestrian and/or bicycle pathways. Design features, including, but not limited

to, benches, fountains, statuary, raised planting areas, light fixtures and picnic shelters shall not be deemed to violate open space requirements.

Yard means that portion of the open area on a lot extending and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the district in which the lot is located.

Yard, front, means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, rear, means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, side, means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

(Code 1992, §§ 17.04.010—17.04.220, 17.04.240, 17.04.260, 17.04.280—17.04.330, 17.04.350—17.04.620; Ord. No. 7-1993, § 1(part), 1993; Ord. No. 1-1995, § 1, 1995; Ord. No. 7-1998, § 1, 1998; Ord. No. 7-2003, 2003; Ord. No. 13-2014, 2014; Ord. No. 4-2020, § 1, 11-2-2020)

APPENDIX A ZONING¹

ORDINANCE NO. 826

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

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

1 Short Title

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

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

2 Definitions

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

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

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

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

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

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

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

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

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

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

Airport. Sheridan County Airport.

Airport elevation. 4019 feet above mean sea level.

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

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

Apartment house. See Multiple dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Establishment, adult. Any business regulated by this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Industrial. See definitions for heavy industrial and light industrial.

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

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

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

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

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

Lot. Land occupied or intended to be occupied by a main building and its accessory buildings, together with such open spaces as are required by this ordinance, and having its principal frontage on a public street or officially approved place. A lot may or may not be the land shown as a lot on a recorded subdivision plat.

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

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

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

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

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

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

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

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

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

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

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

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

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

New construction. New structures and additions to existing structures.

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

Nonprecision instrument runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been prepared or planned.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Tree. Any object of natural growth.

Utility runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

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

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

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

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

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

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

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

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

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

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

CHAPTER 2
DEFINITIONS

SECTION:

10-2-1: Definitions

10-2-1: DEFINITIONS:

ACCESSORY BUILDING:

A building or structure subordinate to the principal building on the same lot and used for purposes customarily incidental to those of the main building. Cargo containers and similar portable structures that remain in place more than thirty (30) days shall be considered buildings (either accessory or primary, depending on situation) for purposes of this title, except while utilized in conjunction with permitted construction on the property on which it is located.

ACCESSORY DWELLING UNIT (ADU):

An independent, self-contained dwelling unit within or attached to a detached single-family dwelling or building accessory thereto. An ADU that complies with this title is considered a separate land use for purposes of zoning definition and zoning classification. Accessory dwelling units are not included in density calculations for a property. Mobile homes, recreational vehicles and temporary structures shall not be used as accessory dwelling units.

ACCESSORY USE:

A use incidental or secondary to the principal use of a lot, building or structure and located on the same lot as the principal use. The intensity and level of activity in an accessory use is less than that of the primary use.

ADJACENT:

To be separated by a common property line or lot line; or, to be located directly across a street, private street or access easement, alley, or right-of-way (other than a State highway) from the subject property.

ALLEY:

A private or public way that affords only a secondary means of access to abutting property and that is not intended for general travel or circulation. Alleys are not considered a type of street.

AMENITY:

A natural or created feature that enhances the aesthetic quality, visual appeal or attractiveness of a particular property, place or area.

ANTENNA:

Any exterior apparatus that is mounted on a structure and is used for transmitting or receiving communications, including digital signals, analog signals, radio frequencies, wireless communication signals or other communication signals.

ANTENNA TOWER:

A pole or other structure, including any supporting elements, that is used to support one (1) or more wireless communication antennas. The term includes a pole or other structure that supports a wireless communication antenna, including those attached to a trailer or other portable support.

APARTMENT HOUSE:

See definition of dwelling, multi-family.

ASSISTED LIVING APARTMENTS:

A multi-family building in which personal care services are provided to elderly residents for daily living needs. Such services may include, but are not limited to, preparation and service of meals, housekeeping, laundry, monitoring of rooms, monitoring of medication, or assistance with bathing. The term includes commercial uses that are ancillary to an assisted living apartment complex as long as the total amount of floor space dedicated to such uses does not exceed five percent (5%) of the total gross floor area of the complex and there is no external signage for, nor external access to, the commercial uses. The term does not include a convalescent care facility/nursing home or other medical facility that is specifically defined in this chapter.

AUXILIARY KITCHEN:

A second kitchen in a single-family dwelling that is:

A. Intended solely for use by members of the household for the preparation of food either to be consumed by the household and any guests without compensation, or as part of a home occupation for off-premise; and

B. Not located within an accessory structure and is directly accessible from the rest of the dwelling.

BASEMENT:

A story, as defined herein, which has more than one-half of its height below average finished grade.

BED AND BREAKFAST INN:

A private single-family detached home that is used to provide temporary overnight lodging accommodations for a charge to the public with not more than four (4) lodging units or not more than a daily average of eight (8) persons per night during any thirty-day period and in which one (1) but no more than two (2) family-style meals are offered to the guests per 24-hour period. Total guest occupancy of a bed and breakfast inn shall not exceed ten (10) persons. (Facilities with a guest occupancy greater than 10 persons shall be classified as hotels under this title.) Bed and breakfast inns differ from the short-term rental land use categories in that they allow the sleeping rooms to be individually rented and a meal service to be provided.

BUFFER ZONE:

A minimum fifteen foot (15') wide strip of land, to be landscaped and maintained, on a commercially zoned property to separate it from any adjacent land that is zoned residential.

BUILDABLE AREA:

That portion of a building site, exclusive of the required setback areas, in which a structure or building improvements may be erected.

BUILDING:

A structure having a roof supported by columns or walls, for the shelter or enclosure of persons, animals, or property. Such term shall include "structure".

BUILDING COVERAGE:

The percentage of the net lot area that is covered by buildings, and measured to the exterior wall surfaces at the ground floor. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than six feet (6') above grade. Eaves are not included in building coverage.

BUILDING, DETACHED:

One (1) building on one (1) building lot surrounded by yards or open space; or buildings in a building group that are physically detached one from the other.

BUILDING ELEVATION:

The exterior face of a building, including all vertical elements of the building facing in the same general direction.

BUILDING FACADE:

That portion of any exterior elevation of a building extending from grade to top of parapet, wall, or eaves, together with the entire width of the building elevation.

BUILDING HEIGHT:

Building height refers to the vertical distance between the average finished grade and either: a) the highest point of a flat roof; b) the deck line of a mansard roof; or c) the height of a point midway between the eaves of the main roof and the highest ridge line of a gable, hip or gambrel roof. For structures without a roof, building/structure height is the vertical distance from the average finished grade to the highest point of the structure, except those projections otherwise exempted or specified in this title. Note: Sign height is as measured pursuant to the Sign Code. Height limitations in this Title shall apply to all roof top structures, projections and components of any kind, including, but not limited to, church spires, steeples, belfries, cupolas, domes not intended for human occupancy, flag poles, light poles and chimneys. The height limitations shall not apply to antennas, including amateur radio antennas.

BUILDING LINE:

A line running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site.

BUILDING, MAIN:

A building devoted to the principal use of the lot on which it is situated. On any lot in a residential district, the term refers to the principal building, whether a single-family or multi-family building, located on that lot.

CARPORT:

A roofed structure for vehicle parking that is open on at least two (2) sides. If less than two (2) sides are open, the structure shall be classified as a garage.

CHILD CARE:

A business service provided by an individual, partnership, corporation or other business entity to keep or care for any minor child for a period of less than twenty four (24) hours, at the request of the parents, legal guardians or an agency which is responsible for the child; and which is required to be regulated as a child care facility by the Wyoming Department of Family Services.

Family Child Care Center Category:

A business providing child daycare for up to fifteen (15) children at any one time in a residential or commercial type structure. If located within a residential zone, the facility must be located in the primary home of the child care provider.

Family Child Care Home Category:

A business providing child daycare for up to ten (10) children at any one time. The facility must be located in the primary home of the child care provider.

CHILD CARE CENTER:

A business operating in a non-residential building that provides child daycare for sixteen (16) or more children. Maximum size is fifty (50) children when located in a residential zoning district.

CHURCH AND HOUSE OF WORSHIP:

Any building used for religious worship services, religious education, and fellowship activities and programs of a religious organization. The term does not include a for-profit daycare center, general education school, thrift shop, homeless shelter, or commercial activity - such uses are regulated independently.

CITY:

The City of Cody, Wyoming.

CITY COUNCIL (COUNCIL):

The Mayor and City Council of the City of Cody, Wyoming.

CITY STANDARDS:

In their most recent editions and with the most recent amendments, any engineering, development or design standards and specifications adopted by the City Council. The term includes standards for public improvements and standards for private improvements required pursuant to this Code.

COMMERCIAL VEHICLE:

A vehicle customarily used as part of a business for the transportation of goods or people.

COMMUNITY CENTER, PRIVATE (ACCESSORY):

A privately owned and maintained facility associated with a planned residential development, neighborhood organization, or multi-family development which provides for community activities for residents of the development.

COMMUNITY GARDEN:

An area of land established and used for gardening by a community-based organization or other group of people with the intent of harvesting produce for personal consumption or for sales or distribution to the community on a limited basis. The term does not include a garden that is incidental to a residential use and whose products are primarily intended for consumption or use by those residing on the property.

COMMUNITY RESIDENCE FOR THE DISABLED:

A residential family-like living arrangement for up to ten (10) unrelated individuals with disabilities who are in need of the mutual support furnished by other residents, as well as the support services, if any, provided by the operator of the community residence. Residents may be self-governing or supervised by a sponsoring entity or its staff that furnishes habilitative or rehabilitative services related to the needs of the residents.

Interrelationships among residents are an essential component of a community residence. A community residence shall be considered a residential use of property for purposes of all zoning and building codes. However, the Fire Marshal, pursuant to and consistent with the City's Fire Code, may require enhanced fire protection, including the installation of fire sprinklers and other mitigating measures, where one (1) or more residents has a lessened ability to ambulate adequately. Prior to authorization of a community residence for more than five (5) residents, the applicant shall provide a certification from a qualified medical practitioner that the number of disabled residents proposed is necessary to provide the mutual support and interrelationships required for treatment. The use does not include any of the following:

- A. Senior citizen apartment (aka "housing for older persons" under the provisions of Federal law);
- B. Child or adult daycare;
- C. Convalescent care facility/nursing home;
- D. Facility for transitional living for released offenders;
- E. Facility to provide testing, treatment, or counseling for drug and alcohol abuse;
- F. Hospice;
- G. Sex offender counseling facility;
- H. Boarding house or rooming house;
- I. Any other group living arrangement for unrelated individuals who are not disabled; and
- J. Any of the following:

1. Modified medical detoxification facilities;
2. Facility for the treatment of narcotics; or
3. Community triage center.

CONDOMINIUM:

A multi-family dwelling or a commercial building within which the occupied area is owned individually and the structure, land, common open space areas and facilities are owned by all of the owners on a proportional, undivided basis. See Wyoming Statute title 34, chapter 20, Condominium Ownership Act.

CONVALESCENT CARE FACILITY/NURSING HOME:

A building or structure designed, used, or intended to be used to house and provide care for persons who have a chronic physical or mental illness or infirmity, but who do not need medical, surgical or other specialized treatment normally provided by a hospital. The term includes a rest home and nursing home, but does not include an assisted living apartment, hospital, or other medical facility that is specifically defined in this chapter.

CUL-DE-SAC:

A local street with only one (1) connection to other streets (dead end) and with an approved method of termination at the closed end.

CURB:

A stone, concrete or other improved border that is typically used to mark the edge of a roadway or paved surface.

CURB CUT:

The opening constructed in the curb line of a street at which point vehicles may enter or leave the roadway to access adjacent property.

DEVELOPABLE ACREAGE (DEVELOPABLE ACRES):

The total area within the lot lines of a property of a lot or parcel of land before public streets or other areas to be dedicated or reserved for a public use are deducted from such lot or parcel through the subdivision process. The term does not include any property that:

- A. Has already been dedicated or reserved for such purposes;

B. Contains slopes in excess of thirty three percent (33%) for a horizontal distance of at least twenty feet (20'), measured up/down the slope;

C. Is below the ordinary high water mark of a waterbody; or,

D. Is within a protected wetland.

DORMITORY:

A building other than a single-family dwelling that is used for non-transient group sleeping accommodations either in one (1) room or a series of closely associated rooms for persons not constituting a family, and which building is under single management. Dormitories may include common dining, cooking, recreation, and bathing facilities. A single-family dwelling may be converted into a dormitory pursuant to the requirements of the adopted Building Code in order to meet this definition. Sorority and fraternity houses fall within this category.

DWELLING:

A building, structure, or portion thereof, designed or used exclusively for residential occupancy as a separate living quarter, with sleeping, cooking and sanitary facilities provided. Dwellings may be further classified by their number of dwelling units (e.g., two-family dwelling) and configuration (attached or detached).

DWELLING, ATTACHED:

A single-family dwelling attached to one (1) or more single-family dwellings by common vertical walls, with each dwelling on a separate lot. Attached dwellings are required to share a common or abutting wall for at least twenty five percent (25%) of the length of the side of the dwelling.

DWELLING, MULTI- FAMILY:

A building or group of buildings on a single lot that contain at least three (3) attached dwelling units, and may be configured so that the dwelling units are stacked one over another.

DWELLING, SEMIDETACHED SINGLE-FAMILY:

A residential building containing two (2) attached single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof, with each dwelling unit on a separate lot. In other words, a single-family attached dwelling that is attached to only one (1) other single-family attached dwelling.

DWELLING, SINGLE- FAMILY DETACHED:

A dwelling unit:

- A. That is not attached to any other dwelling by any means;
- B. That is located on a separate and individually owned lot;
- C. That is surrounded by open space or yards;
- D. That is for the exclusive use of a single family maintaining a household;
- E. That has no more than one (1) kitchen with full kitchen facilities; and
- F. In which all rooms used for human habitation have interior access to one another.

Nothing in this definition, however, prohibits the construction or use of an accessory dwelling unit in accordance with this title, or the construction or use of an auxiliary kitchen as defined in this chapter.

DWELLING, SITE- BUILT:

A dwelling that is primarily constructed on the lot on which it is intended to be occupied, in accordance with the standards of the City's adopted building codes. The term includes modular homes as defined herein, and "stick built" homes. The term does not include mobile homes, manufactured homes, and similar factory-built structures.

DWELLING, TOWNHOUSE:

A row or cluster of at least three (3) single family attached dwelling units in which each dwelling unit is located on a separate lot; each unit is separated by one (1) or more common vertical walls; each unit has its own front and rear yard access; and no unit is located over another unit. A townhouse complex may include common open space and recreational areas and facilities which are owned by all owners on a proportional, undivided basis.

DWELLING, TWO- FAMILY (aka DUPLEX):

A detached building on a single lot that is designed for occupancy by two families living independently of each other in separate dwelling units.

DWELLING UNIT:

A residential unit providing complete and independent living facilities for the exclusive use of a single family maintaining a household, including lawful facilities for living, cooking,

eating, sleeping and sanitation. Except where authorized otherwise by the land use table and/or supplemental development standards, occupancy of a dwelling unit is limited to one (1) family.

EASEMENT:

A grant of one (1) or more property rights by a property owner that allows others to use the owner's land for a specific purpose, such as for access or to locate utilities, as defined by the granting document.

EGRESS:

An exit.

ENGINEER:

A person currently registered as a professional engineer to practice in the State of Wyoming.

ESTABLISHMENT:

A use, building, structure or premises used for business, office, or commercial purposes.

FAMILY:

Any number of persons living and cooking together on the premises as a single housekeeping unit, but not including a group of more than five (5) individuals not related by blood or marriage.

FRONTAGE (Street):

The portion of a property that borders a street right- of-way, measured along the property line.

FUNCTIONAL CLASSIFICATION:

A classification system that defines the purposes and hierarchy of all streets and highways. Refer to the Master Street Plan.

GARAGE:

A building enclosed on more than two (2) sides, or a portion of an enclosed building, which is used for the parking of vehicles.

GARAGE, REAR- LOAD:

A private garage with the overhead door(s) accessed from the rear of the lot.

GARAGE, SIDE-LOAD:

A private garage where the overhead door(s) are oriented perpendicular to the front lot line.

GOVERNING BODY:

The City Council of the City of Cody.

GRADE, FINISHED:

The average proposed level of the finished surface of the ground adjoining a building after all site development work has been completed.

GRADING:

Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

GROSS FLOOR AREA:

The sum of the gross horizontal areas of all the floors of a building or structure measured from the exterior face of exterior walls, but excluding basements with less than six feet eight inches (6'8") ceiling height and any other area where the floor-to-ceiling height is less than five feet (5').

HAZARDOUS MATERIAL:

A substance or material, including a hazardous substance, which has been determined by the United States Secretary of Transportation under title 49 of the Code of Federal Regulations to be capable of posing an unreasonable risk to health, safety and property and which has been so designated; and, nuclear or radioactive materials or waste; and, chemicals listed in Title III List of Lists Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, published July, 1987, U.S. Environmental Protection Agency.

HAZARDOUS WASTE:

Any material that is subject to the hazardous waste manifest requirements of the United States Environmental Protection Agency as specified in 40 CFR part 262; or which is regulated by the Wyoming hazardous waste rules and regulations pursuant to the Wyoming Environmental Quality Act, Wyoming Statutes 35-11.

HOME OCCUPATION:

A business activity conducted from a residential dwelling unit, or building or land accessory thereto, pursuant to the standards of this title, with the intent of generating income. Home occupations are further classified as follows:

Large-Scale:

A business or professional enterprise operated from a residential dwelling, or building or land accessory thereto, by a resident of the household and potentially up to two (2) non-resident employees, which is of a scale and character that does not alter or detract from the residential character of the property or neighborhood, and is incidental and accessory to

the primary use of the property for residential purposes. Large-scale home occupations shall meet the standards outlined in the supplemental development standards.

Small-Scale:

A business or professional enterprise operated out of a residential dwelling by a resident of the household, which is of a scale and character that does not alter or detract from the residential character of the dwelling or neighborhood, and is incidental and accessory to the primary use of the dwelling for residential purposes. Small-scale home occupations shall meet the standards outlined in the supplemental development standards.

IMPROVEMENT:

Any building, structure, utility, landscaping, or other object constituting a physical betterment of real property, or any part of such betterment.

INDIVIDUAL CARE CENTER:

A commercial facility that provides 24-hour personal care and related services to more than ten (10) children or dependent adults in a supervised, protective, congregate setting. Such a use is subject to the care-related regulations and standards of the State of Wyoming Department of Health. Services typically offered in conjunction with dependent adult care include social and recreational activities, training, meals, and personal daily living care. See also definition of individual care - family home for a list of uses not included in this definition.

INDIVIDUAL CARE - FAMILY HOME:

A residential dwelling used primarily as a residence where 24-hour personal care and related services is provided to a maximum of five (5) children or dependent adults living as a single household, for compensation. Such a use is subject to the care-related regulations and standards of the State of Wyoming Department of Health Aging Division, under their category of "boarding home". Services typically offered in conjunction with dependent adult care include social and recreational activities, training, meals, and personal daily living care. The following uses are not included in any of the individual care categories:

- A. Facility for transitional living for released offenders;
- B. Facility to provide testing, treatment, or counseling for drug and alcohol abuse;
- C. Hospice;
- D. Sex offender counseling facility;

E. Any of the following:

1. Modified medical detoxification facilities;
2. Facility for the treatment of narcotics;
3. Community triage center; or
4. Habilitative or nursing care.

INDIVIDUAL CARE - GROUP HOME:

A facility that provides 24-hour personal care and related services to a minimum of six (6) children or dependent adults and a maximum of ten (10) children or dependent adults living as a single household, for compensation. When located on a single-family residential lot, the provision of care shall take place in a dwelling used primarily as a residence. When located on a parcel developed with multi-family housing, the provision of care shall take place within a structure not used as a residence. In any case, such a use is subject to the care-related regulations and standards of the State of Wyoming Department of Health Aging Division. Services typically offered in conjunction with dependent adult care include social and recreational activities, training, meals, and personal daily living care. See also definition of individual care - family home for a list of uses not included in this definition.

INGRESS:

Access or entry.

KENNEL:

An establishment where five (5) or more dogs, cats or other domestic household pets age six (6) months or older, are bred, raised, or boarded, for compensation.

KITCHEN:

That portion of a dwelling unit devoted to the cooking or preparation of food for the purpose of consumption by residents of the dwelling unit. The presence within any food preparation area of a ventilation hood, gas stub, two hundred twenty-volt electrical outlet or wiring, or any combination thereof, shall cause the area to be considered a "kitchen".

LANDSCAPING:

The combination of natural elements such as trees, shrubs, ground covers, and other organic and inorganic materials that are installed for purposes of creating an attractive and pleasing outdoor environment.

LIVING AREA:

For accessory dwelling unit purposes, living area is calculated by excluding the following from the gross square footage of the building:

- A. The exterior walls;
- B. Garages;
- C. Basements with less than six feet eight inches (6'8") ceiling height; and
- D. Other areas with ceiling height less than five feet (5').

LODGING UNIT/ROOM:

A lodging unit or lodging room is a room with one (1) or more beds, bunks or other facilities for sleeping purposes.

LONG-TERM RENTAL:

A residential dwelling unit rented for periods of thirty (30) days or more to one (1) family.

LOT:

In its strictest sense, "lot" is a plot, tract, or portion of a subdivision or addition or other parcel of land whose existence, location and dimensions have been defined either by a legally authorized and recorded subdivision map (plat); or as a government lot or tract in a United States public land survey subdivision. However, for purposes of applying zoning regulations, "lot" is typically used generically to refer to any legally created piece of divided land, whether technically a platted lot, government lot, lot of record, tract, plot, or parcel. The use of "lot" in this manner avoids needless repetition (lot area, plot area, parcel area, etc.).

When it is necessary to distinguish between types of lots, such as often occurs in the realm of surveying and subdivision regulation, the term "lot" is typically limited to the strict definition, and the terms tract, lot of record, deeded parcel, etc., carry their respective meanings. Due to the potential for misinterpretation, the reviewing official has the authority to determine the proper interpretation of "lot" consistent with the language of

this title, so that its use does not inadvertently preclude applicability of any particular regulation.

LOT AREA:

That area of a horizontal plane bounded by the front, side and rear property lines of a lot, including any portion of an easement which may exist within such property lines but exclusive of rights-of-way for street purposes.

LOT AREA, NET:

As of the date of adoption of this chapter, “net lot area” means the area of a lot (lot area) minus any portion thereof that:

- A. Is dedicated or reserved for a public or private street;
- B. Contains slopes in excess of thirty three percent (33%) for a horizontal distance of at least twenty feet (20'), measured up/down the slope;
- C. Is below the ordinary high water mark of a waterbody;
- D. Is within a protected wetland; or,
- E. Is in the “pole” portion of a flag lot.

[Note: Historically, some plats used the term “net lot size” to differentiate between the size of a lot after right-of-way dedication through the plat process, from its size before. The terms are not interchangeable.]

LOT, CORNER:

A lot situated at the intersection of two (2) or more streets, with frontage on at least two (2) streets.

LOT DEPTH:

The length of a line connecting the mid-point of the front and rear property lines of a lot.

LOT, DOUBLE FRONTAGE:

A lot (not a corner lot) that adjoins two (2) streets that are parallel or within forty five degrees (45°) of being parallel to each other.

LOT, FLAG:

A lot with two (2) distinct parts: the “flag”, which is the only building site; and is located behind another lot; and the “pole”, which connects the flag to the street and provides the only street frontage for the lot. Flag lots are prohibited, except as may be authorized through the subdivision variance or PUD process. A lot that is at least as wide, at all points, as the minimum frontage required for the lot, or forty feet (40’), whichever is greater, shall not be considered a flag lot, regardless of its appearance.

LOT FRONTAGE:

The portion of the lot that fronts on a street or drive.

LOT, IMPROVED:

A lot provided with the infrastructure and utilities required for a building to be authorized to be constructed and occupied thereon; or, a lot with existing buildings or structures.

LOT, INTERIOR:

A lot other than a corner lot.

LOT LINE:

For purposes of this title, “lot line” means a line that divides one (1) lot from another lot, or from a street right-of-way or easement, or any other area reserved or dedicated for public use. In situations where underlying property ownership extends under a street or highway right-of-way or easement, the lot line shall be considered to be at the boundary of the right-of-way or easement.

LOT LINE, CORNER:

The lot line abutting a street or drive, other than a front lot line. A property line separating the side of a lot from an emergency vehicle turnaround (e.g. “T” turnaround) at the end of the street shall not be considered a corner lot line for purposes of this definition, but the side lot line next to the emergency vehicle turnaround shall be considered a side lot line for setback purposes.

LOT LINE, FRONT:

The lot line separating the lot frontage from a street right-of-way or access easement. On corner lots, the front lot line will typically be the line with the narrowest frontage. However, if the lot will contain only one (1) dwelling, or if neither street is a collector or arterial, then the property owner may choose which of the two (2) lot frontages shall be considered the front lot line for setback purposes, and all other setbacks shall be applied accordingly. In the case of a through lot, either frontage may be considered the “front”, except in cases where deed restrictions, regulations, or plat notes prohibit access from one (1) street, in which case said restricted frontage may be considered a rear property line.

Notwithstanding the above, the City may specify the curb cut/driveway location to any City street.

LOT LINE, REAR:

The property line opposite and most distant from the front property line. In the case of a triangular or otherwise irregularly shaped lot with no clear rear lot line, a line ten feet (10') in length entirely within the lot, parallel to and at a maximum distance from the front property line shall constitute the rear lot line for setback purposes.

LOT LINE, SIDE:

Any property line which is not a front lot line, rear lot line or corner lot line. A side lot line is roughly perpendicular to a front or rear property line.

LOT OF RECORD:

A plot, tract, or parcel of land that:

A. Was not created through an approved subdivision, or as a government lot or tract in a United States Public Land Survey; and,

B. Was created by a deed or legal instrument other than a plat, which was executed before December 4, 1989, and which has been recorded in the County Clerk's Office.

LOT, REVERSE CORNER:

A corner lot, the rear of which abuts the side of another lot.

LOT SIZE, MINIMUM:

The smallest area permissible for any lot that is to be created or modified in size; and, the smallest lot on which a use or structure may be located, except as may be authorized pursuant to section 10-13-3, "Legal Nonconforming Lots", of this Code. For any lot created after adoption of this chapter, minimum lot size shall meet the "minimum net lot area" standard. Unmanned public utility facilities are exempt from minimum lot size requirements.

LOT, SUBSTANDARD:

A lot that has less than the minimum area or minimum dimensions required by the zoning district in which the lot is located.

LOT, THROUGH:

A lot that fronts upon two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot. Also known as "lot, double- frontage".

LOT, TRANSITION:

A lot in one (1) zoning district which abuts another zoning district.

LOT WIDTH:

The mean horizontal distance between the side lot lines.

LOT, ZONING:

A property consisting of more than one (1) lot or parcel in single ownership, which is developed and/or utilized in such a manner as to constitute a single development, of which no individual lot or parcel could be excluded without causing the development to violate an applicable provision of the Building Code, Fire Code, Sign Code, Parking Code, this title, or other adopted Development Code. A zoning lot shall be considered a single lot for purposes of this title. New zoning lots shall not be created except pursuant to title 11, chapter 6, article B, "Lot Consolidations", of this Code.

MAINTENANCE (Also MAINTAINED):

The upkeep of a property, building, structure, amenity, parking facility, landscaping or lot including repair, painting, trimming, pruning, watering, weeding, and other on-going activities that are associated with property maintenance.

MANUFACTURED HOME:

A structure built to the Federal Manufactured Home Construction and Safety Standards (HUD Code effective June 15, 1976) and that displays an official red certification label indicating such on the exterior of each transportable section. Manufactured homes are built in a plant and are transported in one (1) or more sections on a permanent chassis. Manufactured homes are further classified as follows:

A. "Multi-wide" (aka double-wide or triple-wide manufactured home) has a minimum width of more than eighteen feet (18') as measured at all points perpendicular to the length of the manufactured home;

B. "Single-wide", has a width of eighteen feet (18') or less as measured at any point perpendicular to the length of the manufactured home.

MOBILE HOME:

A dwelling on one (1) or more chassis for towing to the point of use, which dwelling does not meet the Federal Manufactured Home Construction and Safety Standards (HUD Code effective June 15, 1976). Mobile homes are further classified as follows:

A. "Multi-wide" (aka double-wide mobile home) has a minimum width of more than eighteen feet (18') as measured at all points perpendicular to the length of the mobile home;

B. "Single-wide", has a width of eighteen feet (18') or less as measured at any point perpendicular to the length of the mobile home.

This definition does not include manufactured homes, modular homes, commercial coaches, recreational vehicles or motor homes.

MOBILE HOME PARK:

A lot used for the placement of three (3) or more mobile and/or manufactured homes, which are used as dwellings. The term does not include unoccupied mobile or manufactured homes in a sales lot or commercial storage lot.

MOBILE HOME SPACE:

That portion of a mobile home park designated, used, or designed for the occupancy of not more than one (1) mobile or manufactured home and includes that area set aside or used for associated automobile parking, carports, awnings, accessory buildings or other structures, and the yard area as required herein for each space.

MODULAR HOME:

A residential dwelling constructed of pre-made parts and/or modules manufactured at a facility, which parts and modules are transported to a fixed site, placed by crane, and permanently affixed to and supported by a perimeter foundation. A modular home shall be constructed in accordance with the City's adopted Building Code, as opposed to a HUD Code. Manufactured homes, and other dwellings with a permanent chassis designed for purposes of transporting and supporting the structure, cannot qualify as modular homes, as defined herein. A modular home is considered equivalent to a site-built home for zoning purposes.

NON-TRANSIENT:

Occupancy of a dwelling or sleeping room for thirty (30) days or more.

OCCUPANCY OR OCCUPIED:

With respect to a structure, refers to the residing of one (1) or more individuals in a dwelling or to the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

OFF-SITE PARKING:

Parking provided for a specific use but located on a lot other than the one (1) on which the specific use is located.

OPEN SPACE:

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public use or enjoyment.

OPEN SPACE, COMMON:

Land within or related to a development that is designed and intended for the common use or enjoyment of the residents of the development and their guests.

OPEN SPACE, PRIVATE:

Open space which is normally owned by and limited to the use of the occupants of a building or property that abuts such open space.

OPEN SPACE, PUBLIC:

Open space owned and maintained by a public agency for the use and enjoyment of the general public.

OUTDOOR STORAGE:

The commercial or industrial use of an area outside of an enclosed building for the long term retention (more than 48 hours) of materials, machinery or equipment, regardless of whether the materials, machinery or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. The term does not include new or used motor vehicle sales and rental display, nor does it include accessory and incidental parking of vehicles for residents, guests, customers or employees in connection with a principal use.

OVERLAY ZONE:

A zoning district that may be imposed on one (1) or more underlying base zoning districts, which provides additional requirements and standards beyond those required by the underlying zoning district.

OWNER:

An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

OWNER-OCCUPIED:

A property or building where the owner is living at the time the regulated activity takes place.

PERMITTED USE:

Any use allowed in a zoning district as a matter of right if it is conducted in accordance with the restrictions applicable to that district. Permitted uses are designated in the Land Use Table by the letter “P”.

PERSON:

An individual, firm, partnership, corporation, company, association, joint stock association, governmental entity, trustee, receiver, assignee or similar representative of any of them.

PLANNED UNIT DEVELOPMENT, RESIDENTIAL:

A residential subdivision authorized pursuant to title 11, chapter 7 of this Code.

PLANNING AND ZONING BOARD:

The board appointed as such by the Mayor with the consent of the Governing Body. The Planning and Zoning Board serves as the Planning Commission as authorized by Wyoming Statutes section 15-1-502, the Zoning Commission as authorized by Wyoming Statutes section 15-1-604, and the Board of Adjustment as authorized by Wyoming Statutes section 15-1-605; and has the powers and duties as prescribed by State law and City ordinances.

PRINCIPAL BUILDING:

The building in which the principal use of the lot is conducted. Lots with multiple uses may have multiple principal buildings. The term does not include storage buildings, garages or other buildings which normally are considered accessory buildings.

PRINCIPAL USE:

The purpose for which land, premises or building is designed, arranged or constructed.

PROHIBITED USE:

A use that is not permitted by any means in a particular zoning district.

PROPERTY:

A lot, parcel, or tract of land together with the building and structures located thereon.

PUBLIC PARK OR PLAYGROUND:

A park, playground, swimming pool, reservoir, golf course, or athletic field owned, operated and maintained by a Local or State level governmental entity.

PUBLIC UTILITY:

A regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.

RECEPTION FACILITY:

A property other than a church at which formal parties, weddings, receptions, or social gatherings are held, for compensation.

RECREATIONAL VEHICLE (RV):

A vehicle towed, or self-propelled on its own chassis, or attached to the chassis of another vehicle, which is designed or used for temporary living accommodations, typically in a recreational, camping and/or traveling situation. For zoning purposes, the term includes, but is not limited to, travel trailers, pickup/truck campers, camping trailers, motorhomes, camper vans, tiny houses on wheels, and converted trucks or buses.

RECREATIONAL VEHICLE PARK:

Any lot or tract of land used, or intended to be used, for renting of space to accommodate one (1) or more recreational vehicles. The definition does not include vehicle storage. RV parks may also offer tent camping, cabin rental, and accessory support services such as laundry, bath houses, and an on-site store.

REVIEWING OFFICIAL:

The person, board, or Governing Body responsible for issuing the permit, authorization, or approval that has been requested.

ROOMING HOUSE:

An owner-occupied dwelling with no more than five (5) guest lodging rooms where, for compensation, individual furnished rooms are provided for no more than five (5) non-transient persons who are not members of the immediate family occupying such building, and no more than two (2) such persons occupy any guest lodging room. (Note: "Rooming house" falls within the definition of lodging house in the International Residential Code.)

SETBACK:

The minimum required separation distance between the nearest wall or support of a structure and the lot line, measured at a right angle from the property line.

SETBACK AREA, CORNER SIDE:

A yard area of which the width is measured between the side street property line and the required corner side yard setback line; and the depth is measured between the front yard setback line and the rear yard setback line. A property line separating the side of a lot from an emergency vehicle turnaround (e.g. "T" turnaround) at the end of the street shall not be considered a side street property line for purposes of this definition, but the side lot line next to the emergency vehicle turnaround shall be subject to the side setback standard.

SETBACK AREA, FRONT:

A yard area of which the width is measured the entire length of the front property line between the side property lines; and the depth is measured as the distance between the street right-of-way line and the required front setback line.

SETBACK AREA, REAR:

A yard area of which the width is measured the entire length of the rear property line between the side property lines; and the depth is measured as the distance between the rear property line and the required rear yard setback line.

SETBACK AREA, SIDE:

A yard area of which the width is measured between the side property line and the required side yard setback line; and the depth is measured between the front yard setback line and the rear yard setback line.

SETBACK, GARAGE ENTRANCE:

A setback measured from a street lot line to the entrance of a garage or carport along the route of vehicle travel, thereby resulting in a minimum driveway length.

SETBACK LINE:

A line established by measuring from the property line, perpendicularly and into the property a distance equal to the required setback. No part of a building shall project into the area between the property line and the setback line except as otherwise provided in this title.

SHORT-TERM RENTAL:

The use of a residential dwelling, or portion thereof, in which lodging, but no meal, is provided to guests in exchange for compensation and any individual guest rents or occupies the dwelling or portion thereof for a period of less than thirty (30) consecutive days.

SIDE STREET:

A street running along a side property line of a corner lot.

SPOT ZONING:

The rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the adopted Master Plan. The fact that an individual lot is zoned differently from adjacent properties shall not automatically mean the situation constitutes spot zoning. Additional factors such as the relationship to the adjacent zones, size of the property, and characteristics of the proposed zone must also be considered.

STORAGE:

A space or place where goods, materials or personal property is placed and kept for more than forty eight (48) consecutive hours.

STORY:

That portion of a building between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between the floor and the ceiling next above. See also “Basement”.

STREET:

A thoroughfare which affords a principal means of access to abutting property. The term does not include an “alley” as that term is defined in this title.

STRUCTURE:

Any object constructed or installed, the use of which requires location in or on the ground, or attached to something having a permanent location in or on the ground. “Structure” includes but is not limited to buildings, decks, fences, towers, flag poles, signs, and other similar objects. “Structure” does not include paved areas, or vegetative landscaping materials.

TRACT:

A piece of land created and designated as part of a land division that is not a lot, lot of record, or a public right-of-way. Tracts are created and designed for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs). Examples include stormwater management tracts, private alley tracts, and open space tracts. Note: The term “tract” has not consistently been applied in this manner in the past - e.g., some plats label open space or stormwater basins as lots.

USE:

The purpose (type and extent) for which land or a building is arranged, designed, or intended; or for which either land or a structure is occupied or maintained.

USED FOR RESIDENTIAL PURPOSES:

A lot that is two (2) acres or less in area and contains a residential dwelling unit.

UTILITY INFRASTRUCTURE SITE:

Electric substations, domestic water treatment and storage facilities, natural gas regulator stations, fiber optic booster stations, outdoor pumping stations, and similar large-scale utility infrastructure sites.

VISUAL SCREEN:

A fence or evergreen hedge at least six feet (6') in height and of sufficient density or construction to prevent visual contact from opposite sides. If the option for an evergreen hedge is used, it must be of sufficient size at planting to achieve the required height within two (2) years.

WALL HEIGHT:

For purposes of accessory building setback regulation, the vertical distance from the building floor to the top plate of the wall.

WIND ENERGY SYSTEM, SMALL:

A wind energy conversion system consisting of a wind turbine, a tower or supporting structure, and associated control or conversion electronics, which has a rated capacity sized for on-site electric usage (typically 10 kW or less for a single-family dwelling) and which is primarily intended to reduce on-site consumption of utility power. For purposes of this title, the use shall not be deemed an accessory use.

WIRELESS COMMUNICATION ANTENNA:

An antenna that transmits and/or receives wireless communication signals. The term does not include any device, such as a radio antenna, telephone antenna, television antenna, satellite dish antenna or amateur radio antenna, that is accessory or incidental to a residential use and is employed by an ultimate user to receive radio, television or other communication signals.

WIRELESS COMMUNICATION DEFINITIONS:

(Applicable to the definition and regulation of wireless communication facilities only.)

Applicant:

Any person engaged in the business of providing wireless communication services or the wireless communications infrastructure required for wireless communications services and who submits an application.

Base Station:

A structure or equipment at a fixed location that enables commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.

A. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

B. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cell networks).

C. The term includes any structure other than a tower that, at the time the relevant application is filed with the City under this title, supports or houses equipment described in this section that has been reviewed and approved under the applicable zoning or siting process, or under State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

D. The term does not include any structure that, at the time the relevant application is filed with the State or the City under this title, does not support or house equipment described in this section.

Collocation:

The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.

Distributed Antenna System Or DAS:

A network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

Eligible Facilities Request:

Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- A. Collocation of new transmission equipment;
- B. Removal of transmission equipment; or
- C. Replacement of transmission equipment.

Eligible Support Structure:

Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City under this title.

Existing:

A tower or base station that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

FCC:

The Federal Communications Commission.

Macrocell:

An antenna or antennas mounted on a tower, ground- based mast, rooftops and other towers or structures, at a height that provides a clear view over the surrounding buildings and terrain. Macrocells are typically designed to provide coverage to large areas.

Monopole (aka Slim-Line Pole):

A wireless communication facility, consisting of a pole and one (1) or more antennas, on which the antenna panels are narrow and closely spaced with one another atop the pole and extend no more than one foot (1') beyond the circumference of the pole.

Public Utility:

A regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.

Site:

In relation to a tower that is not in the public right-of- way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site. In relation to support structures other than towers, site means an area in proximity to the structure and to other transmission equipment already deployed on the ground.

Small Cells:

Compact wireless communication equipment containing their own transceiver equipment and which function like cells in a mobile network but provide a smaller coverage area than traditional macrocells.

Stealth Design:

Technology that minimizes the visual impact of wireless communication facilities by camouflaging, disguising, screening or blending into the surrounding environment such that it is not readily seen or discernable as a wireless communication facility to a casual passerby. Examples of stealth design include but are not limited to antennas integrated into architectural elements such as steeples, cornices, and bell towers; facilities disguised as trees and flagpoles; and architecturally screened roof-mounted antennas.

Substantial Change:

A modification that substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

A. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent (10%) or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20'), whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent (10%) or more than ten feet (10'), whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act (47 USC section 1455(a));

B. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet (20'), or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet (6');

C. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;

D. It entails any excavation or deployment outside the current site;

E. It would defeat the concealment elements of the eligible support structure; or

F. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections A through D of this subdefinition.

Tower:

Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are

constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Transmission Equipment:

Equipment that facilitates transmission for any FCC- licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Utility Support Structure:

Utility poles or utility towers supporting electrical, telephone, DAS, small cells, cable or other similar facilities; street light standards; or pedestrian light standards.

Wireless Communication Antenna:

An antenna that transmits and/or receives wireless communication signals. The term does not include any device, such as a radio antenna, telephone antenna, television antenna, satellite dish antenna or amateur radio antenna, that is accessory or incidental to a residential use and is employed by an ultimate user to receive radio, television or other communication signals.

Wireless Communication Facility Or WCF:

A staffed or unstaffed facility or location or equipment for the transmission or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one (1) or more antennas or group of antennas, a tower or attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets, and including small cell technologies.

Wireless Communication Facility, Non-Stealth Design:

A wireless communication facility that does not qualify as a stealth design wireless communication facility.

Wireless Communication Signals:

Communication signals, including analog signals, digital signals and other spectrum-based communication signals. The term does not include television broadcast signals; direct broadcast signals; direct broadcast satellite services; multi-channel, multi-point distribution services; or amateur radio signals.

WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN:

A wireless communication facility that is screened or designed to blend into the surrounding environment such that it is not readily seen or discernable as a wireless

communication facility to a casual passerby. Examples include roof-mounted antennas with architectural screening; panel antennas mounted against the wall of an existing building and painted or finished to match the existing structure; antennas integrated into architectural elements such as steeples or cupolas; and antennas and antenna structures designed to look like streetlight poles or flagpoles.

YARD:

The areas on a lot that are unoccupied by structures, except for projections and the specific accessory structures allowed in those areas under the provisions of this title.

YARD, CORNER SIDE:

The yard of a corner lot extending from the front yard to the rear yard and between the side street and the primary structure.

YARD, FRONT:

The yard area extending along the entire length of the front property line and the depth between the street right-of-way line and the primary structure. (See also definition of lot line, front.)

YARD, REAR:

The yard area extending along the entire length of the rear property line and the depth between the rear property line and the primary structure.

YARD, SIDE:

The yard area extending from the front yard to the rear yard and between the side property line and the primary structure.

ZONING DISTRICT:

An area designated on the Official Zoning Map in which certain uses are permitted and certain others are not permitted, all in accordance with this title.

(Ord. 2017-02, 3-7-2017; amd. Ord. 2017-11, 6-6-2017; Ord. 2022-21, 12-20-2022; Ord. 2024-11, 10-15-2024)