

WORK SESSION MEETING
June 24, 2025
6:00 PM
City Hall



Mayor:
Leah Juarez
Council President:
Brad Neumiller
Council Members:
Cherie Butcher
Sara McCarthy
Tim Sutherland

AGENDA

CALL TO ORDER

AGENDA ITEMS

1. Planning and Zoning Chairman - Mills Downtown Riverfront Overlay District
- [2.](#) City Planner - Mills Downtown Riverfront Overlay District
- [3.](#) City Planner - Malik Hegge Development Plan
- [4.](#) City Planner - Title 17 Amendments
- [5.](#) Mayor - Bluepeak Fiber Internet Expansion

ADJOURNMENT

AGENDA SUBJECT TO CHANGE WITHOUT NOTICE

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact City Hall at 307-234-6679 within 48 hours prior to the meeting in order to request such assistance.

ORDINANCE NO. 824

AN ORDINANCE TO AMEND ORDINANCE 312, OFFICIAL CITY ZONING MAP, ADOPTED JUNE 1, 1981, AND APPLY THE DOWNTOWN RIVERFRONT DESIGN OVERLAY DISTRICT TO CERTAIN LOTS WITHIN THE RIVERFRONT CORRIDOR, CITY OF MILLS, NATRONA COUNTY, WYOMING

WHEREAS, the City of Mills is a municipal corporation under the laws of the State of Wyoming; and

WHEREAS, the City of Mills has initiated the proposed zoning action on property legally described as:

Lots 9-16, Block 50, Town of Mills
 Lots 4-12, Block 44, Town of Mills
 Lots 1-16, Block 48, Town of Mills
 Lots 1-14, Block 45, Town of Mills (excluding highway right of way)
 Lots 3-7, Block 55, Town of Mills
 Block 52, Town of Mills
 Block 54, Town of Mills
 Lots 8-11, Block 55, Town of Mills (excluding highway right of way)
 Lots 1-7, Block 47, Town of Mills
 Lot 1 & adjacent tract, Block 46, Town of Mills
 A portion of the NW¼SW¼, Section 7, T33N, R79W

WHEREAS, a public hearing notice was advertised in the May 15, 2025, edition of the Casper Star-Tribune, at least 15 days prior to the public hearing, as required by the Mills Land Development Regulations; and

WHEREAS, the City of Mills Planning and Zoning Board held a public hearing to consider the rezone on June 5, 2025, and forwarded a “Do Pass” recommendation to the City Council approving the zoning action; and

WHEREAS, the Mills City Council held a public hearing on the zoning action at the June 24, 2025, Council Meeting; and

WHEREAS, the Mills City Council has determined that the zoning action will be in the best interest of the City, provide for a better use of the land and is in keeping with the land use policies of the City;

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

SECTION 1:

The City of Mills hereby zones the following lands with the Downtown Riverfront Design Overlay District:

Lots 9-16, Block 50, Town of Mills
 Lots 4-12, Block 44, Town of Mills
 Lots 1-16, Block 48, Town of Mills
 Lots 1-14, Block 45, Town of Mills (excluding highway right of way)
 Lots 3-7, Block 55, Town of Mills
 Block 52, Town of Mills
 Block 54, Town of Mills
 Lots 8-11, Block 55, Town of Mills (excluding highway right of way)
 Lots 1-7, Block 47, Town of Mills
 Lot 1 & adjacent tract, Block 46, Town of Mills
 A portion of the NW¼SW¼, Section 7, T33N, R79W

SECTION 2:

The City of Mills Official City Zoning Map shall be updated to show said property as being within the Downtown Riverfront Design Overlay District.

SECTION 3:

The underlying zoning designation of all parcels, as shown on the Official City Zoning Map, shall remain unchanged.

PASSED ON FIRST READING the ____ day of _____, 2025

PASSED ON SECOND READING the ____ day of _____, 2025

PASSED, APPROVED AND ADOPTED ON THIRD AND

FINAL READING the ____ day of _____, 2025

CITY OF MILLS, WYOMING

Leah Juarez, Mayor

Sara McCarthy, Council

Tim Sutherland, Council

Cherie Butcher, Council

Brad Neumiller, Council

ATTEST:

Sarah Osborn, City Clerk



CITY OF MILLS
EST. 1921

704 Fourth Street
P.O. Box 789
Mills, WY 82644

Phone: 307-234-6679
Fax: 307-234-6528

Item #2.

Memorandum

TO: Mills City Council
FROM: Megan Nelms, AICP, City Planner
DATE: June 24, 2025
SUBJECT: Downtown Riverfront Design Overlay – Zone Map Amendment

The City of Mills is adopting a new overlay district in the Land Development Regulations to regulate design standards along the riverfront corridor within city limits. Along with adoption of the new overlay district, the City must take action to amend the Official City Zoning Map and apply the overlay zone to certain lots and blocks within the original Mills townsite.

The Downtown Riverfront District Overlay is being adopted to further implement the goals outlined in the 2017 Comprehensive Plan and the 2016 River Front Concept Development Plan, which includes the creation of a downtown district within the City of Mills, and development of the Downtown Riverfront Corridor. The purpose of the overlay district is to provide a mechanism for enhanced review of new development within the riverfront corridor and the use of design elements and standards to define the look at the feel of the area. The overlay standards put focus on:

- Creating a strong sense of place
- Walkable environments
- Safe streets and places that are comfortable for people to walk and meet
- A mixture of commercial and residential uses
- Building materials, signage standards and design elements that will look similar across the corridor to establish a cohesive identity for the area.

Legal Descriptions of Properties to be included in overlay district:

Lots 9-16, Block 50, Town of Mills

Lots 4-12, Block 44, Town of Mills

Lots 1-16, Block 48, Town of Mills

Lots 1-14, Block 45, Town of Mills (excluding highway right of way)



CITY OF MILLS
EST. 1921

704 Fourth Street
P.O. Box 789
Mills, WY 82644

Phone: 307-234-6679
Fax: 307-234-6528

Item #2.

Lots 3-7, Block 55, Town of Mills
Block 52, Town of Mills
Block 54, Town of Mills
Lots 8-11, Block 55, Town of Mills (excluding highway right of way)
Lots 1-7, Block 47, Town of Mills
Lot 1 & adjacent tract, Block 46, Town of Mills
A portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, T33N, R79W

EXISTING CONDITIONS:

Currently, there are varying uses on the properties proposed for the overlay. These include single family residences, mobile homes, a (4)-unit multi-family complex, small commercial businesses and publicly owned buildings. There are also several vacant parcels.

ZONING CONSIDERATIONS:

The 2017 Comprehensive Plan Future Land Use Map designates this area as Commercial use. The overlay zone is in accordance with the future land use map and comprehensive plan. Implementation actions identified in the 2017 Comprehensive Plan, include, “Develop a unique downtown destination for residents and visitors to gather and celebrate the community” and “Define and establish a specific Downtown Riverfront Corridor District...with guidelines for future commercial development.”

The properties identified for the overlay meet the criteria for inclusion in the Downtown Riverfront District Overlay. These areas were identified in the 2016 River Front Feasibility Study and 2017 Comprehensive Plan.

All parcels included in the overlay zone, as they currently exist, are compliant with the city’s LDRs. There will generally be no immediate effect on property owners upon implementation of the overlay zone. The current use of a property may continue in use, perpetuity until a substantial change is proposed. A substantial change would be a change for instance, removing a manufactured home from the property and not replacing it, replacing it with a different structure or use, or a desire to alter the existing structure on the property.



CITY OF MILLS
EST. 1921

704 Fourth Street
P.O. Box 789
Mills, WY 82644

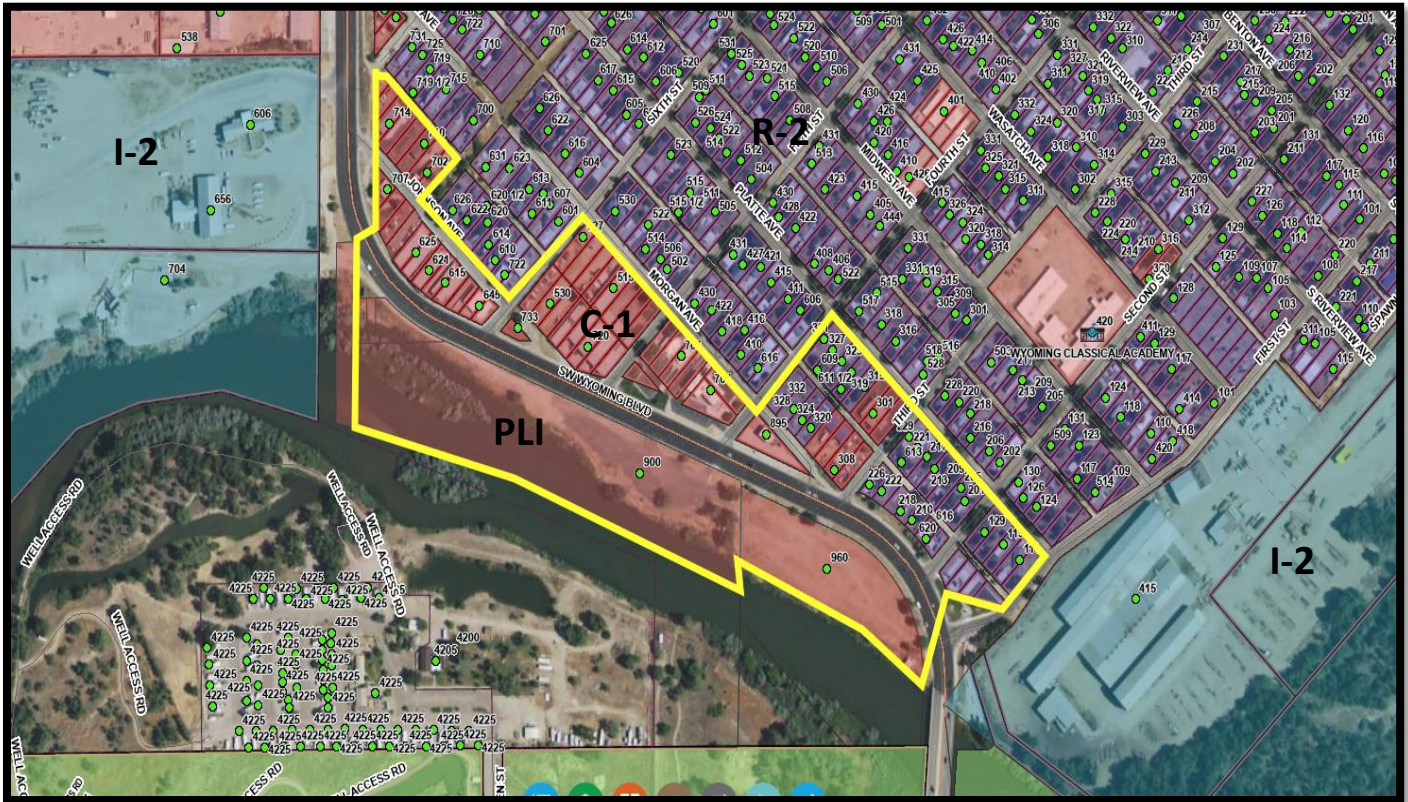
Phone: 307-234-6679
Fax: 307-234-6528

All future development will be subject to the underlying zone district requirements, as well as the requirements of the overlay zone.














Planning Commission Recommendation: The Planning Commission reviewed the proposed zone map amendment and made a “do pass” recommendation to the City Council to amend the official City Zoning Map and apply the Downtown Riverfront Design Overlay District to the above referenced parcels.

Staff Recommendation: Staff recommends Council approve the proposed zone map amendment on first reading.

Downtown Riverfront District Overlay



Mills Zoning Districts

- | | |
|--|--|
|  Mills, C-1: General Commercial |  Mills, O-B: Office Business District |
|  Mills, C-3: Business Service District |  Mills, R-1: Single Family Dwelling District |
|  Mills, I-1: Light Industrial |  Mills, R-2: One and Two Family Dwelling District |
|  Mills, I-2: Heavy Industrial |  Mills, R-3: Multiple Family Dwelling District |
|  Mills, M-H: Manufactured Home District |  Mills, UA: Urban Agriculture |
|  Mills, M-P: Manufactured Home Park |  Mills, UR: Urban Agriculture Residential |
|  Mills, PLI: Public Land Institutions | |

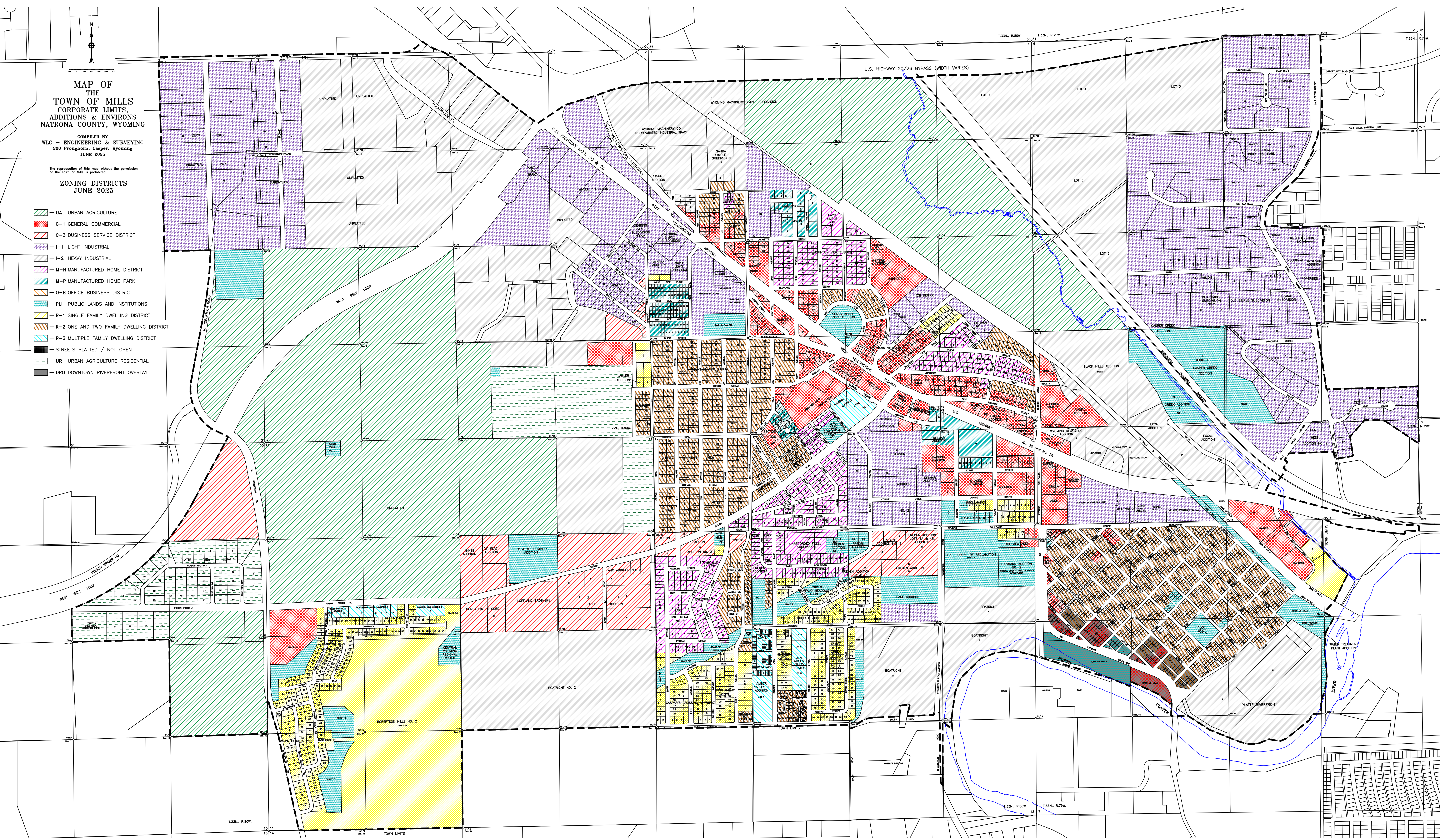
MAP OF
THE
TOWN OF MILLS
CORPORATE LIMITS,
ADDITIONS & ENVIRONS
NATRONA COUNTY, WYOMING

COMPILED BY
WLC - ENGINEERING & SURVEYING
200 Pronghorn, Casper, Wyoming
JUNE 2025

The reproduction of this map without the permission
of the Town of Mills is prohibited.

ZONING DISTRICTS
JUNE 2025

- UA URBAN AGRICULTURE
- C-1 GENERAL COMMERCIAL
- C-3 BUSINESS SERVICE DISTRICT
- I-1 LIGHT INDUSTRIAL
- I-2 HEAVY INDUSTRIAL
- M-H MANUFACTURED HOME DISTRICT
- M-P MANUFACTURED HOME PARK
- O-B OFFICE BUSINESS DISTRICT
- PLI PUBLIC LANDS AND INSTITUTIONS
- R-1 SINGLE FAMILY DWELLING DISTRICT
- R-2 ONE AND TWO FAMILY DWELLING DISTRICT
- R-3 MULTIPLE FAMILY DWELLING DISTRICT
- STREETS PLATTED / NOT OPEN
- UR URBAN AGRICULTURE RESIDENTIAL
- DRO DOWNTOWN RIVERFRONT OVERLAY



NOTICE OF PUBLIC HEARING

A public hearing will be held by the Mills Planning & Zoning Board on June 5, 2025, at 5:30 p.m., and the Mills City Council will hold a public hearing on June 24, 2025, at 7:00 p.m. in the Council Chambers, located at 704 Fourth Street, Mills, WY to receive comments on the proposed Mills Downtown Riverfront Design Overlay District. The City of Mills intends to establish an overlay zone district which will apply standards for development and design of proposed structures and uses within the overlay zone. The council will establish the overlay zone on the following properties, legally described below, and as shown on the official City of Mills Zoning Map. A copy of the proposed overlay shown on the Official City of Mills Zoning Map is available for public review at Mills City Hall or online at <http://www.millswy.gov>.

Lands to be included in Downtown Riverfront Design Overlay District:

Lots 9-16, Block 50, Town of Mills
 Lots 4-12, Block 44, Town of Mills
 Lots 1-16, Block 48, Town of Mills
 Lots 1-14, Block 45, Town of Mills (excluding highway right of way)
 Lots 3-7, Block 55, Town of Mills
 Block 52, Town of Mills
 Block 54, Town of Mills
 Lots 8-11, Block 55, Town of Mills (excluding highway right of way)
 Lots 1-7, Block 47, Town of Mills
 Lot 1 & adjacent tract, Block 46, Town of Mills
 A portion of the NW¼SW¼, Section 7, T33N, R79W

The public is invited to attend the public hearings or submit written comments. Comments may be made in writing and given to the City Clerk before 5:00 p.m. on June 20, 2025, and will be provided directly to the City Council.

PUBLISH: May 15 & June 12, 2025

\\Lond-2025\Surveying\25-109-Casper Creek Report\Drawings\Sheets\25-109 SITE PLAN 6-18-2025.dwg, 6/18/2025, Bill

- 1

LEGAL DESCRIPTION AND COMMON ADDRESS
- LOT 1, CASPER CREEK ADDITION NO. 3
TO THE CITY OF MILLS
NATRONA COUNTY, WYOMING
- 400 DWYER DRIVE
MILLS, WYOMING 82601
- 5

CURRENT ZONING: I-1 (LIGHT INDUSTRIAL)
PROPOSED ZONING: I-1 (LIGHT INDUSTRIAL)
- 7

AS SHOWN ON PLAN
- 8

BUILDING HEIGHT: 45'
BUILDING SETBACKS: (5' MINIMUM SETBACK)
NORTH - 152.5'
EAST - 312.2'
SOUTH - 165.3'
WEST - 260.0'

- 17

NOT APPLICABLE TO THIS SITE
- 21

GENERAL NOTES
- a. TOTAL LAND AREA IN ACRES OR SQUARE FEET;
b. TOTAL BUILDING AREA IN SQUARE FEET;
c. TOTAL SQUARE FEET OF BUILDING ADDITION
d. PERCENTAGE OF LAND COVERED BY BUILDINGS;
e. BUILDING HEIGHT(S);
f. NUMBER OF STORIES AND SQUARE FOOTAGE OF LEASABLE SPACE (FLOOR AREA);
g. TOTAL NUMBER OF PARKING SPACES;
h. SQUARE FOOTAGE OF PARKING AREA
i. PERCENTAGE OF LAND COVERED BY PARKING;
j. SQUARE FOOTAGE OF ALL LANDSCAPED AREAS;
k. PERCENTAGE OF SITE COVERED BY LANDSCAPING;
- 8.33 ACRES / 363,034 S.F.
6,744 S.F.
N/A
1.8%
45'
1 STORY / 6,744 S.F.
7
1500 S.F.
0.4%
14,000 S.F.
4%
- 22

AS SHOWN ON THIS PAGE
- 24

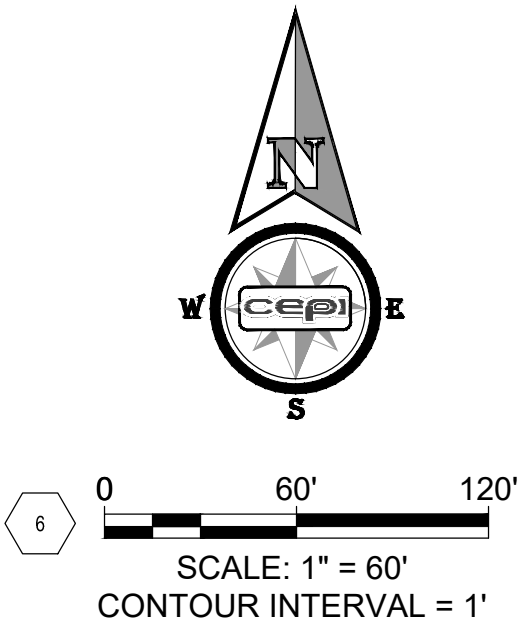
PROVIDED BY OTHERS
- 25

NOT APPLICABLE TO THIS SITE
- 26

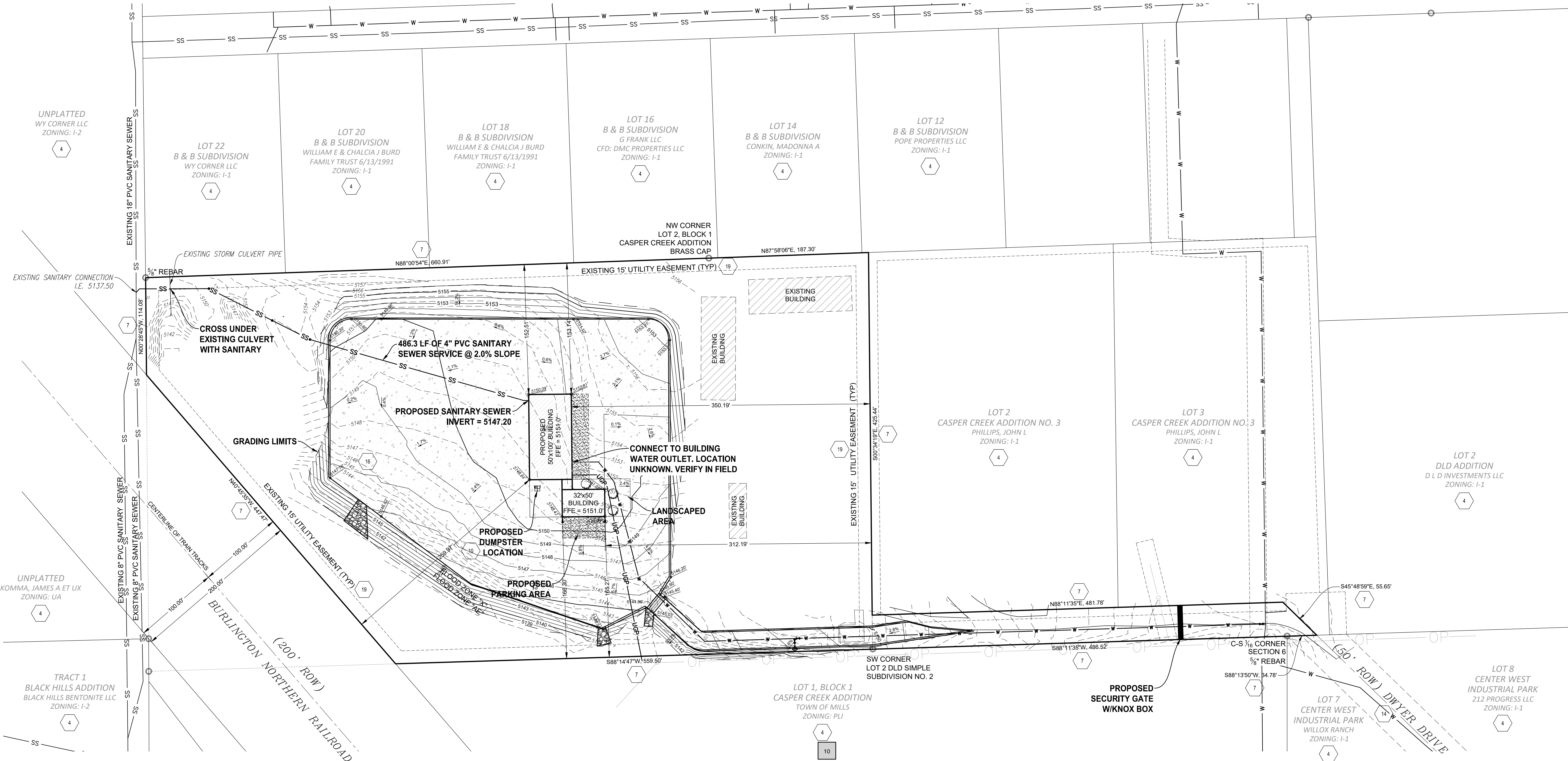
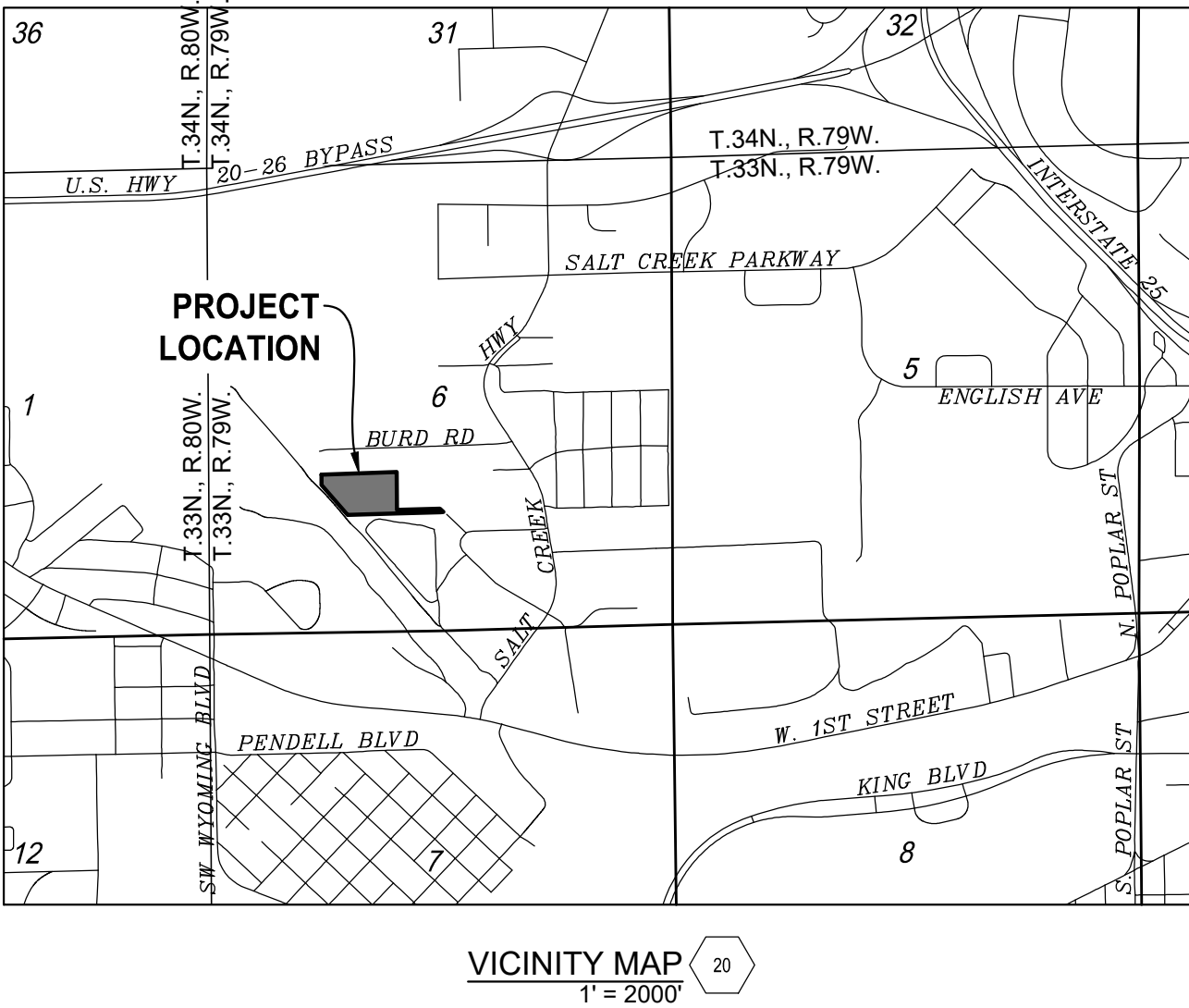
NOT APPLICABLE TO THIS SITE
- 27

NOT APPLICABLE TO THIS SITE

8.33 ACRES / 363,034 S.F.
6,744 S.F.
N/A
1.8%
45'
1 STORY / 6,744 S.F.
7
1500 S.F.
0.4%
14,000 S.F.
4%



- LEGEND
- FOUND PROPERTY CORNER AS NOTED
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- EXISTING WATER VALVE
- PROPOSED WATER VALVE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING WATER LINE
- PROPOSED WATER LINE
- EXISTING STORM SEWER LINE
- PROPOSED SANITARY SEWER LINE
- EXISTING FENCE
- PROPERTY BOUNDARY
- PROPERTY LINES
- PROPERTY EASEMENT
- PROPOSED DOLOMITE SURFACING OR SIMILAR
- EXISTING CONTOURS
- PROPOSED CONTOURS



Item #3

2

cepi

Civil Engineering Professionals, Inc.
6800 E. 1st Avenue, Suite 100
Phone: 307.266.5346 Fax: 307.266.0103
www.cepi-casper.com

DATE:

REVISIONS:

PRELIMINARY

MAHEGGE LLC

NEW BUILDING CONSTRUCTION

MILLS, WYOMING

PROJECT #:

DATE:

DRAWN BY:

25-109

6/18/25

SAG

SITE PLAN

SHEET

C1.0

ORDINANCE NO. 823

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF TITLE 17 OF THE MILLS MUNICIPAL CODE DEALING WITH ZONING AND SUBDIVISIONS FURTHER REPEALING ORDINANCE 813 AND INCORPORATING ITS PROVISIONS IN THE AMENDED TITLE 17

WHEREAS, The City of Mills, Wyoming enacted a new Title 17 in 2024; and

WHEREAS, since 2024, minor adjustments and modifications to the text of Title 17 have been identified which better reflect the intent of the changes to Title 17; and

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

NOW THEREFORE, the City Council of the City of Mills, Wyoming amends the provisions of Title 17 of the City Code of the City of Mills, Wyoming to reflect those amendments found in the draft ordinance attached hereto, with the modified text appearing in red, reflecting additions and strikes.

The following text is hereby adopted in its entirety, on the date set forth below, and which, further repeals, in its entirety the Title 17 existing on the date this Ordinance was first proposed in front of the City Council together with the provisions of Ordinance 813 of the Mills Municipal Code with the newly adopted amendments commencing below with that text first reading “Table of Contents”.

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

PASSED ON FIRST READING the ____ day of _____, 2025

PASSED ON SECOND READING the ____ day of _____, 2025

PASSED, APPROVED AND ADOPTED ON THIRD AND

FINAL READING the ____ day of _____, 2025

CITY OF MILLS, WYOMING

Leah Juarez, Mayor

Sara McCarthy, Council

Tim Sutherland, Council

Cherie Butcher, Council

Brad Neumiller, Council

ATTEST:

Sarah Osborn, City Clerk



CITY OF MILLS
EST. 1921

704 Fourth Street
P.O. Box 789
Mills, WY 82644

Phone: 307-234-6679
Fax: 307-234-6528

Item #4.

Memorandum

TO: Mills City Council
FROM: Megan Nelms, AICP, City Planner
DATE: June 24, 2025
SUBJECT: Land Development Regulations – Text Amendments

Attached, please find the redlined version of the City of Mills Land Development Regulations. A complete revision of the document was adopted in July of 2024. After a year in use, staff have found minor corrections, modifications and additions needed within the regulations. In making the amendments, I consulted with other city staff, external development reviewers and frequent users of the LDRs to solicit comments and feedback about the proposed amendments.

Also included with these minor text amendments to the current regulations is the new Downtown Riverfront Overlay Design District standards. Covering the riverfront area along both sides of Wyoming Blvd. from approximately Eighth St. to First St., the Downtown Riverfront Design Overlay District is the next step in achieving the goals set forth in the Mills 2017 Comprehensive Plan and the 2016 River Front Concept Design Plan. The zoning overlay is part of the process to implement goals from the Comprehensive Plan, which include:

- ❖ Develop a Downtown Riverfront District with a riverfront park and trails to attract families, the arts and restaurants to create the heart of the community.
- ❖ Create a plaza-like festival space with public spaces that may include, but are not limited to, a band shell, usable greenway, and splash pad, among other amenities.
- ❖ Develop a unique downtown destination for residents and visitors to gather and celebrate the community.

The overlay district focuses on establishing a new pattern of land use and utilization of design elements to define the look and feel of the future river front area. Goals from the Comprehensive Plan applicable to the proposed overlay include:



CITY OF MILLS
EST. 1921

704 Fourth Street
P.O. Box 789
Mills, WY 82644

Phone: 307-234-6679
Fax: 307-234-6528

Item #4.

- ❖ Establish an identity for the city through streetscape, community branding, light poles and banners, wayfinding and business improvements in the commercial areas.
- ❖ Encourage the use of the same materials throughout the district and provide incentives to use local products.
- ❖ Clean up the commercial area of lower Mills and work to assist in the quality redevelopment of the identified area.

The overlay district standards have been drafted with goals from the Comprehensive Plan in mind. The overlay district regulations put the focus on:

- Creating a strong sense of place
- Walkable environments
- Safe streets and places that are comfortable for people to walk and meet.
- A mixture of commercial and residential uses
- Building materials, signage standards and design elements that will look similar across the corridor to establish a cohesive identity for the area.

I have also included a summary table of the text amendments which provides the applicable section being amended and reason for the change.

Planning Commission Recommendation: The Planning Commission reviewed the proposed amendments, provided comment and made a “do pass” recommendation to the City Council to adopt the proposed text amendments to Title 17, Mills Land Development Regulations.

Staff Recommendation: Staff recommends Council approve the proposed text amendments on first reading.

EXECUTIVE SUMMARY OF SUBSTANTIAL AMENDMENTS TO CITY OF MILLS TITLE 17 (LAND DEVELOPMENT REGULATIONS)

Item #4.

	SUBJECT	SECTION	PROPOSED AMENDMENTS	REASON FOR CHANGES/STAFF COMMENTS
1.	Definitions	Section 5	<ul style="list-style-type: none"> Added various definitions 	<ul style="list-style-type: none"> To provide clarity and understanding and interpretation of terms
2.	Notice	Section 10.20(16)	<ul style="list-style-type: none"> Reduced the notice of surrounding property owners of proposed development applications from 1,000 feet to 140 feet 	<ul style="list-style-type: none"> 1,000 feet was a large notification area for city-sized lots 140' is appropriate and similar to noticing area for other nearby municipalities
3.	Development Plans	Section 10.40	<ul style="list-style-type: none"> Added additional objectives for review of development plans Revised the approval criteria for development plans Revised the required content of development plans Added conditions of approval 	<ul style="list-style-type: none"> Clarify the review process for development plans
4.	Front Yard Setbacks	Section 14, All residential zoning district use charts	<ul style="list-style-type: none"> Changed required front yard setbacks back to 25' from 20' 	<ul style="list-style-type: none"> Desired to remain same as previous regulations
5.	Parking Surfacing	Section 40.10	<ul style="list-style-type: none"> Added language clarifying the required surfacing of required parking areas in each zone district 	<ul style="list-style-type: none"> Ensure clarity and understanding of required parking surfacing requirements.
6.	Shipping Containers/Seacans	Section 45.55(10)	<ul style="list-style-type: none"> Add standards for the placement and use of shipping containers/seacans. Add definition of shipping container/seacan Prohibit the use of shipping containers as storage units in residential districts. Adopt standards for the placement and use of shipping containers for storage in commercial and industrial districts. 	<ul style="list-style-type: none"> Establish regulations to limit the use of storage containers to avoid unsightly conditions and degradation of community character.
7.	Downtown Riverfront Overlay District	Section 22	<ul style="list-style-type: none"> New overlay zone district to set design standards and guide new development in the downtown riverfront area along Wyoming Blvd. and adjacent blocks. 	<ul style="list-style-type: none"> To allow for increased review and design standards for any new development within the riverfront area.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

TITLE 17 CITY OF MILLS LAND DEVELOPMENT REGULATIONS (AMENDED JULY 2025)

Section 1.		
1.5	General Provisions.....	5
Section 5.	Definitions	8
Section 10.	Administration	34
10.5	Purpose and Authority	34
10.10	Approval Authority	39
10.15	Interpretation of Regulations.....	41
10.20	Application Processing of Land Use Permits	42
10.25	Zoning Certificate	47
10.30	Temporary Use Permits	48
10.35	Site Plans.....	52
10.40	Development Plan Review	53
10.45	Similar Use Determinations	55
10.50	Administrative Adjustment	56
10.55	Deviation	57
10.60	Conditional Use Permit	58
10.65	Zoning Map Amendments	60
10.70	Public Hearings.....	61
10.75	Appeals	62
10.80	Nonconforming Uses and Structures	62
10.90	Enforcement.....	65
10.95	Request to Vacate	68
Section 11.	Urban Agriculture Zoning District (UA)	69
11.5	Purpose	69
11.10	UA Use District Chart	69
Section 12.	Urban Agriculture Residential	72
12.5	Purpose	72
Section 13.	Public Lands & Institutions District	74
13.5	Purpose	74
13.10	PLI Use District Chart	74



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Section 14. Residential Zoning Districts.....	75
14.5 Purpose.....	75
14.10 Residential Zoning District Regulations	76
14.15 Residential Use District Charts	77
Section 19. Commercial Zoning Districts	88
19.5 Purpose	88
19.10 Commercial Zoning District Regulations	88
19.15 Commercial Use District Charts	88
Section 20. Industrial Zoning Districts	96
20.5 Purpose	96
20.10 Industrial Zoning District Regulations.....	96
20.15 Industrial Use District Charts	97
Section 21. Planned Unit Developments	103
Section 22. Downtown Riverfront Design Overlay District	105
22.5 Purpose and Applicability	105
22.10 Overlay District Relation to Base Zoning.....	105
22.15 Scope of Review.....	105
22.20 Geographic Boundaries	105
22.25 Overlay Design Standards and Guidelines	105
22.30 Built Form Standards.....	107
22.35 Site Development Standards	112
Section 40. Site Planning and Development Standards.....	120
40.5 Purpose and Applicability	120
40.10 Parking and Loading.....	120
40.15 Fences, Walls, and Screening	125
40.20 Home Occupations.....	126
40.25 Signs	127
40.30 Buffering Standards	134
40.35 Lighting Standards.....	138
40.40 Landscaping Standards.....	141
Section 45. Special Use Regulations	146
45.5 Overview	146
45.10 Purpose and Applicability	146
45.15 Caretaker Housing	146



TITLE 17 – LAND DEVELOPMENT REGULATIONS

45.20	Home Occupations.....	147
45.25	Manufactured Homes and Manufactured Home Parks	149
45.30	Group Care Facilities	154
45.40	Recreational Vehicle Parks.....	155
45.45	Utility, Transportation, and Communication Uses.....	160
45.50	Special Regulated Uses	165
45.55	Accessory Uses & Structures	168
Section 46.	Annexation Procedures	172
46.5	City Initiated Annexations	172
46.10	Annexation by Petition	172
Section 47.	Subdivisions Standards.....	174
47.5	Purpose	174
47.10	Statutory Authority	174
47.15	Application of Provisions	175
47.20	Administration and Enforcement.....	175
47.25	Plat Application and Review Procedures	175
47.30	Application Submission	176
47.40	Subdivision Review Procedures	177
47.45	Digital Plat Submission	179
47.50	Public Agency & Utility Review	181
47.55	Preparation of Plats & Plat Contents	182
47.60	Subdivision Design Standards	189
47.65	Parks and Open Space Fees and Dedication	189
47.70	Subdivision Improvements	191

TITLE 17 – LAND DEVELOPMENT REGULATIONS



This Page Left Intentionally Blank



TITLE 17 – LAND DEVELOPMENT REGULATIONS

User Guide

The City of Mills Land Development Regulations (LDRs) have been designed and drafted to make it as easy as possible for the user to determine all land use regulations that apply to a particular piece of property and to uses, structures, and activities on that property. Follow the step-by-step procedure described below to find applicable regulations.

- (1) Find the subject property on the City's Zoning Map (the Zoning Map is on file at City Hall). The subject property may be located within a zoning district, such as General Commercial (C-1), for example.
- (2) After determining the property's zoning district, then refer to the section that corresponds to the use district in which the subject property is located. Please consult with City Planning & Zoning staff for questions on a property's zoning designation.
- (3) Each of the use district sections contains a series of charts. Read down the first vertical column of each chart to find the use in which you are interested.
- (4) After finding the appropriate use, then read across to find a variety of regulations that apply to the subject property. In addition, review all of the sections to which the use district chart refers you.
- (5) You now have the basic zoning regulations that apply to the subject property. However, you should review the following section (1.5 – General Provisions) to see if other regulations of this code may be applicable.



1.5 General Provisions

In addition to the regulations in the use district charts, this code contains a variety of regulations that may apply to the subject property or to a particular use or activity on the property. The following list of questions will help you determine what other factors of this code may contain regulations that may apply.

- (1) **Parking.** Are you planning to install parking stalls on your property? If so, you should read Section 40.10.
- (2) **Subdivisions.** Do you want to subdivide your property into multiple parcels, or consolidate multiple parcels into one lot? If so, you should read Section 47.
- (3) **Fences.** Do you want to erect a fence or wall on the subject property? If so, you should read Section 40.15.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (4) **Signs.** Are you interested in erecting or having a sign of any kind on or for the subject property? If so, see Section 40.25.
- (5) **Buffering.** Are you interested in buffering standards for your property? If so, you should read Section 40.30.
- (6) **Downtown Design Overlay.** Is your property within the Downtown Design District Overlay on the Zoning? If so, see Section 22 (Downtown Design District Overlay).
- (7) **Caretaker Housing.** Are you considering caretaker housing on site with your business? If so, you should read Sections 45.15.
- (8) **Annexation.** Would you like to have your property added to the Mills city limits? If so, you should read Section 46.
- (9) **Home Occupations.** Do you want to conduct a home occupation out of your primary residence? If so, you should read Section 45.20.
- (10) **Manufactured Homes/Parks.** Are you considering buying a manufactured home or are you thinking of developing a manufactured home park? If so, you should read Section 45.25.
- (11) **Used Car Dealerships or Heavy Equipment Sales.** Are you thinking of opening a used car dealership or conducting heavy equipment sales in the City? If so, you will need to obtain a Conditional Use Permit and you should read Section 10.60.
- (12) **Temporary Uses.** Are you considering a temporary use for your property? If so, you should read Section 10.30 on Temporary Use Permits.
- (13) **RV Parks.** Are you considering locating an RV on your property or developing an RV park in the City? If so, you should read Section 45.40.
- (14) **Communication Facilities.** Are you thinking about locating a telecommunication facility within the City? If so, you should read Section 45.45.
- (15) **Daycare & Child Care Facilities.** Are you interested in operating a daycare facility? If so, you should read Section 45.50.
- (16) **Sexually Oriented Businesses.** Are you interested in operating a sexually oriented business? If so, you should read Section 45.50.
- (17) **Development Plans.** Are you required to complete a Development Plan review with your development proposal? If so, you should read Section 10.40.
- (18) **Minor Variances.** Would you like to slightly deviate from the required zoning district development standards? If so, you should read Section 10.50.
- (19) **Variances.** Would you like to deviate from the development standards required for your property? If so, you should read Section 10.55.
- (20) **Conditional Uses.** Are you considering a use or activity that requires a Conditional Use Permit for your property? If so, you should read Section 10.60.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (21) **Zoning Amendments.** Would you like to change the zoning district and/or district development standards for your property? If so, you should read Section 10.65.
- (22) **Nonconforming Uses/Structures.** Do you want to know what you can and cannot do with the nonconforming use or structure on your property? If so, you should read Section 10.80.

The foregoing list has been provided as an aid to assist the reader in finding applicable regulations. However, you should review the table of contents of this code to find other sections that may be of interest to you.

Section 2. This section left intentionally blank.

Section 3. This section left intentionally blank.

Section 4. This section left intentionally blank.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Section 5. Definitions

The purpose of this section is to define terms and words used throughout this Chapter. Definitions are organized alphabetically.

Abandonment. An action to give up one's rights of interest in property.

Accessory Building or Structure. A building or structure located on the same lot (or contiguous lot in the same ownership) as the principal building or structure to which it is related, and which is:

- (1) Clearly incidental to, and customarily found in connection with, such principal building or structure; and
- (2) Subordinate to the permitted use or structure and allowed after the principal dwelling or structure is constructed.
- (3) Is operated and maintained for the use of occupants, employees, customers or visitors of the principal building or structure.

Accessory Use. Not a permitted use as authorized in the zoning district, but a subordinate use operated on the same lot as the permitted use, either in the same structure or building as the permitted use or an accessory structure or building.

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

Adult Bookstore. A building or portion thereof used by an establishment under either of the following circumstances:

- Where twenty-five (25) percent or more of the floor space of the area of the building is open to the public, and used for the display of books, magazines, or other publications, and is devoted to the sale of books, magazines, or other publications which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities as defined in this section, and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18; or
- Where twenty-five (25) percent or more of the total number of books, magazines, or other publications offered for sale to the public consist of books, magazines, or other publications which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities as defined in this section, and which, because of their sexually explicit nature, may pursuant to state law or county regulatory authority, be offered only to persons over the age of 18.

Adult Live Theater. A building or portion thereof, or area, open or enclosed, which regularly features live performances distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities as defined in this section, or specified anatomical areas as defined, in this section for observation by patrons or customers.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Adult Motion Picture Theater. A building or portion thereof or area, open or enclosed, which regularly features motion pictures distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities as defined in this section or specified anatomical areas as defined in this section.

Adult Uses. As used in this Zoning Code, adult uses shall mean sexually oriented businesses.

Adult Video Store. A building or portion thereof used by an establishment under either of the following circumstances:

- Where twenty-five (25) percent or more of the floor space of the area of the building open to the public, and actually used for the display of video (tapes, DVDs, etc.) is devoted to the sale or rental of video which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities as defined in this section, and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18; or
- Where twenty-five (25) percent or more of the total number of video offered for sale or rental to the public consist of video which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities as defined in this section, and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18.

Administrative Officer. The person or persons designated by the Mayor and approved by City Council to enforce and administer the provisions of this Ordinance, or their duly appointed representative(s).

Agriculture, General. Use of a lot or portion of a lot to produce crops, livestock, or poultry, for sale, barter, trade, or home consumption, including structures or other improvements incidental to such activities.

Agriculture, Light. Use of a lot or portion of a lot for agricultural production for the primary use of the residents of the lot, including crop production, gardening and the raising of food animals, horses, and mules and including 4-H and vocational agricultural projects. Swine excluded except for 4-H and vocational projects.

Agriculture, Retail Establishments. Uses that sell agricultural products either produced on the site or within the community. Such uses include but are not limited to agricultural supply stores and permanent roadside crop stands or fruit stands.

Airport. A facility where aircraft such as airplanes can take off and land. An airport minimally consists of one runway but other common components are hangars and terminal buildings.

Alley. A public or private thoroughfare which is less than thirty feet wide, upon which the rear of land of building lots generally abut, and which provides only a secondary means of access to abutting property and is not intended for general traffic circulation. An alley cannot serve as primary access to a lot.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

All-Weather Surface. An unpaved road, parking lot or storage area constructed of a material that does not create mud during rain or snow events. All-Weather Surface generally consists of crushed rock, scoria, crushed concrete, rotomill asphalt or a blend of various aggregate and must be a minimum of six (6) inches in depth.

Alteration. Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered an alteration.

Amusement Place. Establishments providing indoor or outdoor amusement and entertainment services for a fee or admission charge, including dance halls and ballrooms and electronic game arcades, as primary uses. Four or more electronic games or coin-operated amusements in any establishment, or premises where fifty (50) percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; three or less machines are not considered a land use separate from the primary use of the site.

Annexation. Means the act of making a tract of land part of the city.

Annexation Map. Means a map showing the boundaries of a parcel of property, surveyed dimensions and all other items required by the ordinance.

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

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

Animal Hospital (or Veterinary Clinic). An establishment where animals are admitted principally for examination, treatment, board or care, by a Doctor of Veterinary Medicine. (This includes open kennels or runs.)

Antenna. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure or is portable or movable. Antennas shall include devices having active elements extending in any direction and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

Antenna, Amateur Radio. Any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Antenna, Building-Mounted. Any antenna directly attached or affixed to a building, tank, tower, or other structure. Building-mounted antennas are identified in two distinct categories herein as follows:

- Wall-mounted. Attached or affixed to the elevation of the structure.
- Roof-mounted. Attached or affixed to the rooftop or top of the structure.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Antenna, Directional (also known as a panel antenna). An antenna that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

Antenna, Ground-Mounted. Any antenna with its base (either single or multiple posts) placed directly on the ground or a mast twelve (12) feet or less in height and six (6) inches in diameter.

Antenna, Parabolic (also known as satellite dish antenna). Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl, or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern from orbiting satellites or ground transmitters. This definition is meant to include what are commonly referred to as television receive only (TVRO) and satellite microwave antennas.

Apartment. See Dwelling, Multiple.

Appeal or Appellate Review. A hearing, conducted by a single hearing body or officer authorized to conduct such hearings, in which testimony is restricted to information contained in the record developed in a prior open record hearing.

Applicable Director. The City Administrator, Building Code Official, City Planner or designee for these.

Applicant. A person who applies for any permit or approval to do anything governed by this code and who is the owner of the subject property, the authorized agent of the owner, or the City.

Approving Authority. The individual or governing body given the authority under these Regulations to render a decision regarding an application.

Armory. A place where military reservists are trained or headquartered, sometimes used for public functions. Can also be used for the storage or manufacturing of weapons and ammunition (classified as an institutional use for the purposes of this code).

Automobile Body Repair. Restoration, repair, and painting of the external bodies of passenger vehicles.

Automobile Repair. The repair of internal, mechanical components of passenger vehicles.

Automobile Sales. The sale of new and used passenger vehicles.

Automobile Service. The minor repair, tune-up, and routine servicing of passenger vehicles, including retail sales of automotive fuels, lubricants and accessories.

Barn. An accessory building used primarily for the storage of agricultural products, agricultural equipment, and sheltering of animals and animal products.

Basement. A story having part, but not less than one-half (½) of its height below grade.

Bed and Breakfast. A private home which is used to provide temporary 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 (30) day period.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Berm. A undulation in terrain creating a landform that is higher than the surrounding grade, generally utilized for screening, wind protection or aesthetic purposes.

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

Board. The Planning & Zoning Commission of the City of Mills, Wyoming.

Boarding House. A building other than a hotel where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons. No separate cooking facilities for use of customer residents are allowed.

Buffing. The use of specific measures including screening, which are design to separate and protect differing land uses.

Building. Any permanently affixed, covered structure intended for the enclosure, shelter, or protection of persons, animals, or goods. When a structure is divided into separate parts by unpierced walls from the ground up, each part is deemed a separate building.

Building – Attached. A building attached to another building by a common wall and a common roof.

Building – Detached. A building having no common wall connection with another building.

Building Code. Means Titles 15.02, 15.03 and 15.04 of Mills city code.

Building Code Official. The person or persons authorized and empowered by the Governing Body to administer Title 15.

Building – Existing. A building erected prior to the adoption of this Ordinance for which a legal building permit has been issued.

Building Footprint. The visible area of the structure when viewed from above, measured from the outside of all exterior walls, not including stairs, patios or decks.

Building Height. The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

Building Permit. The official document or certificate issued by the city authorizing the construction, repair or remodeling of a structure.

Building – Principal. One building housing the principal or primary use permitted for the lot upon which it is located.

Camp Trailer. See Recreational Vehicle

Caretaker Housing. A residence that is accessory to a site with a nonresidential primary use and that is needed for security, 24-hour care or supervision, or monitoring of facilities, equipment, or other conditions on the site.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Carport. A structure open on at least two (2) sides, generally for covering vehicles. If a carport is not open on at least two (2) sides, it shall be considered a garage and shall comply with all code requirements. Carports require a monolithic slab with vertical strapping and/or concrete anchors and must be approved by the Building Inspector.

Cemetery, Mausoleum. Land used for the burial of the dead and dedicated for cemetery purposes, including crematories, columbariums, and mausoleums. Also see Mortuary and Funeral Home.

Child Care. Care, control, supervision, or maintenance of a child provided for compensation by an individual, other than a parent. Child care operations in Mills are categorized as follows:

Child Care Center (CCC). Any business operated by a private person, partnership, association, or corporation that is operating a business for profit or otherwise, in a building used solely for commercial purposes, where sixteen (16) or more children receive care for part of the day. This definition and relevant regulations shall remain compliant with current and future State of Wyoming definitions of child care center.

Family Child Care Center (FCCC). A care facility in which care is provided for a maximum of fifteen (15) unrelated persons for part of a day, which may be in a residential or commercial type structure. This definition and relevant regulations shall remain compliant with current and future State of Wyoming definitions of child care facility.

Family Child Care Home (FCCH). A licensed child care facility in which care is provided for no more than ten (10) persons in the primary residence of the provider. The maximum of 10 children allowed includes the care providers' own infant(s), toddler(s), and preschooler(s). This definition and relevant regulations shall remain compliant with current and future State of Wyoming definitions of family child care home.

Church. A building designed for public worship which is maintained and controlled by an organized religious body. A Church may include a daycare and meeting space facilities open to the general public at the election of the owner.

Clinic. See Medical, Dental, or Health Clinic.

Clubs, Lodges, and Private Meeting Halls. Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for business associations; civic, social and fraternal organizations; labor unions and similar organizations; political organizations; professional membership organizations; and other membership organizations.

Collocation. A wireless communication facility owned and operated by a communication service provider which is located on the same tower, building, accessory structure, or property as another communication facility owned or operated by a different communication service provider.

Commercial Storage Facility. A building, or group of buildings, that contain varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of articles or goods. This use does not include active retail uses nor shall there be any activities allowed to be conducted within the structure, or structures, other than the temporary storage of articles or goods. All storage shall be totally contained within the building, or group of buildings, with no outdoor storage of articles or goods allowed unless such articles and goods are



TITLE 17 – LAND DEVELOPMENT REGULATIONS

adequately screened from adjacent properties as determined by the Appropriate Director. No heavy equipment, nor farm implements, shall be allowed to be stored nor any part thereof. No hazardous materials shall be allowed to be stored.

Common Area. Any area or space designed for joint use of tenants or owners occupying a planned unit development or other development.

Common Wall. An unbroken wall shared by two or more separate buildings.

Communication Substation. A telephone switching station or similar facility used to route telecommunication signals from their origin to their destination. Wireless communication facilities are regulated in Section 45.45 (Utility, Transportation, and Communication Uses).

Comprehensive Plan. The plan or any part thereof adopted by the City Council to guide development of land use, utilities, streets, community facilities, and other physical aspects of the City.

Conditional Use Permit. A permit to authorize uses not routinely allowed on a particular site subject to compliance with specified conditions.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership by the owners of those portions.

Construction – New. Structure for which the "Start of Construction" occurred on or after the effective date of this Ordinance.

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

Construction Camp. Housing facilities designed and intended to be used for a temporary period of time to house construction-related workers. Such facilities are not intended to accommodate families with school-age children. Construction camps may include the use of bachelor dwellings, travel-trailers (recreational vehicles), campers, manufactured homes, or a combination of these.

Contractor Yards. A yard and/or building used by a general contractor, excavation contractor, landscaping contractor, building contractor, oil or well drilling or servicing contractor or similar, where vehicles, equipment and materials are stored, or where a contractor performs maintenance, shop or assembly work. If a building is housed on the property, it may also contain operational offices of the contractor. This definition does not include wholesale or retail sales.

Contested Case Hearing. A public hearing conducted by a single hearing body or officer authorized to conduct such hearings that create a record through testimony and submission of evidence and information.

Convention Center (and places of assembly). Multipurpose meeting and recreational facilities typically consisting of one or more meeting or multipurpose rooms, kitchen, and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Council. The City Council of the City of Mills, Wyoming.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

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

Deciduous tree: A tree that typically loses its leaves for part of the year.

Direct Broadcast Satellite Service (DBS). A system in which signals are transmitted directly from a satellite to a small home receiving dish.

District. A portion of the area of the City in which certain uniform regulations, requirements, and combinations thereof apply under the provision of this Ordinance.

Domestic Water Well. A water well permitted by the State of Wyoming Engineer's office as a domestic water well.

Dwelling, Accessory. Means living quarters within a single-family zoned property (UAR, R-1 & R-2) that can be attached or detached from the principal structure.

Dwelling, Manufactured Home. A manufactured home is a structure, transportable in one or more sections, and which is built on a permanent chassis. Manufactured dwellings are built to U.S. Department of Housing and Urban Development (HUD) standards. For the purposes of these provisions, a mobile home shall be considered a manufactured home.

Dwelling - Multiple. A building having accommodations for and occupied or intended to be occupied by more than two (2) families, providing individual cooking facilities for each dwelling unit.

Dwelling - Seasonal. Property used temporarily or seasonally for the residential use employed to perform agricultural or industrial labor.

Dwelling - Single-Family. A building having accommodations for and occupied exclusively by one family. This includes houses built on site or factory built modular homes which meet the International Residential Code.

Dwelling – Townhouses: Three or more single family attached dwellings with common walls, each having direct outside access.

Dwelling - Two-Family. A building having accommodations for and occupied or intended to be occupied by two families.

Dwelling - Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement. A vested or acquired right to use land, other than as a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land. Easements may include, but not be limited to, land areas necessary for a public utility company to access its equipment, drainage areas, streets roads and highways, and similar rights and privileges.

Electrical Substation. For the purposes of this Zoning Code, means any structure with 100,000 volts or greater incoming capacity which:



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- Converts electrical energy to a lesser voltage for the purpose of sub regional or localized distribution;
- Functions as a transition point from overhead to underground electrical transmission lines; or
- Acts as the point of convergence for two or more transmission lines.

Electromagnetic. An electrical wave propagated by an electrostatic and magnetic field of varying intensity.

Equipment Sales, Rental, and Service. Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for sale, rental, or service (e.g., construction equipment).

Explosives. Materials or products which decompose by detonation or deflagration.

Explosives Manufacturing. An industrial establishment for the purpose of manufacturing and storage of explosives.

Evergreen tree: Trees and shrubs that retain their foliage throughout the year.

FAA. The Federal Aviation Administration of the United States Department of Transportation.

Family. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over three (3) persons; but further provided that domestic servants employed on the premises may be based on the premises without being counted as a family or families. A family shall exclude a group occupying a hotel, club, fraternity, sorority, religious society, or similarly used structure.

Fence. A structure erected as a dividing marker, barrier or enclosure.

Fixed-Base Structures and Facilities. Include substations (both communication and electrical), portable water storage facilities, public water system wells, natural gas regulating and distribution facilities, and treatment plants.

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

Floor Area – Gross Habitable. The total area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured by the bases of interior walls, excluding common area such as stairways, storerooms, mechanical rooms, landings, etc.

Foster Care. An activity regulated by the Department of Family Services, State of Wyoming, that provides care for children in a facility or home on a twenty-four (24) hour basis. Categories of foster care specified in this resolution include:

- Foster Home – a facility in which care is provided for up to five (5) children, including foster parent's biological children (unless waived by Department of Family Services District Manager).



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- Group/Care Foster Home – a facility in which care is provided for up to ten (10) children, including staff's children.

Foundation. Footing and foundations constructed of masonry, concrete, or treated wood in accordance with any applicable building code adopted by the city extending below the frost line and made of solid material. Foundations made of wood shall extend six (6) inches above the adjacent finish grade. Footings shall have a minimum depth as indicated in the applicable building codes adopted by the city, unless another depth is recommended by a foundation investigation.

Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead-ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead end of the street.

Front Property Line. Any boundary line of a lot parallel to and abutting the right-of-way line of an officially approved street or highway. If the property does not directly abut a street or highway, then the front line will be determined by the Applicable Director. Likewise, the front property line of a corner lot, one which abuts two or more roadways, is generally defined as the line parallel to the main entrance of the primary structure on the property, unless otherwise determined by the Applicable Director.

Fuel Storage and Distribution. A large-scale facility where fuel (such as propane and gasoline) is stored and distributed without retail sales.

Garage, Private. An attached or detached accessory building designed or used for the storage of three (3) or less motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Apartment houses may provide one space for each unit in a large structure.

Garage, Public. A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling, or storing motor-driven vehicles.

Garage, Storage. A building or portion thereof, designed or used exclusively for housing four (4) or more motor-driven vehicles.

Gasoline Filling Station. See Vehicle Fueling and Service Station.

Golf Course. Golf courses and accessory facilities and uses including clubhouses with bar and restaurant, locker and shower facilities, driving ranges, "pro shops" for on-site sales of golfing equipment, and golf cart storage and sales facilities.

Governing Body. The City Council of the City of Mills, Wyoming.

Government Facility. A building or group of buildings and grounds that house government-related offices, services, equipment, and personnel.

Grade.

- For buildings having walls facing one (1) street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- For buildings having walls facing more than one (1) street, the grade shall be the average of the grades as defined in (a) above of all walls facing each street.
- For buildings having no wall facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade.
- Any wall approximately parallel to and not more than five (5) feet from a street line is considered as facing the street. Where no sidewalk exists, the grade shall be established by the City Engineer.

Grade, Existing. The natural grade in place prior to the preparation of property for development. For individual recorded lots, existing grade shall mean natural grade or the grade established as a part of the development of the subdivision.

Grade, Finished. The final contour of the ground surface of a site that conforms to the approved grading plan.

Greenhouse, Commercial/Nursery. Establishments providing for the cultivation and sale of trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment.

Greenhouse, Residential. An accessory structure largely made of glass, plastic, or a similar substance which uses solar heating, sunlight, or some form of temperature control for the purpose of protecting and/or cultivating vegetation for private use of the owner of the residence on the same lot, parcel, or tract.

Gross Floor Area. The sum of the areas of all floors of a building, measured between the exterior faces of the walls at each floor, excluding any floor area used exclusively as parking for motor vehicles.

Group Care. A business that provides for or arranges support and services freely chosen by the individual or his representative to maintain and/or enhance cognitive and functional capacity, physical and mental health, and personal autonomy. Group care also encompasses shared living residences for senior citizens, foster homes, and group foster homes.

Group Care Community. A housing unit or complex that provides group care services, directly or through agents, in addition to housing.

Group Care Facility. A group care community serving greater than thirteen (13) or more persons in a facility that may offer a variety of accommodations, such as apartment-like units, studios, or private rooms.

Group Care Family Home. A group care community operated in a single-family dwelling serving up to six (6) persons, where the person legally responsible for the home is the primary caregiver and resides in the home.

Group Care Small Group Home. A group care community operated in a single-family dwelling serving up to twelve (12) persons, where the individual, partnership, corporation, or limited liability company provides staffing on a twenty-four (24) hour basis.

Guy Cable. Any cable or wire that extends from a telecommunications pole or tower for the purpose of supporting the system structure.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Heavy Equipment Sales, Service, and Repair. Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental (e.g., construction equipment).

Home Occupation. A commercial occupation or activity incidental to the residential use of a property, carried on by the immediate members of the family residing on the premises and which is not harmful to the residential aspect of the neighborhood.

Hospital. Facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses, and emergency heliports.

Hotel and Motel. Facility providing lodging and related services for a charge, typically for a period of one month or less. Includes inns, residence or extended stay hotels, or other similar facilities. Does not include accessory dwelling unit, assisted living facility, bed and breakfast house, convalescent center, dwelling unit, nursing home, residential use, or special needs housing.

Improvement. Site grading, street work, utilities, or structures built on a lot.

Industrial Service. Industrial uses and areas primarily focused on repair, service, and small-scale manufacturing uses. Industrial services include printing and publishing, welding, oil field servicing businesses, slaughterhouse, dry cleaning, laundry plant, and other such uses.

Institution. A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

Junk Yard. A lot, land or structure, or part thereof, used primarily for the collecting, storage, and/or sale of various wastes, scrap metal, or discarded material; or the collection, dismantling, storing, and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof. Includes auto wrecking and scrap processing.

Kennel, Accessory. A lot or premises at, in, or adjoining a private residence where less than three (3) dogs are kept for pets or for guarding the householder's property. Said kennel shall be an accessory use.

Kennel, Commercial. These facilities provide boarding of four (4) or more animals as the primary use of the facility. May also include daytime boarding and activity for animals (e.g., "doggie day care") and ancillary grooming facilities.

Kennel, Private. Facility for the keeping, boarding, or maintaining of four (4) or more dogs (four months of age or older) or four (4) or more cats. Excludes dogs or cats for sale in pet shops or patients in animal hospitals. Includes a kennel where the animals are owned or kept by the owner or occupant for personal, noncommercial purposes, including hunting, tracking, exhibiting at shows, exhibitions, field trials or other competitions, or for enhancing or perpetuating a given breed, other than dogs or cats used in conjunction with an agricultural operation on the lot or premises.

Landscaping. The use of vegetation and inorganic durable materials such as those identified within Section 40.40 to enhance the visual attractiveness of a site and improve erosion control.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Landscaped Area: That area within the boundaries of a given lot, consisting primarily of plant materials, including but not limited to, grasses, trees, shrubs, flowers, vines, ground covers, and other organic plant materials; or grass paver masonry units installed so that the appearance of the area is primarily landscaped.

Land Use Permit. A permit granted pursuant to these Regulations to allow development or use of a specific project on a specific site under the terms and conditions imposed upon the development/project during the approval process.

Laundry.

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

Linear Frontage. The frontage of the subject property adjacent or parallel to all open improved public rights-of-way. If the subject property does not have frontage on an open improved right-of-way, the frontage of any public access easements which serve the subject property and unopened rights-of-way which front on the subject property is the linear frontage of the subject property.

Liquor Store (includes Package Liquor Stores). The retail sale of beer, wine, and/or other alcoholic beverages for off-premise consumption.

Live/Work Facility. A structure or portion of a structure:

- That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; and
- Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed.

Lot. Unless otherwise provided in this regulation, a lot is a parcel of land occupied or intended for occupancy by one (1) main building, together with its accessory buildings, including the open spaces required by this regulation.

Lot, Area. The total square footage of the land area within the lines of a lot, measured as a horizontal plane.

Lot, Corner. A lot, as defined above, abutting upon two (2) or more streets at their intersection.

Lot Coverage. Amount (calculated as percentage) of land that is covered by buildings, roadways, parking areas, or other impervious surfaces through which water cannot percolate into the underlying soils.

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

Lot, Lines. The lines bounding a lot, as defined herein.

Lot, Width. The mean horizontal width of the lot measured at right angles to its depth.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Lot Line – Front. The line separating the lot from the street. The street on which a building's frontage is oriented shall determine the location of the front lot line provided the front setback is not less than the average setback of existing buildings.

Lot Line – Side. Any lot line other than front or rear lot lines. A side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot Line – Rear. The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line.

Lot of Record. A lot, which is a part of a subdivision, the plat of which has been recorded in the Office of the County Clerk, Natrona County, Wyoming.

Lot – Through. A lot having frontage on two parallel or approximately parallel streets.

Lumberyard and Building Material Sales and Storage. Retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district.

Machinery and Implement Sales, Service, and Storage. Establishments with outdoor storage and rental yards, which may offer a wide variety of materials and equipment for sales, storage, and rental (e.g., construction equipment).

Manufactured Home. A single-family residential dwelling constructed after June 15, 1976, in accordance with the "National Manufactured Home Construction and Safety Standards Act of 1974," 42 U.S.C. Section 5401, et. seq., as amended and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities and which includes the plumbing, heating, air conditioning and electrical systems contained therein.

Manufactured Home Park. A residential facility arranged or equipped for the accommodation of two (2) or more manufactured homes which provide lots, with spaces for such manufactured homes available for rent, lease, or purchase as part of a condominium arrangement wherein the land is held in common by a homeowners association, and providing utility services and other facilities either separately or in common to manufactured home spaces herein. Manufactured home parks may also contain private accessory buildings such as sheds, garages, and other structures reasonable and customary to a single-family residential development as well as public accessory buildings, such as laundry, grounds maintenance shop, recreation, restroom, and swimming pool. This definition does not include tourist facilities for travel trailers or campers. It also does not include temporary housing for labor camps.

Manufactured Home Park Lot. A defined land area in a manufactured home park on which a single manufactured home may be placed and which is described by boundary lines measured in terms of:

- Its depth expressed as a mean distance between the front and rear of the space, measured in the general direction of the side space lines.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- Its width expressed as a mean distance between the side lines of the space, measured in the general direction of the front and rear space lines.

Manufacturing. The process of making wares by hand, by machinery, or by other agency, often with the provision of labor and the use of machinery.

Manufacturing, Heavy. The production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products characterized by one of the following traits:

- The manufacturing plant generally has more than one hundred thousand (100,000) square feet of floor area.
- Due to the nature of the materials, equipment, or process utilized, the manufacturing operation is considered to be unclean, noisy, or hazardous, or is associated with other objectionable elements and may require mitigation measures to manage external effects of the use on the same or surrounding properties.

Manufacturing, Light. The production, processing, cleaning, testing, and distribution of materials, goods, food, and products which by the nature of the materials, equipment, and process utilized is to a considerable measure clean, quiet, and free of any objectionable or hazardous element and which takes place in plants with generally less than or equal to one hundred thousand (100,000) square feet of floor area.

Master Planned Development. A development on a single parcel or multiple contiguous parcels treated as a single project and which may contain a mix of uses or densities, commonly including such features as an overall integrated design theme, internal transportation networks, and development and use of other shared resources. Master planned developments commonly emphasize interconnectivity between the various uses of the development and may include phased development plans.

Medical, Dental, or Health Clinic. Any building designed for use of one (1) or more persons lawfully engaged in the diagnosis, care, and treatment of physical or mental diseases or ailments of human beings, including, but not limited to, doctor of medicine, dentists, chiropractors, osteopaths, optometrists, and podiatrists and in which no patients are lodged overnight.

Mixed Use. A building or structure that contains two or more of the following basic land use types—commercial, office, or residential—which are vertically integrated and that are located over each other in whole or in part. Mixed uses may be integrated horizontally provided that they are physically interrelated by pedestrian areas that are uninterrupted by vehicular traffic. In horizontal integration of mixed uses, roads, or parking areas may not separate the uses.

Minimum Depth. The minimum required dimension extending from and typically perpendicular to a property line, extending into the private development site.

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



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Modular Home. A dwelling constructed in accordance with the current adopted Building Code for site-built dwellings. The structure is transportable in one or more sections, designed for use as a residential dwelling unit, not built on a permanent chassis, and capable of being transported by an appropriate vehicle from place of fabrication to the site on which it is to be erected, where it is placed on a permanent perimeter foundation. When placed on a permanent perimeter foundation or slab, a modular home is functionally indistinct from a stick-built dwelling.

Mortuary and Funeral Home. Funeral homes and parlors, where the deceased are prepared for burial or cremation and funeral services may be conducted.

Motor Home. A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

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

Motor Vehicle Sales. Any business where two or more motor vehicles, including but not limited to automobiles, trucks, motorcycles, and recreational vehicles are parked for sale.

Neighborhood Commercial. A location for a limited number of retail commercial uses which serve the day-to-day needs of the residents of surrounding neighborhoods and having only a limited impact on nearby development.

Neighborhood Meeting. An informal meeting, hearing, workshop, or other public gathering to obtain comments from the public or other agencies on a proposed project permit prior to the decision. A public meeting does not constitute an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the project permit application file.

NIER (non-ionizing electromagnetic radiation). Electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.

Nonconforming Structure (illegal). A structure which is not permitted under the Regulations of this Title (or any amendments thereto) and was not legally in place, with licenses and permits, at the effective date of this Resolution or any subsequent Resolution.

Nonconforming Structure (legal). A structure (including signs) which is not permitted under the Regulations of this Title (or any amendments thereto) but was legally in place, with licenses and permits in current status, at the effective date of this Resolution or any subsequent Resolution.

Nonconforming Use (illegal). A use which is not permitted under the Regulations of this Title (or any amendments thereto) and was not legally in place, with licenses and permits, at the effective date of this Resolution or any subsequent Resolution.

Nonconforming Use (legal). A use which is not permitted under the Regulations of this Title (or any amendments thereto) but was legally in place, with licenses and permits in current status, at the effective date of this Resolution or any subsequent Resolution.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Nursing Home. An establishment or agency licensed by the State for the reception, board, care, or treatment of three (3) or more unrelated individuals.

Occupied Dwelling House. A permanent building or fixed mobile home that is currently being used on a permanent or temporary basis for human habitation. This does not include offices, shops, industrial warehouses or other structures not intended for human habitation.

Office. This use listing includes offices of administrative businesses providing direct services to consumers, government agency and service facilities, professional offices, and offices engaged in the production of intellectual property. Outdoor storage of materials is prohibited.

Oil and Gas Storage. Oil, gas or liquefied petroleum gas storage means an industrial establishment or area for the storage of gas or liquefied petroleum gas in approved portable metal cylinders for above ground storage.)

Oil, Gas, or Mineral Processing. Includes refining, separation, or storage. Means any establishment and appurtenant facilities utilized in the gas stripping process or coal gasification process to obtain a refined product from a natural resource.

Open Space. That portion of a lot not occupied by a structure, not utilized for parking, and not otherwise used in the operation of the permitted use. Required setback areas meeting this definition shall be considered as open spaces.

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

Package Liquor Store. See Liquor Store.

Park. Public parks including playgrounds and athletic fields/courts and public plazas and outdoor gathering places for community use.

Parking Space. A paved surfaced area for the purpose of storing one (1) parked automobile.

Parking Space, Accessible. A paved surfaced area for the purpose of storing one (1) parked automobile that is occupied by a disabled occupant as described by the Americans with Disabilities Act of 1990.

Pawn Shop. Any room, store, building, or other place in which the business of pawn brokering, or the business of lending money upon personal property, pawns or pledges, or the business of purchasing articles from vendors or their assignees at prices agreed upon at or before the time of such purchase, is engaged in, carried on, or conducted.

Permit. Any land use or environmental permit or license required for a project action, including, but not limited to, building construction, subdivisions, deviations, planned development district master plans, conditional uses, site plan approval, Conditional Use Permits, or site-specific rezones authorized by an adopted land use plan.

Planning Commission. The Planning and Zoning Commission of the City of Mills, Wyoming.

Plat, Final. The drawing or drawings and specific supporting materials showing the subdivider's plan for a subdivision submitted in accordance with the requirements of this Title, to be recorded with the Natrona County Clerk.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Plat, Minor. The adjusting or removal of interior lot lines, with the final number of lots being equal to or less than the number of lots originally platted.

Plat, Preliminary. The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this Title, to permit the evaluation of the proposal prior to detailed engineering and design.

Plat. The subdivision plat recorded at the Office of the County Clerk showing the location of property and property boundaries.

Portable Store & Shipping Containers (Sea Cans). A unit originally used or designed to store goods or other merchandise during shipping or hauling by a vehicle, including, but not limited to, rail cars of any kind, truck trailers, or multi-modal shipping containers or similar structures such as look-alike shipping container buildings or metal buildings marked as "containers," "portable storage units," or "conex."

Potable Water Storage Facility. A water tank or similar structure that collects and/or stores potable water after treatment to make the water safe for human consumption.

Premises. A lot, together with all the uses and buildings thereon.

Primary Dwelling Unit. An existing single-family residential structure on a single parcel with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities occupied and intended for one household.

Primary Highway. Those being U.S. Highway 20/26, and State Highways 257, 258 (SW Wyoming Blvd. and 254 (Salt Creek Highway).

Printing and Publishing. Classified as an Industrial Service.

Professional Office. Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, engineering, or other occupation customarily considered as a profession.

Property Line. The boundary line between two pieces of property.

Public Utility. Any business which furnishes the general public (a) telephone service, (b) cable television service, (c) electricity, (d) natural gas, (e) water, and (f) any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the State or political subdivision thereof.

Rated Nameplate Capacity. The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

Recreation Facility. Facility for various indoor and outdoor participant sports and types of recreation where a fee is charged for use (e.g., amphitheaters, amusement and theme parks, golf driving ranges, health and athletic club with outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, swim and tennis clubs, water slides, zoos).

Recreational Vehicle. Any pickup truck, camper, motor home, travel trailer, or mobile unit designed or modified to be used for vacation or recreational purposes. A vehicular-type unit



TITLE 17 – LAND DEVELOPMENT REGULATIONS

primarily designed to provide temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motor power or is mounted on or towed by another vehicle. Recreational Vehicles are allowed as a primary residence within established Manufactured Home Parks up to fifteen percent (15%) of the total allowable spaces in the park.

Recreational Vehicle Park. A parcel of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as limited-term living quarters. This definition does not apply to temporary housing.

Recreational Vehicle Site. Any area or tract of land, or portion of a recreational vehicle park, designed or used for the limited-term occupancy of one (1) recreational vehicle.

Recreational Vehicle Storage Facility or Area, private or public. A facility or area, designated for the parking of RVs, boats, or extra vehicles not in continual use owned by the residents of an immediate subdivision with the following conditions:

- Neighboring residents may be permitted the use of facility by subdivision authority.
- Parked RVs, boats, and vehicles shall not obstruct view at an intersection and shall have a minimum setback of twenty (20) feet from a corner.
- Be maintained in a sanitary and orderly manner by subdivision authority.
- All outside areas shall be surrounded by a six (6) foot security fence.

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

Regulations. Title 17, City of Mills Land Development Regulations.

Related Equipment (Telecommunication Facilities). All equipment ancillary to the transmission and reception of voice and data by means of radio frequencies. Such equipment may include cable, conduit, connectors, equipment pads, equipment shelters, cabinets, buildings, and access ladders.

Religious Institution or Parish House. Places of religious worship such as synagogues, temples, and churches. May include related accessory uses such as offices, classrooms, auditoriums, social halls, and gymnasiums.

Restaurant. An eating establishment whose principal business is the sale of prepared food and beverages for consumption within the restaurant building or within a designated seasonal outdoor eating area attached to the primary building, and whose principal method of operation includes one or both of the following characteristics:

- Customers are served their food and beverages by a restaurant employee at the table or counter at which it is consumed.
- There is a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Restaurant, Fast-Food. An establishment whose principal business is the sale of pre-prepared food and/or rapidly prepared food directly to the customer in a ready-to-consume state for consumption on the premises or off the premises, and whose principal method of operation includes one or both of the following characteristics:

- Food and beverages are usually served in paper, plastic, or other disposable containers.
- Food and beverages are served directly to the customer in a motor vehicle, either by drive-through window, carhop, or by other means, which eliminates the need for the customer to exit the motor vehicle.

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

Resubdivision. Any amendment to a recorded subdivision plat including the resubdivision of any lots, tracts or parcels, or the relocation or addition of roads within a subdivision.

Retail Sales and Services. Stores and shops selling multiple lines of merchandise. These stores and lines of merchandise include, but are not limited to, art galleries, bakeries (all production in support of on-site sales), clothing and accessories, collectibles, department stores, drug and discount stores, dry goods, fabrics and sewing supplies, florists and houseplant stores (indoor sales, only); outdoor sales plant nurseries, furniture, home furnishings and equipment, general stores, gift shops, hardware, hobby materials, musical instruments, parts and accessories, newsstands, pet supplies specialty shops, sporting goods and equipment, stationery, and variety stores.

Reviewing Authority. The individual or governing body given the authority under these Regulations to review and determine appeals.

Review Process(es). The processes one through five (1–5) as described on Table 10.10-1. Each land use permit/action follows one of the listed review process procedures.

Roadworthy Recreational Vehicle. A Recreational Vehicle that is ready for highway use, on wheels or jacking system and is attached to the site only by quick disconnect type utilities and has no permanently attached additions.

Formatted: Font: Not Bold

Roof. The external upper covering of a building.

Rooming House. A house having self-contained furnished rooms or flats for renting.

Sanitary Landfill, Solid Waste Disposal. A site for the disposal of refuse on land without creating a nuisance or hazard to public health and safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume and to regularly cover it with a layer of earth, on a daily or more frequent basis.

Security Quarters. Apartments, as a part of the main structure, or mobile homes necessary for safety or security reasons in conjunction with the principal use, located on the same lot as the principal use and occupied only by persons responsible for security of the principal use and on the payroll of the industry or business conducting the principal use. A mobile home may be located where permitted by the City as security quarters in an Industrial District



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Sell or Sale. Includes sale, contract to sell, lease, assignment, auction, award by lottery, or any offer or solicitation of any offer to do any of the foregoing, concerning a subdivision or any part of a subdivision.

School, Public or Private. Public educational institutions such as community colleges, universities, elementary, middle/junior high schools, high schools, and military academies.

Service Station. A building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced; such service shall not include tire recapping, body repairs, or major overhaul.

Setback. The distance required to comply with the front, side, or rear yard and open space provisions set forth in this Ordinance, as measured from the property line. In cases where the property line is the center of the road, the setback shall be figured from the curb, edge of the road, or edge of the dedicated right-of-way or public access easement, whichever is closest to the primary structure.

- **Front Setback.** The distance between the front property line and the outermost wall of a structure.
- **Rear Setback.** The distance between the rear property line and the outermost wall of a structure.
- **Side Setback.** The distance between the side property line and the outermost wall of a structure.

Setback Lines. The lines defining the buildable area of a lot and the inside limits of the required yards.

Sexually Oriented Business. As used in this Zoning Code, a sexually oriented business is an adult bookstore, adult video store, adult motion picture theater, or adult live theater, or any establishment that consists of any combination of such uses.

Sign. A sign shall include any sign, billboard, or other device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization, or business but shall not include any display of official notice or official flag. The following definitions apply to specific types of signs:

- **Billboard.** See Off-Premise Sign.
- **Sign, Business.** A sign which directs attention to a business or profession conducted or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A For Sale or a For Rent sign relating to the property on which it is displayed shall be deemed a business sign.
- **Sign, Electronic Graphic Display.** Any illuminated sign on which the artificial light is not constant in intensity and color at all times. It includes all signs or portions thereof, that display electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light-emitting diodes (LED), fiber optics, light bulbs, or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization, or dissolve modes.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Electronic graphic display signs include computer programmable, microprocessor controlled electronic, or digital displays. Electronic graphic display signs include projected images or message with these characteristics onto buildings or other objects.

- **Sign, Illuminated.** A sign designed to give forth artificial light or designed to reflect light derived from any source.
- **Sign, Off-Premise.** A sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment, or amusement conducted or produced which is bought or sold, furnished, offered, or dealt in elsewhere than on the premises where such sign is located, or to which it is affixed. It may be a board, panel or tablet, either illuminated or non-illuminated.
- **Sign, Pole.** A sign mounted on a freestanding pole or other support so that the bottom edge of the sign face is five (5) feet or more above finished grade.
- **Sign, Sandwich.** An advertising or business ground sign which is constructed in such a manner to form an "A" or a tent-like shape, hinged or not hinged at the top, and each angular face held at an appropriate distance by a supporting member.
- **Sign, Temporary.** A sign approved for use on a temporary basis and subject to a Temporary Use Permit, if applicable.

Site Plan. A graphic representation of all existing and proposed improvements to a site and showing the layout of a property, including all buildings, roads, utilities and other improvements.

Formatted: Font: Not Bold

Slaughterhouse. A building where animals are butchered. See Industrial Service.

Smoke Shop. An establishment that devotes more than fifteen (15) percent of its total floor area to smoking, drug, and/or tobacco sales.

Stable. A roofed structure for the shelter of large animals, typically horses.

Stock Water Well. A water well permitted by the State of Wyoming Engineer's Office as a stock water well.

Story. That portion of a building, other than a basement, included between the surface of any 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 right-of-way or access easement, which provides vehicular and pedestrian access to adjacent properties.

Street Line. A dividing line between a lot, tract, or parcel of land and the contiguous street.

Street Network. The following definitions apply to specific types of streets within a street network:

- **Arterial.** A street which moves traffic at higher speeds and is intended to connect points of major destinations to provide for regional traffic movement.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- **Collector.** A street which services neighborhoods and districts by connecting traffic movement between arterials and local streets.
- **Local.** A street which provides circulation, parking, and access to adjoining properties and parking facilities.
- **Local-through.** A street which provides limited connectivity between residential subdivisions.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered structural alterations:

- Attachment of a new front where structural supports are not changed.
- Addition of fire escapes where structural supports are not changed.
- New windows where lintels and support walls are not materially changed.
- Minor repair or replacement of non-structural members.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground but not including fences, utility poles, lines, cables and other transmission or distribution facilities of public utilities.

Subdivision. A creation or division of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. The word "subdivide" or any derivative thereof shall have reference to the term subdivision, including manufactured home parks, the creation of which constitutes a subdivision of land. The term includes resubdivision of land.

Subdivider. Means any person who lays out any subdivision or parts thereof either for the account of the owner or others.

Tavern. An establishment in which the primary function is the public sale and serving of alcoholic beverages.

Taxidermy. A business which stuffs and/or mounts animal skins for preservation.

Temporary Housing. Refers to a structure that, by the way that it has been built, is not expected to maintain its durability for as long a period of time as, but has some of the facilities of, a conventional dwelling.

Theater. A structure, room, or outdoor area for the presentation of plays, motion pictures, or other dramatic performances. The following definitions apply to specific types of theaters:

- **Indoor Theater.** A theater entirely contained within a structure.
- **Outdoor/Drive-in Theater.** A theater located partially or entirely outdoors, within a roofed structure having sides open to the outdoors, or within a tent.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Tower. A mast, pole, monopole, lattice tower, or other structure designed and primarily used to support antennas. This definition includes ground-mounted structures twelve (12) feet or greater in height and building-mounted structures that extend above the roofline, parapet wall, or other roof screen with a mast greater than six (6) inches in diameter supporting one or more antennas, dishes, arrays, or other associated equipment.

Tower Height. The total height above finished grade of the fixed portion of the tower, including the wind turbine blades

Townhome. A single-family dwelling unit constructed as a part of a series of two or more abutting single-family dwelling units sharing a common lot line and or/wall and located on a single, individually owned lot.

Trailer. See Manufactured Home.

Transmission Lines and Pipelines. Those facilities that transmit or transport electricity, potable water, reclaimed water, natural gas, petroleum products, sewage, and telephone, telegraph, cable television, and other communication transmission facilities that utilize direct physical conduits.

Travel Trailer. A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and a gross trailer area less than 320 square feet.

Truck Camper. A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

Turbine. The parts of a wind system including the blades, generator and tail. The definition of a turbine includes both Horizontal Axis Wind Turbines (HAWT) and Vertical Axis Wind Turbines (VAWT).

Use. The activity or purpose for which a lot and structures thereon are designed for or intended to be occupied.

- **Use – Permitted.** Uses which are in compliance with the regulations of this Ordinance and allowed without a special permit within a zoning district.
- **Use – Principal.** The primary purpose for which a lot or structure is used, as opposed to subordinate accessory uses.

Used Car Lot. A zoning lot on which used cars, trailers or trucks are displayed for sale or trade.

Vehicle Fueling and Service Station. A retail establishment engaged in the sale of automotive fuels, motor oil, or other automobile accessories and providing incidental services including lubrication, hand washing and cleaning, or minor mechanical work and repairs but shall not include painting or body work or the sale of butane or propane fuels.

Vehicle Parking and Storage. Facilities for the storage of operative and inoperative vehicles for limited periods of time. Includes but is not limited to storage of parking tow-aways, impound yards,



TITLE 17 – LAND DEVELOPMENT REGULATIONS

and storage lots for automobiles, trucks, buses, and recreation vehicles. Does not include vehicle dismantling or retail sales.

Vehicle Sales and/or Rental. Retail establishments selling and/or renting automobiles, trucks, and vans. This use listing includes the sales and rental of mobile homes, recreational vehicles, and boats. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships.

Vehicle Service and Repair. The repair, alteration, restoration, towing, painting, detailing, or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major repair and body work-repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments.

Veterinary Clinic. An establishment where animals are admitted principally for examination, treatment, board or care, by a Doctor of Veterinary Medicine. (This does not include open kennels or runs.) Also see Animal Hospital.

Warehouse/Freight Movement. Uses involved in the storage and movement of large quantities of materials or products indoors and/or outdoors. Associated with significant truck and rail traffic. Examples include freestanding warehouses; household moving and general freight storage; cold storage plants/frozen food lockers; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals; bus barns; grain terminals; and stockpiling of sand, gravel, bark dust, or other aggregate and landscaping materials.

Wholesale. Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers, and associations engaged in the cooperative marketing of farm products, merchant wholesalers, and stores primarily selling electrical, plumbing, and heating and air conditioning supplies and equipment.

Wireless Communication Facility. A facility that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications. Includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

Xeriscape. A landscape design technique that minimizes water consumption by using some or all of the following techniques: using low water demand plants; grouping plants by water demand or specific cultural characteristics; reducing turf areas or using turf materials that have low water demand; using mulches to cover soil and save moisture; using efficient irrigation layouts that zone plants that have specific watering needs; minimizing evaporation of water; and performing regular maintenance to maintain water conserving characteristics.

Yard. A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward.

Yard, Front. A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the building setback line.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Yard, Rear. A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such main building.

Yard, Side. A yard between the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally, at ninety (90) degrees with the side lot line, from the nearest point of the side lot line toward the nearest part of the main building.

Yard, Street. The area of a lot or parcel that lies between any public street right of way/property line and the fronting walls of buildings on the parcel oriented to that street. The street yard follows all irregularities, indentations, or articulations in the front wall of the building, excluding minor projections or indentations such as steps. For the purposes of defining the area of the street yard, the front wall is extended from the outer corners of the building parallel with the fronting street, until intersecting the side property line. On lots with multiple buildings, the street yard area is defined by all building front walls having direct, visual frontage to the street.

Zone or District. A section of the City for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land, open spaces, and other regulatory standards about buildings are herein established.

Zoning Certificate. A certificate issued by the City disclosing the nature of the zoning of a property and the applicable regulations.

Zoning Code. Title 17, City of Mills Land Development Regulations.

Zoning Commission. The Planning and Zoning Commission the City of Mills, Wyoming.

Zoning Map. The official zoning district map or maps of the City of Mills adopted by the City Council, which shall be a part of this Ordinance together with all amendments subsequently adopted.

Zoning Regulations. Title 17, City of Mills Land Development Regulations.

Section 6. This section left intentionally blank.

Section 7. This section left intentionally blank.

Section 8. This section left intentionally blank.

Section 9. This section left intentionally blank.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Section 10. Administration

This section establishes administrative elements of the Land Development Regulations as follows:

- (1) Clarifies the purpose and authority of the Regulations as a key implementation tool of City policy.
- (2) Provides procedures for Land Use Permit applications.
- (3) Establishes which review body makes recommendations and final decisions to approve or deny a Land Use Permit (i.e., the Applicable Director, Planning Commission, or City Council).
- (4) Defines the type, size, and character of development projects and determines which Land Use Permit (if any) is needed and which procedure to follow.

10.5 Purpose and Authority

- (1) **Title.** This Ordinance shall be known and cited as the "City of Mills Land Development Regulations," referred to hereafter as these Regulations.
- (2) **Authority.** These Regulations are enacted pursuant to the authority granted in W.S.S. 15-1-701 through 15-1-801.
- (3) **Effective Date.** This ordinance shall be in full force and effect ten (10) days following its passage and approval on third and final reading; however, the provisions of this Ordinance shall not be given retroactive effect with regard to any present or otherwise lawful building or structure within the City.
- (4) **Repeal of Conflicting Ordinances.** All existing Ordinance or parts of Ordinances of the City of Mills are hereby repealed insofar as they may be inconsistent with the provisions of this Ordinance.
- (5) **Purpose of the Zoning Regulations.** The purpose of these Regulations is to set forth the City regulations governing the development and use of land in accordance with City of Mills policy. The land use regulations and districts, as herein set forth, have been made in accordance with a comprehensive zoning study with reasonable consideration, among other things, to the character of each district and its peculiar suitability of particular uses, with a view to conserving the value of properties and encouraging the most appropriate use of land throughout the City of Mills. The Regulations are specifically intended to do the following:
 - (a) Serve as the principal tool for implementing City land use policy in a manner that protects the health, safety, morals, and general welfare of the citizens of the City of Mills.





TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (b) Facilitate prompt review of proposed development within the City and provide for public information, review, and comment on proposed development that may have a significant impact on the community.
 - (c) Create a comprehensive and stable pattern of land uses to help ensure the provision of adequate water, sewerage, transportation, drainage, parks, open space, and other public infrastructure and facilities.
 - (d) Ensure the provision of adequate separation between buildings and uses for light, air, privacy, and fire safety.
 - (e) Support a transportation network that promotes safe and effective traffic circulation and adequate facilities for all transportation modes.
 - (f) Require that permitted uses and development designs provide reasonable protection from fire, flood, landslide, erosion, or other man-made or natural hazards.
 - (g) Ensure compatibility between residential and nonresidential development and facilitate the development of compatible mixed-use developments.
 - (h) Support and further the goals and policies of other City of Mills policies, plans, and regulations.
- (6) **Applicability of Regulations.** These Regulations apply to any tract of land which is within the City of Mills and to all areas outside of the City limits which may be annexed to become a part of the City.

The use of land, and buildings or structures located upon the land, and the construction, reconstruction, alteration, expansion, or relocation of buildings or structures upon the land, shall conform to the regulations applicable to the district in which the land is located unless otherwise provided for in these Regulations. The following shall apply:

- (a) It is the intent and requirement of these Regulations that every principal building located within a zoning district in the City of Mills be located on a separate lot, as defined herein. The only circumstances under which more than one principal building shall be allowed on one lot is in the Planned Unit District or by administrative review for shopping centers.
- (b) Buildings and structures shall only be constructed, enlarged, altered, or moved, and land may only be used, as follows (unless otherwise approved):
 - (i) The use shall be listed as permitted or conditionally permitted, in the district in which it is to be located;
 - (ii) The height shall not exceed the limits established for the zoning district in which it is located;



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (iii) The maximum coverage and location of the building(s) and other site improvements shall not exceed the lot limits as designated by the district in which the site is located;
 - (iv) All site design standards as required by the zoning district in which the property is located shall be adhered to;
 - (v) Any special regulations as described in Section 45 that apply to the proposed use or activity shall apply.
 - (c) In the event a legal nonconforming structure is moved, altered, added to, or enlarged, and the proposed change exceeds fifty (50) percent of the building's current value, then all improvements shall be in conformity with the development standards for the zone in which the property is located.
 - (d) No part of a lot area, open space, off-street parking area or yard required about or in connection with any building for the purposes of complying with these Regulations may be included as part of a lot area, required open space, off-street parking area or yard similarly required for any other building or use.
 - (e) The City may issue building or other Land Use Permits only when:
 - (i) The proposed land use and/or structures satisfy the requirements of subsection (a) above and all other applicable regulations; and
 - (ii) The Applicable Director determines that the site was subdivided in compliance with the City of Mills subdivision requirements.
 - (f) Nothing in these regulations eliminates the need for obtaining permits, approvals, or Land Use Permits required by any local, regional, state, or federal agency with such jurisdiction.
 - (g) Property within the City and/or within its jurisdiction shall be subdivided in conformance with this ordinance.
 - (h) No person shall transfer, offer for sale or lease, or sell, any land by reference to or by the use of a plat of a subdivision, before such plat has been approved and recorded. The description of such land by metes and bounds shall not exempt the transaction from the provisions of this ordinance.
- (7) **Building Permit Requisite.** A building permit for new residential construction or remodeling on a lot shall be issued only after a subdivision plat has met interim acceptance and a Subdivision Improvements Agreement has been completed or all public improvements have been installed and accepted by City Council. The public improvements consisting of water, sanitary sewer, and curb and gutter shall be installed and approved by the City Engineer prior to interim acceptance being granted.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (a) Other than residential: For projects other than residential, the public improvements consisting of water and sanitary sewer shall be installed and approved by the City Engineer prior to a building permit being issued.
- (8) **Certificate of Occupancy.** In all Zoning Districts, Certificates of Occupancy shall not be issued until all subdivision improvements, except for sidewalks out of the lot for which the Certificate of Occupancy is sought, have been installed and approved by the City Engineer.
- (9) **Zoning Plan Adopted.** The zoning plan attached to the ordinance codified in this Title as 'Exhibit A' and by this reference made a part of this Title is adopted as the official zoning map of the City of Mills and shall govern the use and location of all land and structures within the City as specified in that plan. The City Planner shall interpret boundary locations upon request of any person in such instances as lack of detail, legibility, or any uncertainty of the intended location of the district boundaries. Any person claiming grievance to such interpretation may appeal to the City Council:
 - (a) Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, the center lines of alleys, or the center lines of highways, such district boundaries shall be construed as being the center line of that street, alley, or highway.
 - (b) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
 - (c) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located at the railroad right-of-way line.
 - (d) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be construed to be the center line of the stream, otherwise at the limit of the jurisdiction of the City unless otherwise indicated.
 - (e) Where district boundaries are indicated as approximately following section lines, quarter section lines, quarter-quarter section lines or survey and claim lines, such lines shall be construed to be such boundaries.
 - (f) Whenever any street, alley or other public way is vacated in the manner authorized by law, the ongoing district adjoining each side of such street, alley, or public way shall automatically extend to the center of such vacation and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.
- (10) **Pending Projects**
 - (a) Any complete application that has been properly submitted, but upon which no final action has been taken prior to the effective date of these Regulations, shall be processed in accordance with the regulations in effect on the date the application was submitted. The applicant may



TITLE 17 – LAND DEVELOPMENT REGULATIONS

request the application be processed pursuant to current Regulations, provided that the applicant complies with all requirements set forth herein.

- (b) Approved Land Use Permits that are valid on the effective date of the current Regulations shall remain valid until their expiration date, where applicable.
 - (c) Any building or development for which a building permit was granted prior to the effective date of these Regulations shall be permitted to proceed to construction, even if such building or development does not conform to the current Regulations, as long as the building permit remains valid and the scope of the project remains unchanged.
- (11) **Amendments to the Regulations.** The City Council, from time to time on its own motion or on written application of any party, may amend, supplement, change, modify, or repeal, by resolution, the regulations or restrictions herein established. Any proposed amendment, supplement, change, modification, or repeal shall first be submitted to the Planning Commission for its recommendation EXCEPT upon the declaration of emergency circumstances made by the City Council. Amendments adopted by the City Council under emergency circumstances shall be considered by the Planning Commission at a regular meeting and a recommendation shall be made. Upon receipt of a recommendation from the Planning Commission relating to emergency amendments, the City Council shall vote to ratify or rescind the previous action.
- (12) **Severability**
- (a) If any court of competent jurisdiction invalidates any provision of these Regulations, then such determination shall not affect the validity of any other provision contained within these Regulations.
 - (b) If any court of competent jurisdiction invalidates the application of any provision of these Regulations to a particular property, structure, or land use, then such determination shall not affect the application of that provision to any other building, structure, or land use not specifically identified.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

10.10 Approval Authority

- (1) **Purpose.** The purpose of this section is to establish the administrative responsibilities of the Regulations and to identify the basic responsibilities of the officials and bodies charged with its administration. This section describes the responsibility and decision-making authority for each review body (e.g., Applicable Director, Planning Commission, or City Council) on land use actions.
- (2) **Definitions.** As used in this Chapter, the following terms are defined as:
 - (a) "Appeal or Appellate Review" means a hearing, conducted by a single hearing body or officer authorized to conduct such hearings, in which testimony is restricted to information contained in the record.
 - (b) "Applicable Director" means the City Administrator, City Planner, Building Official, or designee as designated by the Mayor.
 - (c) "Contested Case Hearing" means a hearing, conducted by a governing body or officer authorized to conduct such hearings in which legal rights, duties, or privileges of a party are required by law or the Regulations.
 - (d) "Public Hearing" means an opportunity to provide comment from the public or other agencies.
- (3) **Officials and Responsibilities.** The following roles and responsibilities apply to the enforcement of these Regulations:
 - (a) **Mayor.** The Mayor of the City of Mills shall be responsible to ensure City of Mills officials are abiding by the provision of the Regulations. The Mayor shall at all times work to find a balance between the concerns of city officials and the property rights of the public.
 - (b) **Applicable Director.** The Applicable Director and is responsible for the administration of all aspects of planning, zoning and annexation within the City of Mills, as designated by the Mayor.
 - (c) **Planning & Zoning Commission.** The Planning & Zoning Commission of the City of Mills shall consist of five (5) members who are residents of the City of Mills. The Planning & Zoning Commission shall review proposed Land Use Permits as provided in these Regulations and as established through the Commission bylaws.
 - (d) **Appointment of City Planner.** To assist the City Council, a City Planner may be appointed. The City Planner shall have any additional powers as granted by the City Council.
- (4) **Authority.** There are three Review Processes (1–3) defined by who has the authority to render a decision on the matter. The Review Process for each application is found in the Use District Charts. Please refer to Table 10.10-1 for more information about each Review Process.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (a) In general, decisions on applications which are under Review Processes 1 & 2 are made by the Applicable Director. Review Process 2 applications may be deferred by the Applicable Director to the Planning & Zoning Commission for recommendation then to City Council for review and final decision.
- (b) Review Process 3 decisions are made by the City Council, following receipt of recommendation from the Planning Commission.

Table 10.10-1
Procedural Types and Review Processes

Action	Administrative		City Council
	Process 1	Process 2	Process 3
Pre-Application Meeting	None	Recommended	Recommended
Notification Requirement (Section 10.20)	None	Required	Required
Public Hearing (Section 10.70)	None	Required if Elevated to Planning Commission	Required
Recommendation Review	Applicable Director	Applicable Director/Planning Commission	Planning Commission
Decision-Maker	Applicable Director	Applicable Director/City Council	City Council
Administrative Appeal	City Council	City Council	None
Judicial Appeal	District Court	District Court	District Court
	Example	Example	Example
	Accessory Uses (Section 45.55)	Deviation (Section 10.50)	Conditional Use Permit (Section 10.55)
	Site Plan Approval (Section 10.35)	Wireless Communication Facility (Section 45.45)	Manufactured Home Park (Section 45.25)
	Home Occupation (Section 45.20)	Child Care Facility (Section 45.50)	Zoning or Re-zoning Requests (Section 10.60)
	Similar Use Determinations (Section 10.40)	Temporary Use Permit (Section 10.30)	Final Subdivision Plat (Section 47.40.010)
	Zoning Certificate/Site Plan Review (Section 10.25 & 10.45)	Buffering Standards (Section 40.30)	Annexation Plat (Section 46)



TITLE 17 – LAND DEVELOPMENT REGULATIONS

10.15 Interpretation of Regulations

- (1) **Rules of Interpretation.** As used in these Regulations, the following shall apply:
- (a) Abbreviations. The following phrases, personnel, and document titles are shortened in these Regulations:
 - (i) City of Mills = City.
 - (ii) Mills City Council = Council.
 - (iii) Planning Department = Department.
 - (b) Terminology. The following apply in these Regulations:
 - (i) Language. The words "shall," "will," "is to," and "are to" and similar words and phrases are always mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive.
 - (ii) Tense and number. The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural, and plural numbers include the singular unless the natural construction of the word indicates otherwise.
 - (iii) Conjunctions. "And" indicates that all connected items or Regulations shall apply. "Or" indicates that the connected items or Regulations may apply singly or in any combination. "Either...or" indicates that the connected items and Regulations shall apply singly but not in combination. "Includes" and "including" shall mean "including, but not limited to."
 - (iv) Number of days. Whenever a number of days are specified in these Regulations, or in any Land Use Permit, condition of approval, or notice issued or given as provided in these Regulations, the number of days shall be construed as calendar days, unless otherwise specified. Time limits will extend to the following business day when the last of the specified number of days falls on a day that the City is not open for business.
 - (v) Minimum requirements. All requirements of these Regulations are minimum requirements, unless specifically stated otherwise.
 - (c) Calculations – Rounding. Where any provision of these Regulations requires calculation to determine applicable requirements, any fractional/decimal results of the calculation shall be rounded up to the nearest whole number.
 - (d) Zoning Regulations. Any list of any item, including zones or uses, is exclusive. If a use or other item is not listed, it is not permitted unless the Applicable Director determines the use to be similar to a listed use or use category.

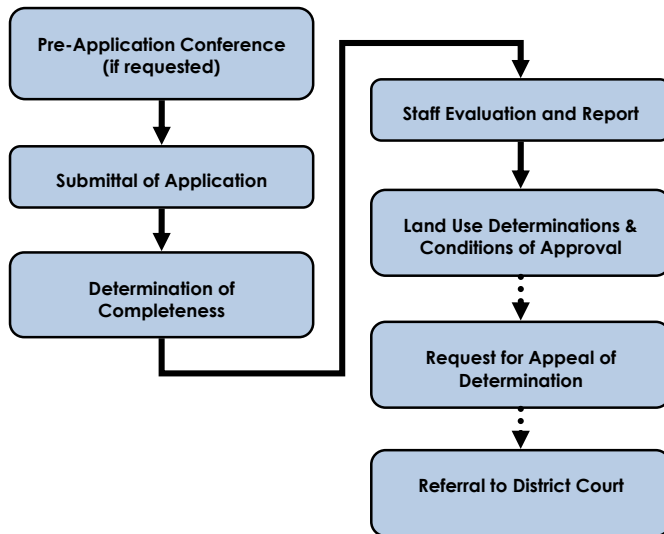


TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (2) **Elevation of Review Process.** At its discretion, the Applicable Director can elevate the Review Process of any application to a Review Process 3.

10.20 Application Processing of Land Use Permits

Figure 10.20-1
Land Use Permit Process



- (1) **Purpose.** This section describes the general procedures that apply to all applications submitted under these Regulations. It describes the procedures governing all permits issued under these Regulations.
- (2) **Consolidated Review.** When an applicant makes a request that falls under more than one Review Process, the applicant may choose to have the matter considered in its entirety by the highest Approving Authority. For example, a Zoning Amendment can be consolidated with a Conditional Use Permit, but the final decision for both applications will be made by the City Council at the same public hearing.
- (3) **Pre-Application Conference.** A pre-application conference is available to acquaint applicants with the requirements of the Regulations and other relevant information. To schedule a pre-application conference, the applicant shall submit a request and provide submittal requirements identified by the Planning Department in the application materials. Information provided by the City at a pre-application conference is not binding and may be modified as development review progresses. Pre-application conferences are generally not required but are highly encouraged. However, for certain complex applications, the Applicable Director may require the applicant to attend a pre-application conference.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

(4) **Inspections**

- (a) Pre-approval Inspections. Every applicant seeking a permit or any other action in compliance with these Regulations shall allow the City officials handling the application access to any premises or property which is the subject of the application.
- (b) Post-approval Inspections. If the permit or other action in compliance with these Regulations is approved, the owner or applicant shall allow appropriate City officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

(5) **Who May Apply.** Land Use Permit applications may be initiated by the following:

- (a) All owners and contract purchasers of the subject property, or any person authorized in writing to act as agent of the owner or contract purchasers, as evidenced by document of title or agency supplied with the application;
- (b) Public agencies or utilities that have statutory rights of eminent domain for projects that have the authority to construct;
- (c) The Applicable Director;
- (d) The Planning Commission; or
- (e) The City Council.

(6) **Application Requirements.** To ensure timely review and approval, all applications for Land Use Permits shall include the following materials and be submitted to the Planning Department:

- (a) Application Submittal. All applications must be submitted during regular business hours to the Planning Department. However, in order to efficiently schedule Review Process 3 applications with the City Council, it is recommended that such applications be submitted per the yearly submittal calendar, as provided each year by the City.
- (b) Application. Completed application form including applicant signature(s), agent authorization (as appropriate), and proof of property ownership or copy of contract for purchase.
 - (i) Required fee or deposit based on the Land Use Permit(s) requested.
 - (ii) Plans, maps, legal description, and any other information deemed necessary by the Applicable Director to provide the Approving Authority with adequate information to make informed decisions. The Applicable Director will determine the format of the application materials and alter the format of these materials as appropriate.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (iii) Site plan: Unless otherwise determined by the Applicable Director, a site plan is required for all new construction.
 - (iv) Other: Materials listed on the application form.
- (7) **Fees**
 - (a) All applicants shall pay a fee for the review of Land Use Permits. The fee schedule is established by resolution, which may be amended from time to time. All required fees shall be paid prior to consideration of the application by either the Planning Commission or the City Council.
 - (b) Zoning Applications: All application fees are due at the time of application submittal.
 - (c) **Subdivision Review Fees:**
 - (i) The subdivider shall pay the required nonrefundable fee at the time the application is submitted to the city for review.
 - (ii) The subdivider shall pay to the city, at the time the final plat is submitted, a fee established by the county clerk for the recording of the final plat.
 - (iii) In addition, the subdivider shall be responsible for associated surveyor technical review fees, which will be provided to the applicant by the City and must be paid prior to recording of the final plat.
 - (d) **Development Plans:**
 - (i) The applicant shall pay a Development Plan review fee, as set by resolution, whether such plan approval is provided for by Ordinance or by Agreement between the City of Mills and the applicant.
 - (ii) The applicant shall pay to the city, at the time the Development Plan application is submitted, a fee for recording of the Development Plan in the County Clerk's office.
 - (iii) The applicant shall pay a fee, set by resolution, for any Land Use Permit, prior to consideration of the application by either the Planning Commission or the City Council.
- (8) **Determination of Completeness**
 - (a) Within ten (10) business days of receipt of an application, the applicant shall be notified in writing if additional information is necessary to complete the application. The correspondence may identify preliminary information regarding the areas in which the submitted materials are not in compliance with City standards and requirements.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (b) Rejection by the Applicable Director at this time shall be based solely on completeness of the application.
 - (c) Acceptance of an application as complete indicates only that the application is ready for review.
 - (d) Information submitted by the applicant to the City after the date the application is considered complete that results in a substantial change from the original application shall require review as a new application. The Applicable Director shall determine, in their sole discretion, whether a substantial change from the original application is being proposed.
- (9) **Withdrawal.** The following procedure allows for the withdrawal of Land Use Permit applications:
 - (a) Request. The applicant may withdraw its application, in writing, at any time prior to the final decision on the Land Use Permit. Any fees paid will not be reimbursed.
 - (b) Incomplete Applications. An application determined to be incomplete for a period longer than six (6) months from the date of receipt shall be deemed denied unless an extension is granted as set for below.
- (10) **Extension.** The Applicable Director, at the applicant's written request, may extend the time limits established under this Ordinance for processing a Land Use Permit application, subject to the following:
 - (a) Requests for extension must be filed with the Applicable Director prior to the applicable expiration date.
 - (b) No application shall receive an extension which exceeds two (2) years.
 - (c) Regardless of the grant of an extension, applications shall comply with the Regulations in effect at time of initiation of development, including any land surface modification or construction of a structure or building.
 - (d) The grant of an extension shall be in the sole discretion of the Applicable Director.
- (11) **Staff Evaluation and Report**
 - (a) Staff Evaluation. The Applicable Director shall review all applications to determine compliance with the Regulations and other applicable regulations.
 - (b) Staff Report. When any of these regulations require City Council action, the Applicable Director shall provide a written recommendation (staff report) to the Planning Commission and City Council to approve, deny, or approve with conditions, the requested Land Use Permit.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (c) Report Distribution. Each staff report shall be furnished to the applicant at the time it is provided to the Approving Authority.
 - (d) The staff report may be amended as necessary at any time prior to the final action to address issues or information not reasonably known at the time the report is due. Substantial amendments will be distributed to the applicant and Approving Authority.
- (12) **Conditions of Approval**
 - (a) The Approving Authority shall have the authority to impose conditions upon any approval to ensure that adverse impacts are mitigated, and all applicable criteria are, or can be, met.
- (13) **Revocation.** In the event an applicant, or the applicant's successor in interest, fails to comply with any of the conditions of a Land Use Permit, the Approving Authority may institute revocation proceedings if the Applicable Director determines there is substantial likelihood that any of the following situations exist:
 - (a) One or more conditions of approval have not been implemented or have been violated; or
 - (b) The activities, or the use itself, are substantially different from what was approved.
- (14) **Expiration.** Unless otherwise specified in this Ordinance, all Land Use Permits shall expire two (2) years from the date of approval if no development activity has taken place on the subject property. Any new permit shall conform to current rules and regulations.
- (15) **Transfer of Permit.** Unless otherwise provided, an approved Land Use Permit runs with the land and is transferred with ownership of that land. Any conditions, time limits, or other restrictions imposed in a Land Use Permit shall bind all subsequent owners of the property for which the Land Use Permit was granted.
- (16) **Notice and Decision.** Notification of an application for a Land Use Permit and notice of the final decision for a Land Use Permit is as follows:
 - (a) Administrative Permits
 - (i) Notice. Review Process 1 applications do not require notice to anyone. The Applicable Director shall provide notice to all property owners within ~~one hundred forty one thousand (140,1,000)~~ feet of the subject parcel boundaries, excluding all rights-of-way, for any Review Process 2 and 3 applications. Property owners notified shall have fourteen (14) days to respond with comments.
 - (ii) Decision. The Applicable Director shall provide written notice of the decision to the applicant.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (iii) Findings. The Applicable Director's decision shall be based on standards set forth within these Regulations and may be accompanied by brief findings if appropriate.
 - (iv) Appeal. Review Processes 1 and 2 may be appealed to the City Council.
- (b) Planning Commission
 - (i) Notice. Some Review Process 2 and all Review Process 3 applications will require a public hearing with notice being provided as set forth in Section 10.70 of these Regulations.
 - (ii) Recommendation Review. The Planning Commission may recommend approval, approval with conditions, or deny an application.
 - (iii) Notice of decision. The Planning Commission shall provide written notice of the recommendation to the applicant.
 - (iv) Appeal. Planning Commission decisions may be appealed to the City Council.
- (c) City Council
 - (i) Notice. Review Process 3 applications will require a public hearing with notice being provided as set forth in Section 10.70 of these Regulations.
 - (ii) Decision. The City Council may approve, approve with conditions, or deny an application.
 - (iii) Notice of decision. The City Council shall provide written notice of the decision to the applicant.
 - (iv) Appeal. Decisions of the City Council may be appealed to district court.

10.25 Zoning Certificate

- (1) **Purpose.** Zoning Certification is a Review Process 1 to certify that a proposed structure or land use is allowed in the applicable zoning district and that the project complies with all applicable requirements of the Regulations. This includes building permit plan check, home occupations, siting of a manufactured home, sign permits, and other activities that require a compliance check with regard to the Ordinance.
- (2) **Applicability.** Zoning Certification is required prior to establishing a land use, completing site improvements, building a structure, installing a sign, or any other City permit that may have land use implications.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

(3) Requirements

- (a) Prior to obtaining a construction permit where planning approval is required.
- (b) Prior to the establishment of an allowed land use as a permitted use that does not require a construction or other permit.

(4) Approval

- (a) Application. The Zoning Certification application shall include a site plan showing the following, prior to approval:
 - (i) Existing site improvements and/or structures comply with all applicable requirements of the Regulations and other applicable regulations or have been determined to be legally nonconforming.
 - (ii) New improvements comply with the standards and requirements of this Ordinance and other applicable regulations.
- (b) Approval. Approvals shall be indicated by issuance of a signed Zoning Certificate.
- (c) Revocation or Cancellation. The Applicable Director may revoke any permit upon refusal of the permit holder to comply with the requirements of the permit. The Applicable Director shall provide written notice of noncompliance and provide at least thirty (30) days to correct. This provision does not apply in the event that a structure, sign, tree, or other site or building feature, by nature of its physical condition, is an imminent and significant threat to public safety. If such imminent conditions exist, the property owner shall mitigate the condition within the prescribed time as determined by the Applicable Director.

10.30 Temporary Use Permits

- (1) **Purpose.** Temporary Use Permits (TUP) allow short-term activities that may not meet the normal development or use standards of the applicable zoning district but may be acceptable because of their temporary nature. The TUP applicant must demonstrate the application is consistent with zoning



requirements. Regulations in this section may place restrictions on the duration of the temporary use, its location, and other development standards. The intent of these regulations is to ensure that the temporary use does not adversely impact the long-term uses of the same or neighboring sites, or impact the general health, safety, and welfare of persons residing within the community.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (2) **Applicability.** A Temporary Use Permit may be issued for the following short-term activities. Temporary Use Permits are granted through a Review Process 3.
- (a) Construction Office. A temporary construction office used during the construction of a main building or buildings on the same site. The construction office must be removed prior to the issuance of certificates of occupancy of the main building on the site.
 - (b) Construction Yards, Off-Site. Site contractors' construction yards, in conjunction with an approved construction project. Construction yards must be removed prior to certificate of occupancy for any buildings on site or within thirty (30) days of any completed permit work when no structures suitable for occupancy are involved.
 - (c) A manufactured home for temporary caretaker quarters during the construction of a subdivision, multi-family, or nonresidential project, while a valid building permit is in force. Temporary dwelling units in this instance must be removed prior to the issuance of the certificate of occupancy for the final, permanent residential structure.
 - (d) Model Homes. A model home or model home complex may be authorized before the completion of subdivision improvements. The model home may be the final unit converted into a for-sale residential unit.
 - (e) Temporary real estate offices, including sales trailers and related facilities, may be established within the area of an approved residential subdivision project, solely for the first sale of homes. Temporary real estate offices must be removed at the time the subdivision is fifty (50) percent sold. In addition, conditions of approval regulating the hours of operation, buffering, or other aspects as deemed necessary may be imposed as part of the Temporary Use Permit.
 - (f) Outdoor Displays/Sales (e.g., sidewalk sales). Outdoor sales and display of goods, including promotional sales, may be conducted as part of an otherwise lawfully permitted or allowed permanent use. The temporary activity must be related to the on-site use and all activities shall be conducted within the buildable portion of the lot. The use is limited to thirty (30) days within the first one hundred and eighty (180) days of business and for other businesses shall be limited to one period not exceeding ten (10) days within a given year. Sales and display may not occupy more than ten (10) percent of the parking area and shall not substantially alter the existing circulation pattern of the site. Temporary sales and displays shall not obstruct any existing handicap accessible parking space.
 - (g) Seasonal Sales Lots. Temporary seasonal sales activities (e.g., Christmas trees, pumpkin sales, and other similar outdoor sales) may be permitted in any commercial or industrial zoning district, or on any religious facility or school site that abuts a designated collector or arterial roadway. Seasonal sales (e.g., Christmas tree sales, pumpkin sales) may be permitted in any nonresidential zoning district upon issuance of a Temporary Use Permit. The term of permit shall not exceed forty-five (45) days per calendar year.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (h) Temporary dwellings, including manufactured homes, when a primary dwelling is being constructed or remodeled may be permitted, provided a valid building permit has been issued. The temporary dwelling shall be limited to a maximum of one (1) year.
 - (i) Temporary Signs. Banners and other signage displays are permitted for a period not to exceed thirty (30) days. No more than four (4) Temporary Use Permits for temporary signs shall be issued for the same property per calendar year. Only stationary inflatable signs shall be allowed.
 - (j) Grand Opening Event/Special Day or Weekend Event (e.g., auction, craft fair, carnival, parking lot sale). The time period may not exceed ten (10) days within a calendar year (either consecutive or intermittent). The use must be located on commercial or industrial zoned land.
 - (k) Farmers' Markets. The market must be located within the buildable portion of the lot on which it is to be located. The Temporary Use Permit may impose conditions limiting the length of the permit, days and hours of operation, and other development factors as deemed appropriate.
- (3) **Exempt Temporary Uses.** The following temporary uses are exempt from the permit requirements of this section, provided they comply with the development standards listed herein.
- (a) Garage and Yard Sales. Permitted on any parcel where the sale operator resides, not to exceed three (3) sales per calendar year and two (2) consecutive days for each sale.
 - (b) Emergency Facilities. Temporary facilities to accommodate emergency public health and safety needs and activities.
 - (c) Construction Yards, On-Site. Yards and sheds for the storage of materials and equipment used as part of a construction project provided a valid building permit has been issued and the materials and equipment are stored on the same site as the construction activity.
 - (d) Fireworks Stands. Other permit(s) may be required by the City of Mills Fire Department and/or other regulatory agencies.
 - (e) Readerboard Signs. Permitted with review and approval of the Applicable Director of the placement and size of any sign advertising a temporary event or sale.
 - (f) Activities conducted on public property or within the public right-of-way that are approved by the City or as otherwise required by the Municipal Code.
- (4) **Application.** The following is required for all Temporary Use Permit applications:
- (a) TUP application form and fee.
 - (b) A narrative describing the proposed temporary use.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (c) Site plan with dimensions, location of any temporary structures, and key features.
 - (d) Vicinity map identifying the type and location of all land uses adjacent to the subject property.
 - (e) All proposed parking and signage with dimensions.
 - (f) Time period and dates requested for activity.
- (5) **Review.** Temporary uses are reviewed through a Review Process 3, and the City Council may issue the TUP in compliance with this section.
- (6) **General Development Standards.** Each use granted a Temporary Use Permit shall comply with all applicable zoning district and development standards as outlined in these Regulations. The Applicable Director may review the following considerations in granting a Temporary Use Permit.
 - (a) Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this these Regulations; and
 - (b) Limitation on the duration of approved "temporary structures," to a maximum of one (1) year, so that they shall not become permanent or long-term structures; and
 - (c) Other requirements as appropriate to minimize any adverse impacts of the use.
- (7) **Similar Uses.** When a temporary use is not specifically listed in this section, the Applicable Director shall determine whether the proposed use is similar in nature to listed uses(s) and shall establish the term and impose conditions deemed necessary for the particular use, consistent with the Regulations for Similar Use Determination in Section 10.45 (Similar Use Determinations).
- (8) **Approval.** The Applicable Director shall consider the following to approve or conditionally approve a Temporary Use Permit application:
 - (a) The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.
 - (b) The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
 - (c) Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by these regulations.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (9) **Conditions.** In approving a Temporary Use Permit, the Applicable Director may impose conditions, as follows:
- (a) Measures to minimize impact on adjacent uses, such as buffers, hours of operation, lighting requirements, noise limits, and/or parking standards.
 - (b) Property maintenance requirements to ensure that each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use.
 - (c) Other conditions deemed reasonable and necessary.

10.35 Site Plans

- (1) **Purpose.** The purpose of a site plan is to determine whether proposed construction meets all zoning requirements or if it requires additional site and design considerations beyond the minimum standards of the Regulations.
- (2) **Applicability.** Site plan review is through a Review Process 1. Site plan review is required for the following:
- (a) New single or two-family residential units and additions thereto.
 - (b) Additions of less than 5,000 square feet to commercial and industrial buildings.
 - (c) Construction or re-construction of parking lots and storage lots.
 - (d) Changes in use of a parcel or structure.
 - (e) Other proposed uses and development as determined by the Applicable Director.
- (3) **Exemptions.** The following structures and improvements are exempt from site plan review. However, such structures may require additional permits, such as a building permit to ensure compliance with adopted Building Code standards and applicable regulations.
- (a) Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use or the floor area of the structure;
 - (b) Interior alterations that do not increase the gross floor area within the structure or change/expand the permitted use of the structure.
- (4) **Approval.** Decisions on a site plan review shall be made by the Applicable Director and granted only when the Applicable Director determines that the proposed





TITLE 17 – LAND DEVELOPMENT REGULATIONS

project complies with applicable zoning regulations and applicable site development standards. The Applicable Director may elevate a Site Plan review to a Review Process 3, if deemed necessary.

- (5) **Conditions.** The Applicable Director may require modifications to plans in whole or in part and may condition the site plan review to ensure specific design features, construction materials, and conformance with all applicable Regulations.

10.40 Development Plan Review

- (1) **Purpose.** A Development Plan review is an elevated Site Plan review process for larger commercial, industrial or multi-family residential developments, enlargement of a parking lot or storage area, and additions over 5,000 square feet in size. Development Plans are reviewed through a Review Process 3. The Development Plan review process is used to determine whether a development requires additional site and design considerations beyond the minimum standards of the Regulations.

Formatted: Font: 11 pt, Bold

- (2) **Objectives.** To improve the quality of life in the City of Mills and to ensure compliance with city subdivision and zoning regulations and design standards, Development plan requirements and procedures are designed to meet the following objectives:

Formatted: Font: 11 pt, Bold

- (b) To ensure compliance with all requirements of the city zoning and subdivision regulations, and all drainage, safety, utilities, natural hazard, erosion control, traffic, easement provisions required by city rules and ordinances;

Formatted: Font: 11 pt, Bold

- (c) To provide a smooth transitions between adjoining properties;

Formatted: Font: 11 pt, Bold

- (d) To encourage infill development and redevelopment of existing areas;

Formatted: Font: 11 pt, Bold

- (e) The facilitate review of new development by appropriate agencies;

Formatted: Font: 11 pt, Bold

- (f) Streamline the development application, review and approval processes;

Formatted: Font: 11 pt, Bold

- (4)(g) Provide a review process for new development and its impacts to surrounding property with regard to stormwater runoff, water supply, wastewater contribution and traffic impacts.

Formatted: Outline numbered + Level: 4 + Numbering Style: a, b, c, ... + Start at: 2 + Alignment: Left + Aligned at: 1" + Tab after: 1.5" + Indent at: 1.5"

- (3) **Applicability.** A Development Plan is a plot plan of the entire area to be developed, which shows location and size of buildings, the area of land under consideration, street names and widths, parking area size and all other items required on the checklist (See Appendix). Development Plan review is through a Review Process 3. Development Plan review is required for the following:

- (f) Manufactured home parks.
(g) Multi-family residential development and additions thereto.
(h) Commercial development and additions thereto over 5,000 square feet.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (i) Office development and additions thereto over 5,000 square feet.
- (j) Public or private schools.
- (k) Creation or enlargement of off-street parking lots or storage areas/facilities.
- (l) Industrial development and additions thereto over 5,000 square feet.
- (m) Other proposed uses and development as determined by the Applicable Director.

~~(2)~~(4) **Exemptions.** The following structures and improvements are exempt from Development Plan review. However, such structures may require additional permits, such as a building permit to ensure compliance with adopted Building Code, landscaping standards and other applicable regulations.

- (a) Single Family Dwelling units.
- (b) Accessory structures consistent with Section 45.55 (Accessory Uses);
- (c) Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use or the floor area of the structure;
- (d) Interior alterations that do not increase the gross floor area within the structure or change/expand the permitted use of the structure.

~~(5)~~ **Approval Criteria.** ~~A Development Plan shall be approved is the plan is found to satisfy the standards of this section, including the following:~~

- ~~(a) Be compatible with the goals and policies of all plans currently adopted by the city council.~~
- ~~(b) Promote the efficient use of land by means of a sound arrangement of buildings, safe and functional points of access, well planned parking circulation systems and adequate sidewalks and pathways for pedestrians.~~
- ~~(c) Provide for landscaping, and within multi-family housing complexes, open space such as, but not limited to, bicycle paths, playground areas, courtyards, areas for active recreation, landscaping, gardens, walks, outdoor seating and picnic areas and similar open space.~~
- ~~(6) Preserve and utilize, where possible, existing landscape features and amenities and blend such features with new structures and other improvements. Decisions on a Development Plan review shall be made by the City Council and granted only when the Council determines that the proposed project complies with applicable zoning regulations and applicable development standards and that the proposed project will not create conflicts with vehicular, bicycle, or pedestrian circulation.~~

~~(6) Conditions.~~ The City Council may require modifications to plans in whole or in part and may condition the development plan review to ensure specific design features, construction materials, and conformance with all applicable Regulations. **Content.**

Formatted: Outline numbered + Level: 4 + Numbering
Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at:
1" + Tab after: 1.5" + Indent at: 1.5"



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Persons submitting Development Plans shall meet with city staff to discuss their proposal prior to submitting an application for review. A complete application shall be submitted to the Planning Division and shall include:

- (a) Application fee, as established by Council resolution;
- (b) Original Development Plan application form;
- (c) One (1) 24x36" copy of the site plan containing all information required on the site plan checklist. Site Development Plans shall be drawn to scale and show, as a minimum, accurate dimensions of: lot size and area, building size and area, street names and width, parking areas showing entrances, exits, distance between rows of spaces and total area of parking, plus all other items required by the council in accordance with this section.
- (d) A digital copy of the site plan in .PDF format
- (e) A drainage plan showing surface drainage and the effect surface drainage will have on the area under consideration and all abutting public and private property;
- (f) For developments generating more than seventy-five vehicle trips per peak hour period, a traffic study shall be prepared by a Licensed Wyoming Engineer. Based on results of the study, the applicant shall be required, by council, to contribute a proportionate share of off-site traffic controls impacted by the project. Contributions shall be expressed and memorialized in the approved Development Plan Agreement.
- (g) A landscaping plan and buffering plan for areas of transition between all commercial and residential areas, as required.
- (5)(7) **Conditions.** The City Council may require modifications to plans in whole or in part and may condition the development plan review to ensure specific design features, construction materials, and conformance with all applicable Regulations.
- (a) As a condition of approval, the Applicant shall enter into a Development Plan Agreement executed by the city council and applicant.
- (b) An approved Development Plan shall be forwarded to the Building Official by the City Planner prior to the Building Official issuing any building permits.

Formatted: Space Before: 11 pt, After: 11 pt, Outline numbered + Level: 4 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 1.5" + Indent at: 1.5"

Formatted: Not Expanded by / Condensed by

10.45 Similar Use Determinations

- (1) **Purpose.** The land use district tables in Sections 15 through 20 are not comprehensive. When a use is not listed and it is unclear whether the use is permitted, the Similar Use Determination allows the Applicable Director to determine whether or not a proposed use is substantially similar to a listed use and whether it may be permitted in a particular zoning district.
- (2) **Authority.** The Applicable Director shall have the authority to make Similar Use Determinations through a Review Process 1.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (3) **Approval.** In determining whether or not a use is similar, the Applicable Director shall consider the following:
- (a) The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher intensity of activity or population density than the uses listed in the zoning district;
 - (b) The proposed use will be consistent with the purposes of the applicable zoning district; and
 - (c) The proposed use will be consistent with relevant City policies and these Regulations.
- (4) **Determinations.** The decision of the Applicable Director will be provided in writing to the applicant. The decision will include:
- (a) A brief statement explaining the criteria and standards considered relevant to the decision; and
 - (b) A statement of the standards and facts relied upon in rendering the decision.

10.50 Administrative Adjustment

- (1) **Purpose.** This section allows minor variances to the Regulations, as set forth in Table 10.50-1, to allow creative design solutions and to accommodate unique site conditions.
- (2) **Applicability.** The Applicable Director shall have the authority to grant an Administrative Adjustment through a Review Process 2.

Table 10.50-1
Standards Subject to Administrative Adjustment

Standard	Maximum Reduction or Increase
Parking or loading spaces (reduction)	10 percent
Setback (reduction)	15 percent
Maximum building or structure height (increase)	15 percent
Maximum residential density (increase)	25 percent
Fences (increase)	Up to 8 feet tall

- (3) **Limitations.** Under no circumstances shall an Administrative Adjustment result in any of the following:
- (a) Allow a land use not otherwise permitted in the zoning district;
 - (b) Waive a specific prohibition (e.g., prohibited sign);
 - (c) Waive or modify a procedural requirement; or



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (d) Relieve impacts due to cost or time.
- (4) **Approval.** The Applicable Director may approve an Administrative Adjustment, with or without conditions, after considering the following:
 - (a) The proposed development is compatible with existing and proposed or expected land uses in the surrounding area.
 - (b) Any exceptions to, or deviations from, the density requirements or other standards result in the creation of project amenities that would not be available through strict adherence to the Regulations (e.g., additional open space, protection of natural resources, improved pedestrian connectivity, etc.).
 - (c) Granting the Administrative Adjustment will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the subject property.
 - (d) The Administrative Adjustment is consistent with the adopted land use plan or any applicable development agreement.
 - (e) The Administrative Adjustment is the minimum required or needed for customary enjoyment of the property.
- (5) **Conditions.** In approving an Administrative Adjustment, the Applicable Director:
 - (a) Shall impose such conditions necessary to ensure that the Administrative Adjustment does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located;
 - (b) May impose any reasonable conditions (e.g., the placement, height, nature, and extent of the use, buffers, off-site improvements, performance guarantees, screening, surfacing, hours of operation) to ensure that the Administrative Adjustment meets the criteria set out in this section.

10.55 Deviation

- (1) **Purpose.** This section allows Deviations from the development standards of these Regulations when special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical conditions for which the strict application of the standards denies the property owner privileges enjoyed by other property owners in the vicinity in the same zoning district.
- (2) **Applicability.** A Deviation may waive or modify any requirement of these Regulations, but shall not:
 - (a) Allow a land use not otherwise permitted in the zone;
 - (b) Increase the maximum allowed residential density;



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (c) Waive a specific prohibition (e.g., prohibited sign);
 - (d) Waive or significantly reduce parking requirements;
 - (e) Waive or modify a procedural requirement; or
 - (f) Relieve impacts due to cost or time.
- (3) **Authority.** The Applicable Director shall have the authority to approve Deviations through a Review Process 2.
- (4) **Approval.** The Applicable Director may approve a Deviation, with or without conditions, after considering the following factors:
 - (a) General Findings
 - (i) There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of these Regulations denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district.
 - (ii) Granting the Deviation will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
 - (iii) The Deviation is consistent with adopted City policy.
- (5) **Conditions.** In approving a Deviation, the Applicable Director:
 - (a) Shall impose such conditions necessary to ensure the Deviation does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located;
 - (b) May impose any reasonable conditions (e.g., the placement, height, nature and extent of the use, buffers, off-site improvements, performance guarantees, screening, surfacing, hours of operation) to ensure that the Deviation meets the criteria set out in this section.

10.60 Conditional Use Permit

- (1) **Purpose.** The Conditional Use Permit (CUP) provides for uses which require additional review prior to establishment or would otherwise not be allowed in a zoning district under these Regulations.
- (2) **Applicability.** This section shall apply to all land uses requiring a Review Process 3, as indicated on the Use District Charts found in Sections 15 through 20.
- (3) **Approval.** The City Council shall approve, approve with conditions, or deny an application for a CUP or to enlarge or alter a conditional use based upon the following factors:



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (a) The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building location, mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, aesthetic, and similar considerations.
 - (b) The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other regulation standards or other reasonable conditions of approval.
 - (c) All required public facilities and/or infrastructure have adequate capacity to serve the use.
 - (d) The project will not create excessive additional costs for public facilities and services.
 - (e) The project meets the requirements of these Regulations, including development standards, design guidelines, and any applicable special use regulations set out in Section 45.
 - (f) The project complies with the policies of the City of Mills Comprehensive Plan.
 - (g) If structures and site plans are considered nonconforming, the elements of a project that are nonconforming have been brought into compliance with current Land Development Regulations.
- (4) **Conditions.** The City Council may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:
- (a) Limiting the hours, days, place, and/or manner of operation;
 - (b) Requiring site or architectural design features which minimize nuisance impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;
 - (c) Requiring larger setback areas, lot area, and/or lot depth or width;
 - (d) Limiting the building or structure height, size or lot coverage, and/or location on the site;
 - (e) Designating the size, number, location, and/or design of vehicle access points or parking areas;
 - (f) Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
 - (g) Requiring buffering, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (h) Limiting the number, size, location, height, and/or lighting of signs;
- (i) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
- (j) Requiring and designating the size, height, location, and/or materials for fences;
- (k) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or environmentally sensitive lands;
- (l) Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district non-remonstrance agreement for the same;
- (m) Any conditions or special requirements imposed upon the development by the sheriff, local hospitals, department of health, county or state agencies, or any other agency with interest and standing; and
- (n) Any other conditions deemed necessary.

10.65 Zoning Map Amendments

- (1) **Purpose.** The purpose of a Zoning Map Amendment is to change the zoning designation of any parcel(s).
- (2) **Procedure.** The applicant shall submit an application to the Applicable Director, who shall review it for completeness. If complete, the application shall be forwarded to the Planning Commission for its recommendation to the City Council. Prior to the City Council making a decision, it shall hold a public hearing pursuant to Section 10.70.
- (3) **Approval.** The decision to approve or to deny an application for a Zoning Map Amendment requires consideration of the following factors:
 - (a) The proposed amendment is consistent with adopted City policy;
 - (b) The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
 - (c) The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning change and anticipated land uses/development.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

10.70 Public Hearings

- (1) **Purpose.** This section establishes the procedures for public hearings, as required by these Regulations.
- (2) **Notice of Hearing.** Notice of a public hearing shall be given to all property owners within one hundred forty (140') ~~one thousand (1,000)~~ feet of the subject parcel(s) property boundaries, excluding all rights-of-way. Notice shall be given at least fourteen (14) days prior to the hearing date. In addition, notice will be published as required per Wyoming State Statutes, as amended. For purposes of Review Process elevation, property owners entitled to notice shall have fourteen (14) days to comment regarding the proposed Land Use Permit or action.
- (3) **Hearing Procedures.** A hearing shall be held at the date, time, and place described in the required public notice. The following shall apply to all public hearings held under these Regulations:
 - (a) **Hearing Comments.** The applicant for a project may represent themselves or be represented by counsel and present any information deemed necessary and relevant. Any other persons in attendance may provide comments regarding the application.
 - (b) **Action of Hearing Body.** Following receipt of comments and information at the public hearing, the Approving Authority may approve, conditionally approve, deny, continue, table, or take under advisement the application.
 - (c) **Continuances.** If a continuance is required, the presiding member of the Approving Authority may continue the hearing.
- (4) **Decisions**
 - (a) **Decision.** The Approving Authority may render its decision at the conclusion of the hearing or continue the matter as needed. Notice of the decision shall be provided to the applicant.
 - (b) **Denial.** If an application is denied, no new application for the same or similar request may be submitted within one (1) year of the date of the decision, unless the Applicable Director finds that the conditions surrounding, or request of, the application has sufficiently changed to warrant a new application.





TITLE 17 – LAND DEVELOPMENT REGULATIONS

10.75 Appeals

- (1) **Purpose.** This section establishes procedures for an appeal from a decision issued under these Regulations.
- (2) **Authority.** The Approving Authority of an appeal shall be as follows:
 - (a) All decisions under Review Processes 1 and 2 are appealable to the City Council.
 - (b) All decisions by the City Council are appealable to district court.
- (3) **Who May Appeal**
 - (a) Any person aggrieved or adversely affected by a final decision made under these Regulations may file an appeal of a decision.
 - (b) Filing. Appeals shall be filed with the Reviewing Authority within thirty (30) days following the date of issuance of the final decision. All appeals shall be in writing and provide sufficient information for the basis for the appeal.
 - (c) Rights. Pending a decision on an appeal, the decision of the Approving Authority may be stayed by the Reviewing Authority, upon appropriate terms and conditions.

10.80 Nonconforming Uses and Structures

- (1) **General.** Any use or structure lawfully occupying a building or land at the effective date of these Regulations, or subsequent amendments thereto or at the time of rezone, which does not conform with the regulations of the district in which it is located, shall be deemed a nonconforming use and may continue to operate as it did prior to the adoption of these Regulations and all previous regulations. A nonconforming use shall exist if the owner or developer of such use has lawfully, in reliance on existing laws, resolutions or permits, made substantial expenditures or otherwise committed him- or herself to a substantial disadvantage, before the law, resolution, or permit is changed.
- (2) **Purpose and Applicability.** This section establishes special regulations for nonconforming land uses and structures that were lawful before the adoption or amendment of these Regulations, but which would be prohibited, regulated, or restricted differently under the current terms of these Regulations or future amendments. It is the intent of these Regulations to allow the continuation of nonconformities under limited conditions outlined herein and reconstruction in the event of natural disaster. Generally, any expansion or change of use of nonconforming uses or structures is prohibited. However, this section establishes special regulations for the potential expansion of nonconformities in limited areas of the City on a case-by-case basis where warranted.
- (3) **Definitions.** For the purposes of this section, the following words and phrases shall have the meaning respectively ascribed to them below.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (a) Legal Nonconforming Use. A use which is not permitted under these Regulations (or any amendments thereto) but was legally in place at the effective date of these Regulations or any subsequently adopted or amended regulations.
 - (b) Legal Nonconforming Structure. A structure (including signs) which is not permitted under these Regulations (or any amendments thereto) but was legally in place, with licenses and permits in current status, at the effective date of these Regulations or any subsequently adopted or amended regulations.
 - (c) Illegal Nonconforming Use. A use which is not permitted under the Regulations (or any amendments thereto) and was not legally in place at the effective date of these Regulations or any subsequently adopted or amended Regulations.
 - (d) Illegal Nonconforming Structure. A structure (including signs) which is not permitted under the Regulations (or any amendments thereto) and was not legally in place at the effective date of these Regulations or any subsequently adopted or amended regulations.
- (4) **Establishing a Legal Nonconforming Use.** A legal nonconforming use may be established upon application through Review Process 2, subject to verification submitted by the applicant. Following is a list of some, but not all, types of documentation which may be accepted as verification of a legal nonconforming use:
- (a) Documentation
 - (i) Licenses; such as beer, liquor, retail, or professional occupation showing dates of use.
 - (ii) Rental property; receipts showing dates of use, directories, utility bills, etc.
 - (iii) Business; receipts showing types of service or goods provided, dated phone directories, Polk's Directory, and other documentation as approved by the Applicable Director.
 - (iv) Statements from utilities, such as power, water, or gas, which indicate date and type of use, i.e., commercial, multi-family residential.
 - (v) Affidavits from neighbors who have observed the nonconforming use over the required time period.
- (5) **Continuation and Maintenance**
- (a) A nonconforming use may continue to operate in perpetuity, be transferred, or be sold, provided that the use shall not be changed, enlarged, or intensified, nor be expanded to occupy a greater area than



TITLE 17 – LAND DEVELOPMENT REGULATIONS

it lawfully occupied before becoming nonconforming. Likewise, plans for any use approved as of the date this section becomes effective may be carried out as approved. Any extension of such approval for which the applicant was entitled to apply as of the effective date may be granted according to the regulations in effect prior to the effective date; if granted, such extension will be considered the same as an approval granted before the effective date. The person asserting the nonconforming use must present evidence that the use existed before the enactment of these Regulations prohibited the use.

- (b) A nonconforming structure may be maintained or improved as follows:
 - (i) Maintenance and repair. A nonconforming structure may be maintained and repaired. Maintenance may include repair work necessary to keep the building or structure in sound condition but maintenance shall not include the replacement of a building or structure.
 - (ii) Seismic retrofitting and Building Code compliance. Repairs, alterations, or reconstruction to reinforce unreinforced masonry structures or to comply with Building Code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards and the Building Code.
 - (iii) Structural alteration of a nonconforming structure to improve safety or to reduce fire hazard.
- (6) **Modification and Expansion.** A legal nonconforming use or structure may be modified or expanded as listed below.
 - (a) Structural Modification. Addition, enlargement, extension, or relocation of a nonconforming structure may be allowed if the changes to the structure conform to these Regulations. Such modifications may not expand the extent of the nonconforming aspect of the structure or result in any new nonconforming conditions for the subject property.
 - (b) Exterior improvements or expansion of structures may require site plan review approval as set forth in Section 10.35 of these Regulations.
- (7) **Destruction and Replacement.** If a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed, the structure may be repaired or rebuilt and reoccupied in the same manner in which it originally existed if the restoration is started within one (6) six months of the date of the damage and is completed within 17 months.
- (8) **Loss of Nonconforming Use.** If a nonconforming use is discontinued for a continuous period of six (6) months or more, the nonconforming use shall terminate. A use shall be determined to have been abandoned if (a) evidence of an intention to abandon, and (b) an act or failure to act which shows or implies that the owner does not continue to claim or retain an interest in the nonconforming use. Evidence may include, but is not limited to, removal of equipment, furniture, machinery,



TITLE 17 – LAND DEVELOPMENT REGULATIONS

structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation.

(9) **Nonconforming Use Permit Procedures**

- (a) **Purpose.** The purpose of the Nonconforming Use Permit is to allow for the expansion or modification a nonconforming use in a manner that ensures compatibility with surrounding areas and uses.
- (b) **Permit Requirements.** A Nonconforming Use Permit is required for the expansion or modification of existing nonconforming structures or uses.
- (c) **Approving Authority.** The Applicable Director shall have the authority to issue Nonconforming Use Permits under a Review Process 2.
- (d) **Decision.** A Nonconforming Use Permit shall be granted only when the designated Approving Authority determines that the proposed use or activity complies with all of the following:
 - (i) The establishment, maintenance, or operation of the use expansion applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the City.
 - (ii) The benefit to the public health, safety, or welfare exceeds the detriment inherent in the expansion of nonconformity.
 - (iii) The modified or expanded nonconforming structure or use would not be incompatible with reasonably foreseeable uses as allowed under the applicable zoning regulations.
 - (iv) The modified or expanded nonconforming structure or use would be consistent with the adopted land use plan.
 - (v) The modification or expansion does not exceed fifty (50) percent of the original nonconforming use/structure square footage.
- (e) **Conditions/Guarantees.** The designated Approving Authority may impose conditions and/or require guarantees for the Nonconforming Use Permit to ensure compliance with this section and other applicable requirements of these Regulations and to prevent adverse or detrimental impact to the surrounding neighborhood.

10.90 **Enforcement**

- (1) **Purpose.** This section is to ensure compliance with these Regulations to promote the City's efforts at protecting the public health, safety, and welfare of the City.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (2) **Violation of Regulations.** Penalty as provided in Section 1.01.100, 1.01.115 and 1.01.120 of the Mills City Code; any person violating any provisions or failing to comply with any of the mandatory requirements of these regulations shall be guilty of a misdemeanor. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by any such person, and he shall be punished accordingly.
- (3) **Penalty Upon Conviction.** Upon conviction by the municipal court of a misdemeanor violation of any Ordinance of the City of Mills, such persons shall be punished by a fine no more than \$750.00 to which court costs and assessments may be added as set by the municipal court, unless otherwise specifically provided for herein for each violation.
- (4) **Authority.** These regulations shall be enforced by the Mayor or the designated Applicable Director who shall have the authority to grant building permits and certificates of occupancy, to make all inspections and decisions necessary to carry out proper enforcement of the provisions of these regulations. No oversight or dereliction on the part of the Mayor or the designated Applicable Director or on the part of any official or employee of the City shall legalize, authorize or otherwise excuse the violation of the provisions of these regulations.
- (5) **Notice**
 - (a) The Applicable Director will issue notice of the violation of the Regulations pertaining to the use of any land and the addition, alteration, construction, conversion, erection, moving, reconstruction, or use of any structure.
 - (b) The Notice of Violation shall allow a period of thirty (30) days to take corrective action unless the violation is deemed to constitute a hazard to public health or safety.
- (6) **Violations.** Any structure constructed or maintained contrary to these Regulations, and any use of land or structure operated or maintained contrary to these Regulations, are hereby declared to be a code violation, except as otherwise provided in these regulations.
 - (a) **Code Violation.** Any structure or use which is altered, constructed, or established contrary to these Regulations or any applicable condition of approval imposed on a permit is unlawful and a code violation. Such violation shall be subject to the remedies and penalties identified in this section, and other remedies available to the County.
 - (b) **Stop Work Order.** Any construction in violation of these Regulations or any conditions imposed on a permit shall be deferred to the Applicable Director and may be subject to the issuance of a Stop Work Order.
 - (c) **Remedies.** The owner or agent of a building or premises in or upon which a violation of any provision of these Regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person or entity who commits,



TITLE 17 – LAND DEVELOPMENT REGULATIONS

takes part, or assists in any violation or who maintains any building or premises in or upon which violation has been committed or shall exist, shall be punished by a fine not to exceed seven hundred fifty dollars (\$750.00) for each offense. Each and every day that such violation continues shall constitute a separate offense.

- (i) In case any structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any structure or land is used in violation of these Regulations, the appropriate authorities of said area, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation or to prevent the occupancy of said building, structure, or land.
- (7) **Revocation.** This section provides procedures for the revocation of a permit issued under these Regulations. All permit revocation proceedings shall be before the City Council.
- (a) Authority. In considering the revocation of a permit issued under these Regulations, the City Council may modify the conditions of the permit rather than revoke the same. These modifications may include operation aspects related to buffers, duration of the Land Use Permit, hours of operation, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, etc.
 - (b) Decision. A permit may be revoked or modified if any of the following are shown:
 - (i) Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the conditions contained in the original permit can no longer be met;
 - (ii) The Land Use Permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or any other materials supplied by the applicant;
 - (iii) One or more of the conditions of the permit have not been substantially fulfilled or have been violated;
 - (iv) The use or structure for which the permit was granted has ceased to exist or has lost its legal nonconforming use status.
 - (v) The improvement authorized in compliance with the permit is in violation of any code, law, resolution, regulation, or statute; or
 - (vi) The structure/use allowed by the permit has become detrimental to the public health, safety, and welfare, or the manner of operation constitutes or is creating a code violation.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (c) **Revocation Proceedings.** Proceedings under this section shall be in accordance with the Wyoming Administrative Procedures Act for contested cases.

10.95 Request to Vacate

- (1) Any plat may be vacated by the owners thereof at any time before the sale of any lots, by submitting a copy of the plat to the Planning Department, along with a written request to vacate the plat. In cases where lots have been sold, the written request shall be made by all owners within the plat. The Planning & Zoning Commission shall make a recommendation on the request to vacate to the City Council, and the Council shall approve or deny the request. The recording of an ordinance vacating the plat nullifies the force and effect of the original plat. Only those subdivisions which have not had the public improvements accepted for ownership and maintenance by City Council are eligible to vacate.
- (2) The Applicable Director may initiate a request to vacate a public easement, City Street or alley upon due consideration of its functionality and by providing property owner notification.
- (3) Streets, alleys and other City owned properties, platted and laid out under the provisions of these regulations, or laid out under any prior law of the State of Wyoming regulating private plats, maybe altered or vacated in the manner provided by law for the alteration of discontinuance of said streets, alley and other City owned properties. The land shall be reasonably divided among adjacent property owners.
- (4) Any part of a plat may be vacated under the provisions and subject to the conditions of this section, provided such vacating does not abridge or destroy any of the rights and privileges of other owners in said plat; and provided that nothing contained in this section shall authorize the closing or obstruction of any public highways laid out according to law. The request to vacate shall be made by all owners of lots within that portion of the overall plat sought to be vacated.
- (5) Upon recording the ordinance vacating the plat or portion of the plat, the County Clerk and Recorder shall write the word "VACATED" in plain, legible letters across that part of the plat being vacated and also make a reference to the volume and page in which the instrument of vacation is recorded.
- (6) Land covered by a vacated plat may be replatted, as described by these regulations. Any later replatting of an area already platted and not vacated shall be considered an act to vacate the original plat is replaces.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Section 11. Urban Agriculture Zoning District (UA)

11.5 Purpose

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

11.10 UA Use District Chart

The following Use District Chart contains the basic zoning regulations that apply to property located within UA zoning districts. Use this chart by reading down the left-hand column entitled "Use." Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

This chart is meant to be a quick reference guide and therefore may not be entirely inclusive of all applicable regulations. Please refer to the Table of Contents and to Section 1 to determine what other regulations of this code may apply to the subject property.



TITLE 17 – LAND DEVELOPMENT REGULATIONS



Use District Chart
District UA

<div>USE</div> <div>↓</div>		<div>REGULATIONS</div> <div>→</div>		UA District							
				DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
				Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
					REQUIRED YARD SETBACK			Lot Coverage (percent)	Height of Structure (feet)		
Lot Size = 20 acres Lot Width = None			Front (feet)	Side (feet)	Rear (feet)						
Agricultural and Natural Resource Uses											
Agriculture, General	1	30	15	30	20	40'	C				
Agriculture, Light	1	30	15	30	10		C				
Agriculture, Retail	1	30	15	40	20		D				
Accessory Uses ⁷	1	30	10	30							
Residential Uses ⁹											
Bed & Breakfast	1	30	15	30	10	40'	A				
Caretaker Housing	2	30	15	30	10		None	45.15			
Child Care Home	2	30	15	30	10		A	45.50			
Dwelling, Manufactured Home	1	30	15	30	10		A	45.25			
Dwelling, Single-Family Home	1	30	15	30	10		A				
Recreational Vehicle Park	3	40	25	50	50		C	45.40			
Accessory Uses ⁷	1	30	5	10							
Commercial and Service Uses											
Cemetery	1	30	30	30	15	40'	D				
Religious Institution or Parish House ¹	1	30	15	30	20		D				
Golf Course ⁶	1	40	15	30	15		E				
Greenhouse/Nursery	1	30	15	30	20		D				
Stable/Kennel ⁵	1	30	15	30	20		D				
Veterinary Clinic or Animal Hospital ⁵	1	30	15	30	20		D				
Taxidermy	1	30	15	30	20		D				
Accessory Uses ⁷	1	30	5	20							
Public Facilities or Institutional Uses											
Institutional or Government Facility, except Police Firing Ranges	1	100	75	100	50	100'	E				
Playground or Park	1	30	15	40	10		D				
Public Utilities and Infrastructure	1	30	15	40	50		D	45.45			
Recreation Facility	3	100	75	100	35		E				
School, Public or Private, All Types ³	1	30/ 50	30/ 50	30/50	35		E				
Wireless Communication Facilities	2	30	15	40	10		B	45.45			



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Special Regulations. The following special regulations apply to individual land uses as designated in the Use District Chart above. Additional regulations and requirements may be found in General Regulations, Section 1.5, and Parking Requirements, Section 40.10.

- (1) Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.
- (2) On corner lots, only one front yard must be a minimum of 30 feet. All other front yards shall be regulated as a side yard (minimum 15-foot yard). The applicant may select which front yard shall meet the 30-foot requirement.
- (3) Up to 49 students: requires 30-foot setbacks. Over 50 students: requires 50-foot setbacks.
- (4) Stockyards, feed lots, animal and livestock sales, and grain elevators are subject to a Review Process 3.
- (5) All animal runs, pens and horse stables, must be located no closer than 20 feet from any property line abutting a residential zone or use.
- (6) Not including miniature golf courses and driving tees operated for commercial purposes.
- (7) See Accessory Uses (Section 45.55).



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Section 12. Urban Agriculture Residential

12.5 Purpose

The purpose of this district is to establish and protect low to medium density residential neighborhoods. Manufactured Homes are not allowed. This designation provides for stable and attractive suburban residential areas that have a full range of public service and facilities. To complement the residential nature of these zones, some nonresidential uses are permitted.

12.10 UAR Use District Chart

The following Use District Chart contains the basic zoning regulations that apply to property located within UAR zoning districts. Use this chart by reading down the left-hand column entitled "Use." Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

This chart is meant to be a quick reference guide and therefore may not be entirely inclusive of all applicable regulations. Please refer to the Table of Contents and to Section 1 to determine what other regulations of this code may apply to the subject property.





TITLE 17 – LAND DEVELOPMENT REGULATIONS

Use District Chart District UAR

<div>USE</div> <div>↓</div>		<div>REGULATIONS</div> <div>→</div>		UAR District							
				DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
				Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
					Lot Size = .50 acres Lot Width = None			Lot Coverage (percent)	Height of Structure (feet)		
REQUIRED YARD SETBACK											
Front (feet)	Side (feet)	Rear (feet)									
Residential Uses											
Child Care Home	2	25	10	20	10	40'	A	45-50			
Dwelling, Single-Family Home ²	1	25	10	20	10						
Agriculture, Light	1	25	10	20	10						
Accessory Uses	1	25	5	10	10			45-55			
Accessory Dwelling	1	25	10	20	10			45-55			
Commercial and Service Uses											
Cemetery	1	25	30	30	15	40'	D				
Religious Institution or Parish House ¹	1	25	15	30	20		D				
Greenhouse/Nursery	1	25	15	30	20		D				
Accessory Uses	1	25	5	20	10			45-55			
Public Facilities or Institutional Uses											
Institutional or Government Facility, except Police Firing Ranges	1	100	75	100	50	40'	E				
Playground or Park	1	30	15	40	10		D				
Public Utilities and Infrastructure	1	30	15	40	50		D	45-45			
Recreation Facility	3	100	75	100	35		E				
School, Public or Private, All Types ³	1	30/50	30/50	30/50	35		E				

Special Regulations. The following special regulations apply to individual land uses as designated in the Use District Chart above. Additional regulations and requirements may be found in General Regulations, Section 1.5, and Parking Requirements, Section 40.10.

- (1) Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations. Please see Section 32 for height restrictions for Wind Power Generation facilities.
- (2) On corner lots, only one front yard must be a minimum of 30 feet. All other front yards shall be regulated as a side yard (minimum 15-foot yard). The applicant may select which front yard shall meet the 30-foot requirement.
- (3) Up to 49 students: requires 30-foot setbacks. Over 50 students: requires 50-foot setbacks.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Section 13. Public Lands & Institutions District

13.5 Purpose

The purpose of the Public Lands & Institutions District is to provide for publicly owned facilities and land areas, including parks, as well as semi-public institutional uses, including existing land reserves for future public and institutional uses. The district is also intended for the preservation of publicly established historical sites.

13.10 PLI Use District Chart

Use District Chart
District PLI

<div>USE</div> <div>↓</div> <div>REGULATIONS</div> <div>→</div>		PLI District							
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
		Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
			Lot Size = None Lot Width = None			Lot Coverage (percent)	Height of Structure (feet)		
			REQUIRED YARD SETBACK						
Front (feet)	Side (feet)	Rear (feet)							
Public Facilities or Institutional Uses									
Cemetery	1	25	30	30	15	40'	D		
Religious Institution or Parish House ¹	1	25	15	30	20		D		
Hospitals	1	25	15	30	20		D		
Accessory Uses	1	25	5	20				45-55	
Institutional or Government Facility, except Police Firing Ranges	1	25	15	25	50		E		
Playground or Park	1	25	15	40	10		D		
Public Utilities and Infrastructure	1	25	15	40	50		D	45-45	
Recreation Facility	3	100	75	100	35		E		
School, Public or Private, All Types ²	1	30/50	30/50	30/50	35		E		

- (1) Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.
- (2) Up to 49 students: requires 30-foot setbacks. Over 50 students: requires 50-foot setbacks.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Section 14. Residential Zoning Districts

14.5 Purpose

The purpose of the residential zoning districts is to provide sufficient space in appropriate locations for residential development to meet the housing needs of the City's present and expected future population with sufficient choice of potential development products and sites. The residential districts are intended to promote the livability, stability, and improvement of neighborhoods. This section provides standards for land use and development for residential development based on the following principles:



- (1) Promote the orderly expansion and improvement of neighborhoods.
- (2) Make efficient use of land and public services.
- (3) Designate land for the range of housing types and densities needed by the community, including owner-occupied and rental housing.
- (4) Provide flexible lot standards that encourage compatibility between land uses, efficiency in site design, and environmental compatibility.
- (5) Provide for compatible building and site design at an appropriate neighborhood scale; provide standards that are in character with the landforms and architecture existing in the community.
- (6) Apply the minimum amount of regulation necessary to ensure compatibility with existing residences, schools, parks, transportation facilities, and neighborhood services.
- (7) Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling.
- (8) Provide direct and convenient access to schools, parks, and neighborhood services.
- (9) Provide connections to and appropriate transitions between various residential development types and residential densities.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

14.10 Residential Zoning District Regulations

The following Regulations are provided for each residential zoning district and identify the characteristic uses and level of development intended for each district. To promote a variety of harmonious uses and the above principles, neighborhood commercial activities are allowed in all residential zones; however, they are subject to more stringent review processes within lower-density zones.

- (1) **R-1 Single-Family Dwelling District.** Is established for the purpose of medium-density single-family dwelling control and to allow for certain public facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order, or general welfare of persons residing in the district. Only Single Family Dwellings are allowed in this District. One Single Family Dwelling per lot.
- (2) **R-2 One- and Two-Family Dwelling District.** Provides for a compatible mixture of Single- and Two-Family Dwellings, as well as manufactured homes, on smaller lots, as originally platted, in order to preserve the existing character of the area.
- (3) **R-3 Multiple-Family Dwelling District.** Is established to provide for multiple-family, high density residential neighborhoods. Space should be provided on lots for openness, landscaping and play. The district also allows for neighborhood-scale commercial uses.
- (4) **M-H Manufactured Home District.** Intended primarily for one Manufactured Home on individual lots. Secondly, this district also allows conventional, Single-Family dwellings and neighborhood-scale commercial services.
- (5) **M-P Manufactured Home Park.** Intended to permit high-density Manufactured Home uses in a park-like atmosphere. The City encourages Manufactured Homes to concentrate within this residential zoning district. Recreational Vehicles are permitted up to a 15% of spaces within a Manufactured Home Park. This district also allows other limited residential development and neighborhood-scale commercial uses.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

14.15 Residential Use District Charts

The following Use District Charts contain the basic zoning regulations that apply to property located within residential zoning districts. Use these charts by reading down the left-hand column entitled "Use." Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

These charts are meant to be a quick reference guide and therefore may not be entirely inclusive of all applicable regulations. Please refer to the Table of Contents and to Section 1 to determine what other Regulations of this code may apply to the subject property.

Use District Chart
District R-1

<div>USE</div> <div>↓</div>		<div>REGULATIONS</div> <div>→</div>		R-1 District							
				DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
				Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
					Lot Size = 6,000 s.f. Lot Width = 40'			Lot Coverage (percent)	Height of Structure (feet)		
REQUIRED YARD SETBACK											
Front (feet)	Side (feet)	Rear (feet)									
Residential Uses											
Bed and Breakfast ²	1	25.20	5	10	60	35'	A				
Child Care Home ⁷	2	25.20	5	10	60		A	45.50			
Dwelling, Single-Family ^{2,6}	1	25.20	5	10	60		A				
Group Care Facilities	2	25.20	10	10	70		D	45.35			
Accessory Uses	1	25.20	5	5				45.55			
Accessory Dwelling	1	25.20	5	5				45.55			
Commercial Uses & Service Uses											
Child Care Facility	2	25.20	10	15	80	35'	D	45.50			
Religious Institution or Parish House ¹	1	25	15	30	20		D				
Neighborhood Commercial ⁵	2	25.20	10	15	70		D				
School, Public or Private, All Types ³	1	25.20	10/15	20/30	80		E				
Accessory Uses	1	25.20	5	10				45.55			
Utilities, Transportation, and Communications											
Public Utility Facilities and Infrastructure	1	20	10	20	70	35'	D	45.45			
Recreational Uses											
Park or Playground	1	20	10	20	50	35'	D				
Golf Course ⁴	1	20	10	20	50		E				



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Special Regulations. The following special regulations apply to individual land uses as designated in the Use District Chart above. Additional regulations and requirements may be found in General Regulations, Section 1.5, and Parking Requirements, Section 40.10.

- (1) Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations. Please see Section 32 for height restrictions for Wind Power Generation facilities.
- (2) On corner lots, only one front yard must be a minimum of ~~25~~30 feet. All other front yards shall be regulated as a side yard (minimum 15-foot yard). The applicant may select which front yard shall meet the ~~25~~30-foot requirement.
- (3) Up to 49 students: requires 10-foot side yard and 20-foot rear yard setbacks. Over 50 students: requires 15-foot side yard and 30-foot rear yard setbacks.
- (4) Not including miniature golf courses and driving tees operated for commercial purposes.
- (5) Retail sales and services within this residential district are intended to be neighborhood scale. The Applicable Director has the authority to determine the appropriateness of any given retail use in this zone and in the specific location of the proposal. The Applicable Director will provide notice of the decision in writing. For neighborhood commercial uses, the site must:
 - (a) Be small in size;
 - (b) Have access to collector streets.
 - (c) Preferably be located at intersections with local or other collector roads;
 - (d) Have public water and sewer service;
 - (e) Exhibit environmental features such as soil and topography suitable for compact development; and
 - (f) Include adequate buffering by physical features or adjacent uses to protect nearby residential development and preserve the natural character of the City.

Acceptable uses will have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Acceptable uses should be compatible with surrounding development in terms of vehicular traffic levels, scale, building design, materials, and color. Suggested uses are neighborhood-scale commercial, professional, and office uses such as individual medical offices, branch banks, small service establishments, convenience stores with limited hours of operation, small restaurants, and smaller public facilities. Examples of uses which are considered unacceptable include fast-food restaurants, 24-hour convenience stores, and gas stations.

- (6) Single-Family Dwellings may include the rooming and/or boarding of up to two (2) persons, provided no separate kitchen is involved.



TITLE 17 – LAND DEVELOPMENT REGULATIONS



- (7) The operator of a home daycare facility must live in the residence as a primary residence.

DRAFT

TITLE 17 – LAND DEVELOPMENT REGULATIONS



Use District Chart
District R-2

<div>USE</div> <div> </div>		R-2 District									
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS									
		Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)		
			Lot Size = 5,000 s.f. (7,000 s.f. for Two Unit Dwelling) Lot Width = 40' For Two-Unit Dwelling = 20' per unit			Lot Coverage (percent)	Height of Structure (feet)				
REQUIRED YARD SETBACK			Front (feet)	Side (feet)	Rear (feet)						
Residential Uses											
Bed and Breakfast ²	1	20 25	5	10	60	35'	A				
Child Care Home ⁵	2	25 20	5	10	60		A	45-50			
Dwelling, Single-Family ²	1	25 20	5	10	60		A				
Dwelling, Two-Family ^{2,4}	1	25 20	7.5	10	70		A				
Manufactured Home ²	1	25 20	20	10							
Group Care Facilities	2	25 20	7.5	10	70		D	45-35			
Accessory Uses	1	25 20	5	5				45-55			
Accessory Dwelling	1	25 20	5	5				45-55			
Commercial Uses											
Child Care Facility	2	25 20	10	20	80	35'	D	45-50			
Neighborhood Commercial ⁶	2	25 20	7.5	15	70		D				
Religious Institution or Parish House ¹	1	25 20	7.5	15	70		D				
School, Public or Private, All Types ³	1	25 20	7.5/10	15/20	70		E				
Accessory Uses	1	25 20	5	15				45-55			
Utilities, Transportation, and Communications											
Public Utility Facilities and Infrastructure	1	20	10	15	70	35'	D	45-45			
Recreational Uses											
Park or Playground	1	20	7.5	15	50	35'	D				

Special Regulations. The following special regulations apply to individual land uses as designated in the Use District Chart above. Additional regulations and requirements may be found in General Regulations, Section 1.5, and Parking Requirements, Section 40.10.

- (1) Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations. Please see Section 32 for height restrictions for Wind Power Generation facilities.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (2) On corner lots, only one front yard must be a minimum of ~~30-25~~ feet. All other front yards shall be regulated as a side yard (minimum 15-foot yard). The applicant may select which front yard shall meet the ~~30-25~~-foot requirement.
- (3) Up to 49 students: requires 7.5-foot side yard and 15-foot rear yard setbacks. Over 50 students: requires 10-foot side yard and 20-foot rear yard setbacks.
- (4) For dwelling units that share a common wall, the allowed setback on the common wall is zero (0) feet.
- (5) The operator of a home daycare facility must live in the residence as a primary residence.
- (6) Retail sales and services within this residential district are intended to be neighborhood scale. The Applicable Director has the authority to determine the appropriateness of any given retail use in this zone and in the specific location of the proposal. The Applicable Director will provide notice of the decision in writing. For neighborhood commercial uses, the site must:
 - (a) Be small in size;
 - (b) Have access to collector streets.
 - (c) Preferably be located at intersections with local or other collector roads;
 - (d) Have public water and sewer service;
 - (e) Exhibit environmental features such as soil and topography suitable for compact development; and
 - (f) Include adequate buffering by physical features or adjacent uses to protect nearby residential development and preserve the natural character of the City.

Acceptable uses will have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Acceptable uses should be compatible with surrounding development in terms of vehicular traffic levels, scale, building design, materials, and color. Suggested uses are neighborhood-scale commercial, professional, and office uses such as individual medical offices, branch banks, small service establishments, convenience stores with limited hours of operation, small restaurants, and smaller public facilities. Examples of uses which are considered unacceptable include fast-food restaurants, 24-hour convenience stores, and gas stations.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Use District Chart District R-3

<div>USE</div> <div>↓</div>		<div>REGULATIONS</div> <div>→</div>		R-3 District							
				DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
				Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
					Lot Size = 6,000 s.f. (plus 2,000 s.f. per additional unit over 2 units) Lot Width = 40' For Twin homes = 20' per unit			Lot Coverage (percent)	Height of Structure (feet)		
					REQUIRED YARD SETBACK						
Front (feet)	Side (feet)	Rear (feet)									
Residential Uses ¹⁰											
Child Care Home ⁸	2	2025	5	15	70	35'	A	45-50			
Condominium/ Townhome ⁷	1	2520	10	10	80						
Dwelling, Multiple-Family (3+ Units) ⁷	1	2520	10	15	80		A				
Dwelling, Single-Family ²	1	2520	5	10	70		A				
Dwelling, Two-Family ^{2,7}	1	2520	5	10	80		A				
Group Care Facilities	2	2520	10	20	80		D	45-35			
Accessory Uses	1	2520	5	5				45-55			
Community and Government Services											
Religious Institution or Parish House ¹	1	2520	10	15	80	35'	D				
Institutional or Government Facility, except Police Firing Ranges	1	2520	10	15	80		D				
School, Public or Private, All Types ³	1	2520	10/15	20/30	80		E				
Commercial Uses											
Child Care Facility	2	2520	15	20	80	35'	D	45-50			
Neighborhood Commercial ⁵	2	2520	15	20	85		C				
Accessory Uses	1	2520	5	10				45-55			
Utilities, Transportation, and Communications											
Public Utility Facilities and Infrastructure	1	20	10	15	70	35'	D	45-45			
Recreational Uses											
Park or Playground	1	10	15	50	35	35'	D				

Special Regulations. The following special regulations apply to individual land uses as designated in the Use District Chart above. Additional regulations and requirements may be found in General Regulations, Section 1.5, and Parking Requirements, Section 40.10.

- (1) Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (2) On corner lots, only one front yard must be a minimum of ~~2530~~ feet. All other front yards shall be regulated as a side yard (minimum 15-foot yard). The applicant may select which front yard shall meet the ~~2530~~-foot requirement.
- (3) Up to 49 students; requires 10-foot side yard and 20-foot rear yard setbacks. Over 50 students; requires 15-foot side yard and 30-foot rear yard setbacks.
- (4) Not including miniature golf courses and driving tees operated for commercial purposes.
- (5) Retail sales and services within this residential district are intended to be neighborhood scale. The Applicable Director has the authority to determine the appropriateness of any given retail use in this zone and in the specific location of the proposal. The Applicable Director will provide notice of the decision in writing. For neighborhood commercial uses, the site must:
 - (a) Be small in size;
 - (b) Have access to collector streets.
 - (c) Preferably be located at intersections with local or other collector roads;
 - (d) Have public water and sewer service;
 - (e) Exhibit environmental features such as soil and topography suitable for compact development; and
 - (f) Include adequate buffering by physical features or adjacent uses to protect nearby residential development and preserve the natural character of the City.

Acceptable uses will have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Acceptable uses should be compatible with surrounding development in terms of vehicular traffic levels, scale, building design, materials, and color. Suggested uses are neighborhood-scale commercial, professional, and office uses such as individual medical offices, branch banks, small service establishments, convenience stores with limited hours of operation, small restaurants, and smaller public facilities. Examples of uses which are considered unacceptable include fast-food restaurants, 24-hour convenience stores, and gas stations.

- (6) The operator of a home daycare facility must live in the residence as a primary residence.
- (7) For dwelling units that share a common wall, the allowed setback on the common wall is zero (0) feet.
- (8) The operator of a home daycare facility must live in the residence as a primary residence.

TITLE 17 – LAND DEVELOPMENT REGULATIONS



Use District Chart
District M-P

USE ↓ REGULATIONS →		M-P District							
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
		Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
			See Section 45.25			Lot Coverage (percentage)	Height of Structure (feet)		
			REQUIRED YARD SETBACK						
Front (feet)	Side (feet)	Rear (feet)							
Residential Uses ⁹									
Dwelling, Manufactured Home ^{2,8}	1	25-20	5	15	60	35'	A		
Dwelling, Single-Family ²	1	25-20	5	15	60		A		
Group Care Facilities	2	25-20	7.5	15	70		D	45.30	
Accessory Uses	1	25-20	5	5				45.55	
Commercial Uses									
Childcare Facility	2	25-20	7.5	15	70	35'	D	45.50	
Neighborhood Commercial ⁷	2	25-20	7.5	15	70		D		
Manufactured Home Park	3							45.25	
School, Public or Private, All Types ³	1	20	7.5/10	15/20	70		E		
Accessory Uses	1	25-20	7.5	10				45.55	
Utilities, Transportation, and Communications									
Public Utility Facilities and Infrastructure	1	20	10	15	70	35'	D	45.45	
Recreational Uses									
Park or Playground	1	20	7.5	15	50	35'	D		

Special Regulations. The following special regulations apply to individual land uses as designated in the Use District Chart above. Additional regulations and requirements may be found in General Regulations, Section 1.5, and Parking Requirements, Section 40.10.

- (1) Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations. Please see Section 32 for height restrictions for Wind Power Generation facilities.
- (2) On corner lots, only one front yard must be a minimum of ~~30-25~~ feet. All other front yards shall be regulated as a side yard (minimum 15-foot yard). The applicant may select which front yard shall meet the ~~30-25~~-foot requirement.
- (3) Up to 49 students: requires 7.5-foot side yard and 15-foot rear yard setbacks. Over 50 students: requires 10-foot side yard and 20-foot rear yard setbacks.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (4) For dwelling units that share a common wall, the allowed setback on the common wall is zero (0) feet.
- (5) When an accessory use is permitted, the total lot coverage of the total of the buildings and structures on the lot must not exceed the lot coverage maximum of the primary use. For example, if the lot coverage maximum for the single-family use is 60% in this zone, the lot coverage of the primary house, accessory use, and all other structures on the property combined must not exceed 60%.
- (6) The operator of a home daycare facility must live in the residence as a primary residence.
- (7) Retail sales and services within this residential district are intended to be neighborhood scale. The Applicable Director has the authority to determine the appropriateness of any given retail use in this zone and in the specific location of the proposal. The Applicable Director will provide notice of the decision in writing. For neighborhood commercial uses, the site must:
 - (a) Be small in size;
 - (b) Have access to collector streets.
 - (c) Preferably be located at intersections with local or other collector roads;
 - (d) Have public water and sewer service;
 - (e) Exhibit environmental features such as soil and topography suitable for compact development; and
 - (f) Include adequate buffering by physical features or adjacent uses to protect nearby residential development and preserve the natural character of the City.

Acceptable uses will have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Acceptable uses should be compatible with surrounding development in terms of vehicular traffic levels, scale, building design, materials, and color. Suggested uses are neighborhood-scale commercial, professional, and office uses such as individual medical offices, branch banks, small service establishments, convenience stores with limited hours of operation, small restaurants, and smaller public facilities. Examples of uses which are considered unacceptable include fast-food restaurants, 24-hour convenience stores, and gas stations.

- (8) Exempt from requirements of Section 45.25(6).



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Use District Chart District M-H

<div>USE</div> <div>↓</div>		<div>REGULATIONS</div> <div>→</div>		M-H District							
				DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
				Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
					Minimum Lot Size = 4,000 sq. ft. Lot Width = 35'			Lot Coverage (percent)	Height of Structure (feet)		
REQUIRED YARD SETBACK											
Front (feet)	Side (feet)	Rear (feet)									
Residential Uses											
Child Care Home ⁶	2	20 25	5	15	60	40'	A	45-50			
Dwelling, Manufactured Home ²	1	25 20	5	7.5	60		A	45-25			
Dwelling, Single-Family ²	1	25 20	5	15	60		A				
Group Care Facilities	2	20 25	10	20	70		D	45-30			
Accessory Uses	1	20 25	5	5				45-55			
Commercial Uses											
Child Care Facility	2	20 25	10	15	80	40'	D	45-50			
Neighborhood Commercial ⁵	2	25 20	10	20	70		D				
School, Public or Private, All Types ³	1	25 20	10/15	20/30	80		E				
Accessory Uses	1	25 20	7.5	10				45-55			
Utilities, Transportation, and Communications											
Public Utility Facilities and Infrastructure	1	20	10	20	70	40'	D	45-45			
Recreational Uses											
Park or Playground	1	20	10	20	50	40'	D				
Golf Course ⁴	1	20	10	20	50		E				

Special Regulations. The following special regulations apply to individual land uses as designated in the Use District Chart above. Additional regulations and requirements may be found in General Regulations, Section 1.5, and Parking Requirements, Section 40.10.

- (1) Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations. Please see Section 32 for height restrictions for Wind Power Generation facilities.
- (2) On corner lots, only one front yard must be a minimum of ~~20~~25 feet. All other front yards shall be regulated as a side yard (minimum 15-foot yard). The applicant may select which front yard shall meet the ~~25~~20-foot requirement.
- (3) Up to 49 students: requires 10-foot side yard and 20-foot rear yard setbacks. Over 50 students: requires 15-foot side yard and 30-foot rear yard setbacks.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (4) Not including miniature golf courses and driving tees operated for commercial purposes.
- (5) Retail sales and services within this residential district are intended to be neighborhood scale. The Applicable Director has the authority to determine the appropriateness of any given retail use in this zone and in the specific location of the proposal. The Applicable Director will provide notice of the decision in writing. For neighborhood commercial uses, the site must:
 - (a) Be small in size;
 - (b) Have access to collector streets.
 - (c) Preferably be located at intersections with local or other collector roads;
 - (d) Have public water and sewer service;
 - (e) Exhibit environmental features such as soil and topography suitable for compact development; and
 - (f) Include adequate buffering by physical features or adjacent uses to protect nearby residential development and preserve the natural character of the City.

Acceptable uses will have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Acceptable uses should be compatible with surrounding development in terms of vehicular traffic levels, scale, building design, materials, and color. Suggested uses are neighborhood-scale commercial, professional, and office uses such as individual medical offices, branch banks, small service establishments, convenience stores with limited hours of operation, small restaurants, and smaller public facilities. Examples of uses which are considered unacceptable include fast-food restaurants, 24-hour convenience stores, and gas stations.

- (6) The operator of a home daycare facility must live in the residence as a primary residence.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Section 19. Commercial Zoning Districts

19.5 Purpose

Commercial districts are centers of business and civic life. This section provides a range of commercial districts to accommodate the range of commercial land uses in the City of Mills. These districts are intended to:

- 23.5.1 Promote efficient use of land and urban services;
- 23.5.2 Create a mixture of land uses that encourages employment and housing options in close proximity to one another;
- 23.5.3 Provide formal and informal community gathering places and opportunities for socialization;
- 23.5.4 Encourage pedestrian-oriented development in all commercial areas;
- 23.5.5 Provide connections to and appropriate transitions between residential areas and commercial areas.

19.10 Commercial Zoning District Regulations

The following descriptions of each commercial zoning district identify the characteristic uses and level of development intended for each district.

- (1) **O-B Office Business District.** Permits a compatible mixture of public, quasi-public, and private institutional and professional services, small retail businesses and small medical facility uses at a low to moderate level of intensity. This district is designed to be compatible with nearby residential districts.
- (2) **C-1 General Commercial District.** Allows basic retail, service, and office uses to preserve and expand a general business district. Business uses needing large floor areas, particularly those of a service nature, are included in the district.
- (3) **C-3 Business Service District.** Accommodates a compatible mixture of office, light industrial uses, business services, retail outlets for adjoining industry, and retail uses in a safe setting, conducive to a larger volume of automotive traffic.

19.15 Commercial Use District Charts

The following Use District Charts contain the basic zoning regulations that apply to property located within commercial zoning districts. Use these charts by reading down the left-hand column entitled "Use." Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

These charts are meant to be a quick reference guide and therefore may not be entirely inclusive of all applicable regulations. Please refer to the Table of Contents and to Section 1 to determine what other regulations of this code may apply to the subject property.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Use District Chart District O-B

<div>USE</div> <div>REGULATIONS</div>		O-B District							
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
		Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
			Lot Size = 4,000 s.f. Lot Width = 40'			Lot Coverage (percent)	Height of Structure (feet)		
			REQUIRED YARD SETBACK						
Front (feet)	Side (feet)	Rear (feet)							
Residential Uses									
Group Care Facilities	2	10	5	5	85	50	C	45-30	
Mixed Office and Multi-Family Residential	3	10	5	5	85	45	D	See Note 3	
Commercial and Service Uses									
All Retail Sales and Service Establishments, except as otherwise mentioned	1	10	5	5	85	50	C	See Note 3	
All Recreational, Educational and Cultural Establishments, except as otherwise mentioned	1	10	5	5	85	50	C	See Note 3	
Child Care Center	2	10	5	5	85	50	D	45-50	
Clinic, Medical, Dental or Optical	1	10	5	5	85	50	D		
Hospital	1	10	5	5	85	75	E		
Office	1	10	5	5	85	75	D		
Restaurant or Tavern	1	10	5	5	85	50	C		
Mini-Storage Facilities	3	10 ⁴	5 ⁴	5 ⁴	85	50	C	45-50	
Veterinary Clinic or Animal Hospital ²	2	10 ⁴	5 ⁴	5 ⁴	85	50	D		
Community and Government Services									
Religious Institution or Parish House ¹	2	10	5	5	85	50	D		
Club or Lodge, Private, Not-for-profit	2	10	5	5	85	50	C		
Institutional or Government Facility, except Police Firing Ranges	1	10	5	5	85	75	D		
Mortuary	1	10	5	5	85	50 ¹	C		
School, Public or Private, All Types	1	10	5	5	85	75 ¹	E		



TITLE 17 – LAND DEVELOPMENT REGULATIONS

<div>USE</div> <div>↓</div>		<div>REGULATIONS</div> <div>→</div>		O-B District							
				DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
				Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
					Lot Size = 4,000 s.f. Lot Width = 40'			Lot Coverage (percent)	Height of Structure (feet)		
					REQUIRED YARD SETBACK						
Front (feet)	Side (feet)	Rear (feet)									
Recreational Uses											
Park or Playground	1	10	5	5	85	35	D				
Utilities, Transportation, and Communications											
Public Utility Facilities and Infrastructure	1	10 ⁴	5 ⁴	5 ⁴	85	75'	D	45.45			
Wireless Communication Facilities ¹	3	10 ⁴	5 ⁴	5 ⁴	85	100'	B	45.45			

Special Regulations. The following special regulations apply to individual land uses as designated in the Use District Chart above. Additional regulations and requirements may be found in General Regulations, Section 1.5, and Parking Requirements, Section 40.10.

- (1) Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.
- (2) All animal runs and pens, except horse stables, must be completely enclosed within a building.
- (3) Refer to Special Use Regulations to determine if proposed use has additional regulations.
- (4) If the use is adjacent to a residential use or residential district, the setbacks shall meet the following: front: 15 feet; side: 10 feet; rear: 15 feet. Further, the Applicable Director may impose additional setbacks to comply with other applicable requirements.
- (5) For structures with multiple tenants, the setbacks apply to the building perimeter only.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Use District Chart District C-1

<div>USE</div> <div>↓</div>		C-1 District							
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
		Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
			REQUIRED YARD SETBACK			Lot Coverage (percent)	Height of Structure (feet)		
REGULATIONS		Front (feet)	Side (feet)	Rear (feet)					
Agricultural and Natural Resource Uses									
Stable/Kennel ²	1	5	5	5	85	45 ¹	D		
Veterinary Clinic or Animal Hospital ²	1	5	5	5	85	45 ¹	D		
Residential Uses									
Group Care Facilities	2	5	5	5	85	50 ¹	C	45.30	
Mixed Office and Multi-Family Residential	2	5	5	5	85	50 ¹	D		
Commercial and Service Uses									
All Retail Sales and Service Establishments, except as otherwise mentioned ³	1	5	5	5	85	50	C		
All Recreational, Educational and Cultural Establishments, except as otherwise mentioned ³	1	5	5	5	85	50	C		
Armory	3	5	5	5	85	45	C		
Child Care Center ³	2	5	5	5	85	45	D	45.50	
Clinic, Medical, Dental or Optical	1	5	5	5	85	45	D		
Commercial Storage Facilities	3	5	5	5	85	50	E		
Convention Center and Places of Assembly	3	5	5	5	85	50	E		
Hospital ⁴	1	5	5	5	85	50	E		
Hotels and Motels ⁴	1	5	5	5	85	50	E		
Office	1	5	5	5	85	50	D		
Package Liquor Store	1	5	5	5	85	45	C		
Restaurant or Tavern ⁴	1	5	5	5	85	45	C		
Theater	1	5	5	5	85	45	E		
Mortuary	1	5	5	5	85	45	B		
Motor Vehicle Sales	3	5	5	5	85	45	C		
Vehicle Fueling and Service Station	1	5	5	5	85	45	C		
Community and Government Services									
Religious Institution or Parish House ¹	1	5	5	5	85	50	D		
Club or Lodge, Private, Not-for-profit	1	5	5	5	85	50	C		



TITLE 17 – LAND DEVELOPMENT REGULATIONS

<div>USE</div> <div>↓</div> <div>REGULATIONS →</div>		C-1 District							
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
		Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
			Lot Size = 6,000 s.f. Lot Width = 50'			Lot Coverage (percent)	Height of Structure (feet)		
			REQUIRED YARD SETBACK						
Front (feet)	Side (feet)		Rear (feet)						
Institutional or Government Facility, except Police Firing Ranges	1	5	5	5	85	50	D		
School, Public or Private, All Types	1	5	5	5	85	50¹	E		
Recreational Uses									
Amusement Place	1	5	5	5	85	50	E		
Golf Course	1	5	5	5	85	45	D		
Park or Playground	1	5	5	5	85	45	D		
Utilities, Transportation, and Communications									
Public Utility Facilities and Infrastructure¹	1	5	5	5	85	50¹	D	45-45	
Wireless Communication Facilities¹	3	5	5	5	85	100¹	B	45-45	

Special Regulations. The following special regulations apply to individual land uses as designated in the Use District Chart above. Additional regulations and requirements may be found in General Regulations, Section 1.5, and Parking Requirements, Section 40.10.

- (1) Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.
- (2) All animal runs and pens, except horse stables, must be completely enclosed within a building.
- (3) Refer to Special Use Regulations to determine if proposed use has additional regulations.
- (4) Loading and Unloading Regulations. Loading and unloading space shall be provided off-street and on the same premises. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys, and walkways. Such space shall include a 12-foot by 50-foot loading space with a minimum of 14 feet of height clearance. Each use up to 20,000 gross square feet shall provide one loading space, plus one additional loading space for every 20,000 gross square feet thereafter.
- (5) If the use is adjacent to a residential use or residential district, the setbacks shall meet the following: front: 15 feet; side: 10 feet; rear: 15 feet. Further, the Applicable Director may impose additional setbacks to comply with applicable requirements.
- (6) For structures with multiple tenants, the setbacks apply to the building perimeter only.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Use District Chart District C-3

<div>USE</div> <div>REGULATIONS</div>		C-3 District							
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
		Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
			Lot Size = 6,000 s.f. Lot Width = 50'			Lot Coverage (percent)	Height of Structure (feet)		
			REQUIRED YARD SETBACK						
Front (feet)	Side (feet)	Rear (feet)							
Agricultural and Natural Resource Uses									
Stable/Kennel ²	1	20	10	15	85	45'	D		
Veterinary Clinic or Animal Hospital ²	1	20	10	15	85	45'	D		
Residential Uses									
Caretaker Housing	2	20	10	15	85	45'	None	45.15	
Group Care Facilities	2	20	10	15	85	75'	C	45.30	
Commercial and Service Use									
All Retail or Wholesale Sales and Service Establishments, except as otherwise mentioned ^{6,4}	1	20	10	15	85	75'	C		
All Recreational, Educational and Cultural Establishments, except as otherwise mentioned ^{6,4}	1	20	10	15	85	75'	C		
Armory	3	20	10	15	85	45'	C		
Child Care Center	2	20	10	15	85	45'	D	45.50	
Clinic, Medical, Dental or Optical	1	20	10	15	85	45'	D		
Commercial Storage Facilities	1	20	10	15	85	75'	E	45.50	
Convention Center and Places of Assembly	3	20	10	15	85	75'	E		
Hospital ⁶	1	20	10	15	85	75'	E		
Hotels and Motels ⁶	1	20	10	15	85	75'	E		
Lumber Yard and Building Material Sales and Storage ⁷	1	20	10	15	85	45'	D	45.50	
Office	1	20	10	15	85	75'	D		
Package Liquor Store	1	20	10	15	85	45'	C		
Restaurant or Tavern	1	20	10	15	85	45'	C		
Theater	1	20	10	15	85	45'	E		
Mortuary	1	20	10	15	85	45'	B		
Motor Vehicle Sales	3	20	10	15	85	45'	C		
Vehicle Fueling and Service Station	1	20	10	15	85	45'	C		



TITLE 17 – LAND DEVELOPMENT REGULATIONS

<div>USE</div> <div>↓</div> <div>REGULATIONS</div> <div>→</div>		C-3 District							
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
		Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
			Lot Size = 6,000 s.f. Lot Width = 50'			Lot Coverage (percent)	Height of Structure (feet)		
			REQUIRED YARD SETBACK						
Front (feet)	Side (feet)	Rear (feet)							
Vehicle Service and Repair	1	20	10	15	85	45'	C		
Warehouse	1	20	10	15	85	75'	D		
Industrial Uses									
Manufacturing, Light ⁸	1	20	10	15	85	45'	C		
Community and Government Services									
Religious Institution or Parish House ¹	1	20	10	15	85	75'	D		
Club or Lodge, Private, Not-for-profit	1	20	10	15	85	75'	C		
Institutional or Government Facility, except Police Firing Ranges	1	20	10	15	85	75'	D		
School, Public or Private, All Types ³	1	20	10	15	85	75'	E		
Recreational Uses									
Amusement Place	1	20	10	15	85	75'	E		
Golf Course	2	20	10	15	85	45'	D		
Park or Playground	1	20	10	15	85	45'	D		
Utilities, Transportation, and Communications									
Public Utility Facilities and Infrastructure ¹	1	20	10	15	85	75'	D	45.45	
Wireless Communication Facilities ¹	3	20	10	15	85	100'	B	45.45	

Special Regulations. The following special regulations apply to individual land uses as designated in the Use District Chart above. Additional regulations and requirements may be found in General Regulations, Section 1.5, and Parking Requirements, Section 40.10.

- (1) Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.
- (2) All animal runs and pens, except horse stables, must be completely enclosed within a building.
- (3) Up to 49 students: requires 10-foot side yard and 15-foot rear yard setbacks. Over 50 students: requires 15-foot side yard and 20-foot rear yard setbacks.

**TITLE 17 – LAND DEVELOPMENT REGULATIONS**

- (4) Refer to Special Use Regulations to determine if proposed use has additional regulations.
- (5) Stockyards, animal and livestock sales, and grain elevators are prohibited.
- (6) Loading and Unloading Regulations. Loading and unloading space shall be provided off-street and on the same premises. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys, and walkways. Such space shall include a 12-foot by 50-foot loading space with a minimum of 14 feet of height clearance. Each use up to 20,000 gross square feet shall provide one loading space, plus one additional loading space for every 20,000 gross square feet thereafter.
- (7) Not including ready-mix concrete and asphalt.
- (8) Including bottling, electronics, jewelry, metal craft, monument, carpentry and cabinet works, and plastics.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Section 20. Industrial Zoning Districts

20.5 Purpose

Industrial districts provide for land use compatibility while providing a high-quality environment for businesses and employees. The districts are also intended to provide suitable locations for heavy industrial uses (e.g., raw materials processing; and manufacturing, assembly, packaging, or distribution of heavy or large goods) that would not otherwise be compatible in other districts. This section guides the orderly development of industrial areas based on the following objectives:



- (1) Provide for efficient use of land and public services;
- (2) Provide appropriately zoned land with a range of parcel sizes for industry;
- (3) Provide transportation options for employees and customers;
- (4) Locate business services close to major employment centers;
- (5) Ensure compatibility between industrial uses and nearby commercial areas;
- (6) Provide appropriate design standards to accommodate a range of industrial users;
- (7) Provide attractive locations for businesses to locate; and
- (8) Accommodate mixed-use development of light industrial areas.

20.10 Industrial Zoning District Regulations

The following descriptions of each industrial zoning district identify the characteristic uses and level of development intended for each district.

- (1) **I-1 Light Industrial District.** Allows for wholesale and warehousing uses, as well as those industrial uses that include fabrication, manufacturing, assembly or processing of materials that are refined in form. Uses in this district do not require intensive land coverage; generate large volumes of vehicular traffic; or create obnoxious sounds, glare, dust, or odors that are offensive when measured at the property line of the subject property.
- (2) **I-2 Heavy Industrial District.** Allows for basic or primary industries that are more intense than I-1 and which are generally not compatible with residential and/or commercial activity.





TITLE 17 – LAND DEVELOPMENT REGULATIONS

20.15 Industrial Use District Charts

The following Use District Charts contain the basic zoning regulations that apply to property located within Industrial Zoning Districts. Use these charts by reading down the left-hand column entitled "Use." Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

These charts are meant to be a quick reference guide and therefore may not be entirely inclusive of all applicable regulations. Please refer to the Table of Contents and to Section 1 to determine what other Regulations of this code may apply to the subject property.

Use District Chart
District I-1

<div>USE</div> <div></div>		I-1 District							
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
		Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
			Lot Size = 6,000 s.f. Lot Width = 40'			Lot Coverage (percent)	Height of Structure (feet)		
			REQUIRED YARD SETBACK						
Front (feet)	Side (feet)		Rear (feet)						
<div>REGULATIONS</div> <div></div>									
Agricultural and Natural Resource Uses									
Stable/Kennel ²	1	25	5 ⁷	15	85	45 ¹	D		
Veterinary Clinic or Animal Hospital ²	1	25	5 ⁷	15	85	45 ¹	D		
Residential Uses									
Caretaker Housing	1	25	5 ⁷	15	85	45 ¹	None	45-15	
Residential Re-Entry/Halfway House	3	25	5 ⁷	15	85	45 ¹	None		
Commercial and Service Uses									
All Retail or Wholesale Sales and Service Establishments, except as otherwise mentioned ^{3,4}	1	25	5 ⁷	15	85	45 ¹	C		
Commercial Storage Facility	3	25	5 ⁷	15	85	45 ¹	D	45-50	
Lumber Yard and Building Material Sales and Storage ⁵	1	25	5 ⁷	15	85	45 ¹	D	45-50	
Machinery and Implement Sales, Service, Repairs and Storage	3	25	5 ⁷	15	85	45 ¹	D		
Vehicle Fueling and Service Station	1	25	5 ⁷	15	85	45 ¹	C		
Motor Vehicle Sales	3	25	5	15	85	45	C		
Vehicle Parking and Storage	1	25	5 ⁷	15	85	45 ¹	C	45-50	
Warehouse	1	25	5 ⁷	15	90	45 ¹	D		



TITLE 17 – LAND DEVELOPMENT REGULATIONS

<div>USE</div> <div>↓</div> <div>REGULATIONS</div> <div>→</div>		I-1 District							
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
		Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
			Lot Size = 6,000 s.f. Lot Width = 40'			Lot Coverage (percent)	Height of Structure (feet)		
			REQUIRED YARD SETBACK						
Front (feet)	Side (feet)	Rear (feet)							
Industrial Uses									
All Industrial Uses, except as otherwise mentioned.	1	25	5 ⁷	15	85	45 ¹	C		
Contractors Yard for Vehicles, Equipment, Supplies	1	25	5 ⁷	15	90	45 ¹	D	45.50	
Industrial Services	1	25	5 ⁷	15	85	45 ¹	C		
Manufacturing, Light ⁶	1	25	5 ⁷	15	85	45 ¹	D		
Oil and Gas above or Underground Storage Facility	1	25	5 ⁷	15	90	45 ¹	C		
Warehouse/Freight Movement	1	25	5 ⁷	15	90	45 ¹	D		
Community and Government Services									
Institutional or Government Facility, except Police Firing Ranges	1	25	5 ⁷	15	85	45 ¹	D		
Utilities, Transportation, and Communications									
Public Utility Facilities and Infrastructure	1	25	5 ⁷	15	90	75 ¹	D	45.45	
Wireless Communication Facilities	3	25	5 ⁷	15	85	100 ¹	B	45.45	

Special Regulations. The following special regulations apply to individual land uses as designated in the Use District Chart above. Additional regulations and requirements may be found in General Regulations, Section 1.5, and Parking Requirements, Section 40.10.

- (1) Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations. Please see Section 32 for height restrictions for Wind Power Generation facilities.
- (2) All animal runs and pens, except horse stables, must be completely enclosed within a building.
- (3) Refer to Special Use Regulations to determine if proposed use has additional regulations.
- (4) Loading and Unloading Regulations. Loading and unloading space shall be provided off-street and on the same premises. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys, and walkways. Such space shall include a 12-foot by 50-foot loading space with a minimum of 14 feet of height clearance. Each use up to 20,000 gross square

**TITLE 17 – LAND DEVELOPMENT REGULATIONS**

feet shall provide one loading space, plus one additional loading space for every 20,000 gross square feet thereafter.

- (5) Not including ready-mix concrete and asphalt.
- (6) Including bottling, electronics, jewelry, metal craft, monument, carpentry and cabinet works, and plastics.
- (7) When the use abuts a residential zone or use, the side yard shall be 15 feet.
- (8) It should be noted that placement of the I-1 district adjacent to residential uses or Zoning Districts may be restricted.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Use District Chart District I-2

<div>USE</div> <div>↓</div>		<div>REGULATIONS</div> <div>→</div>		I-2 District							
				DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
				Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
					Lot Size = 10,000 s.f. Lot Width = 75'			Lot Coverage (percent)	Height of Structure (feet)		
					REQUIRED YARD SETBACK						
Front (feet)	Side (feet)	Rear (feet)									
Agricultural and Natural Resource Uses											
Stable/Kennel ²	1	25 ⁵	5 ⁵	15 ⁵	85	50'	D				
Veterinary Clinic or Animal Hospital ²	1	25 ⁵	5 ⁵	15 ⁵	85	75'	D				
Residential Uses ⁷											
Caretaker Housing	1	25 ⁵	5 ⁵	15 ⁵	85	50'	None	45.15			
Residential Re-Entry/Halfway House	3	25	5 ⁷	15 ⁵	85	50'	None				
Commercial and Service Uses											
Armory	2	25 ⁵	5 ⁵	15 ⁵	90	50'	C				
Commercial Storage Facility	1	25 ⁵	5 ⁵	15 ⁵	90	50'	D	45.50			
Lumber Yard and Building Material Sales and Storage ³	1	25 ⁵	5 ⁵	15 ⁵	85	50'	D				
Machinery and Implement Sales, Service, Repairs and Storage	1	25 ⁵	5 ⁵	15 ⁵	85	50'	D	45.50			
Motor Vehicle Sales	3	25 ⁵	5 ⁵	15 ⁵	85	50'	C				
Vehicle Fueling and Service Station	1	25 ⁵	5 ⁵	15 ⁵	90	50'	C				
Vehicle Parking and Storage	1	25 ⁵	5 ⁵	15 ⁵	90	50'	C	45.50			
Warehouse	1	25 ⁵	5 ⁵	15 ⁵	90	50'	D				
Industrial Uses											
All Industrial Uses, except as otherwise mentioned.	1	25 ⁵	5 ⁵	15 ⁵	85	50'	C				
Bulk Plant, Gasoline, or LP Gas, Above Ground Storage	1	25 ⁵	5 ⁵	15 ⁵	85	50'	E				
Contractors Yard for Vehicles, Equipment, Supplies	1	25 ⁵	5 ⁵	15 ⁵	85	50'	D				
Explosives Manufacturing	3	25 ⁵	5 ⁵	15 ⁵	85	50'	D				
Heavy Equipment Sales, Service, and Repair	1	25 ⁵	5 ⁵	15 ⁵	85	50'	D				
Junk Yard, Auto Wrecking, Scrap Processing	1	25 ⁵	5 ⁵	15 ⁵	85	50'	D				
Manufacturing, Light ⁴	1	25 ⁵	5 ⁵	15 ⁵	85	50'	D				



TITLE 17 – LAND DEVELOPMENT REGULATIONS

<div>USE</div> <div>↓</div> <div>REGULATIONS →</div>	I-2 District							
	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							
	Review Process (see Table 10.10-1)	MINIMUMS			MAXIMUMS		Sign Category (See Section 40.25)	Special Use Regulations (See Section 45)
		Lot Size = 10,000 s.f. Lot Width = 75'			Lot Coverage (percent)	Height of Structure (feet)		
		REQUIRED YARD SETBACK						
Front (feet)		Side (feet)	Rear (feet)					
Manufacturing, Heavy	1	25 ⁵	5 ⁵	15 ⁵	90	50 ¹	D	
Oil and Gas Above or Underground Storage Facility	1	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	C	
Oil Field Supply Sales and Service	1	25 ⁵	5 ⁵	15 ⁵	90	50 ¹	D	
Oil, Gas, or Mineral Processing, Refining, Separation, or Storage	1	25 ⁵	5 ⁵	15 ⁵	90	75 ¹	C	
Printing and Publishing	1	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	C	
Quarry	1	25 ⁵	5 ⁵	15 ⁵	85	75 ¹	D	
Railroad Facility (Including Terminals, Shop, Yard)	1	25 ⁵	5 ⁵	15 ⁵	90	50 ¹	C	
Soils Conditioning, Storage, and Sales	2	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	D	
Warehouse/Freight Movement	1	25 ⁵	5 ⁵	15 ⁵	90	50 ¹	D	
Sanitary Landfill (Governmental)	3	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	D	
Community and Government Services								
Institutional or Government Facility, including Police Firing Ranges	1	25 ⁵	5 ⁵	15 ⁵	90	75 ¹	D	
Utilities, Transportation, and Communications								
Public Utility Facilities and Infrastructure	1	25 ⁵	5 ⁵	15 ⁵	90	100 ¹	D	45-45
Wireless Communication Facilities ⁶	3	25 ⁵	5 ⁵	15 ⁵	85	100 ¹	B	45-45

Special Regulations. The following special regulations apply to individual land uses as designated in the Use District Chart above. Additional regulations and requirements may be found in General Regulations, Section 1.5, and Parking Requirements, Section 40.10.

- (1) Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations. Please see Section 32 for height restrictions for Wind Power Generation facilities.
- (2) All animal runs and pens, except horse stables, must be completely enclosed within a building.
- (3) Not including ready-mix concrete and asphalt.



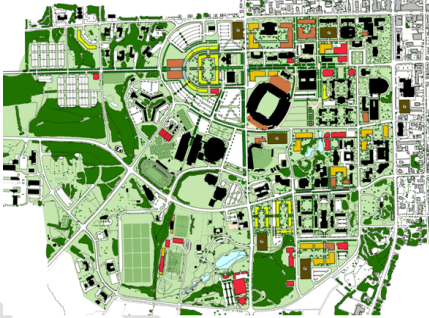
TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (4) Including bottling, electronics, jewelry, metal craft, monument, carpentry and cabinet works, and plastics.
- (5) If the property abuts a residential zone or use, then the following setbacks apply: front: 25 feet; side: 25 feet; rear: 25 feet.
- (6) It should be noted that placement of the I-2 district adjacent to residential uses or Zoning Districts may be restricted.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Section 21. Planned Unit Developments

- (1) **Overview.** This section provides the regulatory framework for Planned Unit Developments (PUDs). The regulations in this section are in addition to other relevant development standards and regulations in other parts of these Regulations. The purpose of Planned Unit Developments is to permit and encourage well-thought-out, planned, and compatible development strategies throughout the City. Planned Unit Developments often include a mix of compatible uses and may be developed over a phased time period.
- 
- (2) **Planned Unit Developments.** Planned Unit Developments may be requested by a developer as part of their subdivision development plan. Zoning within PUDs may be a mix of both residential and commercial as mixed-use development is encouraged within PUDs. The following identify the characteristic uses, level of development, and any specific Regulations related to the PUDs:
- (a) PUDs provide flexibility and creativity in site and building design and location in accordance with an approved plan, which shall be designed to prevent adverse impacts and protect the public health, safety, and welfare. Design excellence or the provision of outstanding public amenity shall be considered when establishing development standards.
 - (i) A sketch plan shall be submitted under a Review Process 1 for review and comment by the Applicable Director. A pre-application meeting is required prior to the submittal of all preliminary PUD plans, unless waived by the Applicable Director.
 - (ii) Preliminary PUD plans shall be submitted for approval under a Review Process 2. It shall contain all information listed below. The preliminary plan as proposed by the applicant shall prevent adverse impacts or appropriately mitigate them to protect the public health, safety, and welfare.
 - (A) Uses by right and location;
 - (B) Uses permitted with issuance of a Conditional Use Permit;
 - (C) Conceptual building footprint locations;
 - (D) Building, property, or site coverage;
 - (E) Maximum building height;
 - (F) Minimum setbacks on the front, rear, and side yards;
 - (G) Development performance standards;



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (H) Buffering and screening requirements;
 - (I) Common open space or facilities;
 - (J) Signage requirements and regulations;
 - (K) Parking requirements;
 - (L) Any other requirements and restrictions deemed necessary to protect public health, safety, and welfare;
 - (M) Proposed phasing of development.
- (iii) The final PUD plan shall be submitted under a Review Process 3 within eighteen (18) months of the approval of the preliminary master plan unless the approval is extended by the Applicable Director. If the final plan is not submitted within the 18-month period or an extension has not been granted, the plan shall be deemed denied. The final PUD plan shall contain all of the information from the preliminary plan, as well as address any applicable planning considerations.
- (iv) Amendments to the PUD must be approved on the basis of a new final plan. A new plan map is not required if the amendment is to the text of the PUD. The intent of Planned Unit Developments are to permit a compatible mixture of residential, neighborhood commercial and public service uses at a moderate level of intensity. PUDs should be designed to be compatible with nearby residential districts.
- (b) Location and Size of District. All PUDs must be a minimum of two (2) acres in size.
- (c) Review and Approval. The formation of a PUD is subject to a Review Process 3.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Section 22. Downtown Riverfront Design Overlay District

22.5 Purpose and Applicability

The purpose of the Downtown Riverfront Design Overlay District is to create a downtown commercial and civic area near the Riverfront, within the City of Mills, to enhance the quality, image, and economic vitality of the community. Accordingly, to that end, the overlay district imposes certain design guidelines to coordinate the physical improvements that will be made to this important geographic area by private entities.

22.10 Overlay District Relation to Base Zoning

This overlay district is placed “over” the base zoning in the area in order to modify the base zoning’s regulatory standards. The overlay district alters such standards as building placement, size and height, parking and access, and landscaping and buffering, but does not determine the use of the property. The use of property (both land and structures) is governed by the underlying base zoning.

22.15 Scope of Review

Government officials, property owners, developers, design consultants and other stakeholders will use this section to prepare improvement plans that are consistent with the Downtown Riverfront Design Overlay Standards and Guidelines. The standards and guidelines apply to private, nonresidential and multiple-family or mixed use residential (excluding single-family structures), new construction, exterior remodeling or repainting, window and awning changes or improvements, signing changes and improvements, sidewalk changes or improvements, exterior lighting changes and improvements, and landscaping and parking lot construction, changes and improvements. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior elements of any building or structure; nor shall anything in this section be construed to prevent the construction, reconstruction, alteration or demolition of any such elements, which authorized City officials shall certify as required for public safety.

22.20 Geographic Boundaries

- (1) **Designation of Boundaries.** The geographic boundaries in the Overlay District shall coincide with the boundaries established on the official City of Mills Zoning Map.
- (2) **Modification of Boundaries.** Any modifications of the boundaries of the Overlay District will involve referral to the Planning & Zoning Commission for public hearing, public notice and recommendation to the City Council to amend the Zoning Map.

22.25 Overlay Design Standards and Guidelines

- (1) These guidelines will be used by property owners, developers, architects, builders, business owners, public officials, and interested citizens when considering rehabilitation or new construction in the Downtown Riverfront Design Overlay District involving private non-residential and multiple-family residential (excluding single-family structures). They will be informational only in the case of publicly



TITLE 17 – LAND DEVELOPMENT REGULATIONS

owned lands and structures. The guidelines will also be consulted (but are not binding on the public entities) with respect to proposed infrastructure and streetscape improvement projects.

- (2) While the base land use zoning districts continue to govern land use, these guidelines will supersede other provisions of this zoning ordinance only when more stringent and geographically specific standards are set forth on design and physical planning issues relative to massing, landscaping, construction materials, parking, and signage.
- (3) The appropriate City departments will review all new projects in the Downtown Riverfront Design Overlay District that require building permits to ensure consistency with these guidelines. The word "shall" indicates those design standards that are mandated; whereas, terms such as "should", "encouraged", and "discouraged" indicate design principles which are more flexible and advisory in nature.
- (4) These guidelines are intended to create a sense of place and a cohesive downtown atmosphere to enhance the special character of the Downtown Riverfront Design Overlay District area by encouraging rehabilitation and new construction that is sensitive to the future vision and character for the area. The guidelines recognize that no single architectural style predominates, and the guidelines allow for creativity in the design of individual buildings. However, these guidelines are intended to create design and architectural principles to be shared by most properties within the district and give it a cohesive character.
- (5) These guidelines address both architectural design and urban design. Architectural design is addressed in terms of building type. Building types include:
 - (a) commercial/mixed-use
 - (b) townhouse
 - (c) multi-family apartments
 - (d) institutional
 - (e) industrial
- (6) Additionally, the guidelines address specific design regulations to include:
 - (a) building height
 - (b) setbacks
 - (c) massing
 - (d) driveways
 - (e) sidewalks
 - (f) lighting



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (g) building materials
- (7) These design specifications can vary based on building type and/or location. The guidelines clearly explain where or on what building types these requirements apply. Graphics are included as necessary to help convey the design guidelines.
- (8) Design review shall apply to all sides of a building. Any discernable changes will require approval from the Planning & Zoning Commission (*indicates Administrative rather than Commission function):
 - (a) Demolition of Structures
 - (b) Proposed New Construction/Exterior Remodeling/Modifications
 - (c) Relocation of Buildings
 - (d) Exterior Repair or Repainting*
 - (e) Window Changes In-Kind*
 - (f) Landscaping meeting the minimum requirements of Title 17*
 - (g) Signage and Awnings*
 - (h) Sidewalk Changes or Improvements on private property
 - (i) Exterior Lighting Changes or Improvements
 - (j) Parking Lot Construction, Changes or Improvements that modify parking locations, number of parking spaces or circulation patterns.

The functions above, marked with an asterisk () are considered administrative in nature and may be approved at the staff level if all objective standards are met. However, the staff will forward the application for action by the Planning & Zoning Commission for review and approval if there is a question about meeting the standards or if the applicant is requesting a variance from the standards.
- (9) The applicant shall meet with City staff to discuss the proposed project prior to making a formal submittal for approval. Accepted submittals will be reviewed by the city for compliance with the design standards as part of the site plan review process.

22.30 Built Form Standards

- (1) **Building Placement.**
 - (a) Buildings shall have a well-defined front façade with primary entrances facing the street.
 - (b) Buildings shall be aligned so that the dominant lines of their facades parallel the line of the street and create a well-defined street edge.

TITLE 17 – LAND DEVELOPMENT REGULATIONS



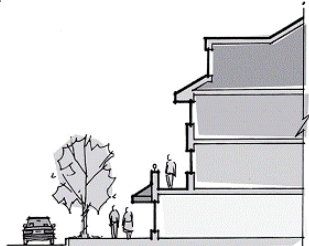
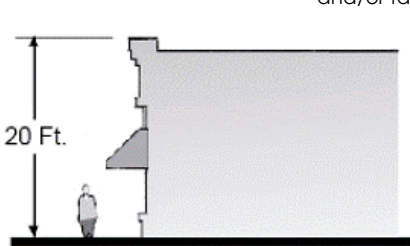
- (i) Setbacks may be reduced by up to five (5') feet to emphasize entries, provide increased space for planting or to create areas for outdoor dining and gathering.
- (c) At intersections, buildings should “hold the corner” – that is, have street facades at or near the sidewalk on both streets.



Example of building properly set to the corner.

(2) Facades

- (a) Building proportions should support pedestrian interaction, scaled to provide a distinct first story, define the street edge and provide visual continuity.
- (b) In general, buildings over two stories shall have a well-defined base, middle and top. The base, or ground floor, shall appear visually distinct from the upper stories, through the use of a change in building materials, window shape or size, and intermediate cornice line, an awning, arcade or portico, or similar techniques.
- (c) It shall be recognized that buildings will be viewed from a variety of vantage points. Consequently, the placement of doors, windows, balconies, changes in materials or roof height, etc. shall be designed to provide an attractive and harmonious design from the front, side, rear and top.
- (d) Building tops shall be articulated with discernable cornice lines, parapets and/or fascias.



Stepping upper stories back from front, the plane of the primary façade provides areas for outdoor balconies, rooftop gardens and more sunlight to reach the street corridor.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

(3) Building Height

- (a) Multi-story buildings (at least two stories) built to the maximum heights permitted by zoning are encouraged.
- (b) Stepping portions of upper stories back from the line of the front façade to provide areas for outdoor terraces, rooftop patios, etc. is encouraged. This is especially important for buildings facing the riverfront.
- (c) New single-story commercial building types with flat roofs shall have a minimum cornice height of twenty feet to better define the street.



Buildings with recognizable layers – base middle and top



(4) Window and Door Openings

- (a) Buildings should enliven the streetscape and enhance security by providing views into and out of buildings.
- (b) Window and door openings shall comprise at least sixty (60%) percent of the length and at least thirty (30%) percent of the ground floor of the primary street façade.
- (c) A minimum of twenty (20%) of the ground level of side and rear facades not fronting a public street shall consist of window and door openings.
- (d) New and renovated buildings with alleyway frontage shall include windows to allow views into the alley for added surveillance.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

(5) Entries

- (a) The visual importance of the primary street entrance shall be emphasized to ensure that entryways contribute to the visual attractiveness of the building and are readily visible to visitors.
- (b) Primary building entrances on all buildings shall face the primary abutting street or be linked to that street by a clearly defined and visible walkway. Additional secondary entrances shall be oriented to a secondary street or parking area.
- (c) In the case of a corner building or a building abutting more than one street, the street with the higher functional classification shall be considered primary.
 - (i) The main entrance shall be placed at the sidewalk grade.
- (d) Entries shall be designed with one or more of the following:
 - (i) Canopy, portico, overhand, arcade or arch above the entrance
 - (ii) Recesses or projections in the building façade surrounding the entrance.
 - (iii) Display windows surrounding the entrance
 - (iv) Architectural detailing such as brick work or ornamental moldings
 - (v) Planting areas, pots or window boxes for seasonal landscaping.
- (e) Canopies or awnings protecting the primary entrance shall be set at least seven (7') above sidewalk grade, and project no greater than three (3') feet into the walk zone of the public streetscape.

(6) Building Materials

- (a) Buildings shall be constructed using local or regionally available, durable materials such as:
 - (i) Brick
 - (ii) Natural stone
 - (iii) Manufactured stone
 - (iv) Textured, patterned and/or integrally colored cast-in-place concrete.
 - (v) Integrally colored, pre-cast CMU (concrete masonry units), provided that surfaces are molded, serrated or treated to give wall surfaces a three-dimensional texture.
 - (vi) Architectural metal, pre-finished decorative panels such as store front systems, structural elements such as columns and beams and decorative support or trim members such as brackets or cornices.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (b) These types of materials should be avoided:
 - (i) Unadorned plain or painted concrete block.
 - (ii) Unarticulated or blank tilt-up concrete panels
 - (iii) Pre-fabricated metal building systems
 - (iv) Aluminum, fiberglass, asphalt or fiberboard siding

(7) Rooftop Equipment

- (a) All rooftop equipment shall be screened from view from adjacent streets, public rights-of-way, and adjacent properties. Preferably, rooftop equipment shall be screened by the building parapet, or shall be located out of view from the ground.
- (b) If screening by the building parapet is not possible, the equipment shall be grouped within a single enclosure. This structure shall be setback a distance of one and a half times its height from any primary façade fronting a public street.
- (c) Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials.
- (d) Exterior mechanical equipment such as duct work shall not be located in primary building facades.

(8) Building Colors

- (a) Building colors shall blend with or enhance surroundings. Principal building colors shall consist of neutral or muted colors with low reflectance (e.g. browns, grays, tans or other warm natural colors).
- (b) No more than three (3) principal colors shall be used on a façade or individual store front.
- (c) Any brick materials shall utilize colors similar to those on the existing Mills City Hall.
- (d) Bright, complimentary colors shall be used only as accents.

(9) Awnings

- (a) Where awnings are used, canvas, fabric or vinyl are preferable.
- (b) If glass or metal awnings are employed, they shall complement the building's architectural character and aesthetic.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (c) All awnings shall extend beyond the façade no greater than three (3) feet.
- (d) The bottom of a window awning shall be set at least seven (7) feet above the public sidewalk.
- (e) Back lighted awnings and canopy signs shall not be used.

22.35 Site Development Standards

(1) Parking Lot Design

- (a) Parking lots shall be designed to promote efficient traffic patterns, minimize conflicts between vehicles and pedestrians and to proactively reduce the opportunity for crime.
- (b) Paving treatments shall incorporate durable, long-lasting materials. The use of materials such as pervious concrete or paving stones is encouraged to minimize storm water runoff. Stormwater runoff should be captured, when possible, and directed towards landscaped areas.
- (c) Parking lots shall be lit evenly and adequately to ensure visibility at night for pedestrian and vehicle safety and reduce opportunities for vehicle break-ins.
- (d) Lighting shall comply with all standards outlined Section 40.35 of this Title.
- (e) Lots shall be designed to incorporate intermediate planting beds, planting islands and intermediate "planting fingers" to break up large areas of impervious surface.

(2) Pathways and Walks

- (a) All walkways within the overlay district shall be designed and constructed in strict adherence to the Americans with Disabilities Act.
- (b) Continuous sidewalks are required along all street frontages. The use of ground floor arcades to provide weather protected pedestrian connections between facilities is encouraged.
- (c) Lighted sidewalks shall extend between rear or side parking and building entrances.
- (d) The street grid shall be maintained and extended wherever possible. Where the street grid is interrupted by uneven terrain or other variations, walkways or stairs shall be built to maintain pedestrian continuity.
- (e) Commercial developments shall strive to provide bicycle parking spaces in a convenient, visible, preferably sheltered, location.

(3) Outdoor Seating and Dining



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (a) New commercial development projects shall provide semi-public or private areas for people to sit outdoors and be served food and beverages.
- (b) These areas shall be established with either seasonal, moveable barriers, such as lightweight decorative metal fence or railing systems, or permanently defined with low planters or screen walls.

(4) Enclosure & Accessory Structures

- (a) New, free-standing commercial buildings which include commercial food service shall locate refuse containers and mechanical equipment in an enclosed structure. Said structure shall adhere to state and local health and safety codes and approved design standards.
- (b) The design of the refuse or mechanical enclosure shall be in character with, and constructed of, the same quality permanent materials as the principal building or adopted design standards. No metal buildings or structures will be allowed.
- (c) Any accessory structure shall be located on the same lot and near the principal structure; provided, however, if an owner has two or more contiguous lots, the accessory structure may be located on a separate lot that is contiguous to the lot of the principal structure if all of the following conditions are met:
 - (i) Contiguous lots containing principal and accessory structures shall not be sold, transferred or encumbered separately;
 - (ii) The owner, upon approval by the city and prior to the issuance of a building permit, shall execute a deed restriction in a form acceptable to the city that disallows the separate sale, transfer or encumbrance of the contiguous lots containing the principal and accessory structure.
- (d) Where accessory structures exceed two hundred (200) square feet in area, at least one-third of the building's exterior perimeter shall be landscaped in the same manner as the principal structure, and/or in compliance with the landscape design standards in this Title.



TITLE 17 – LAND DEVELOPMENT REGULATIONS



Example of accessory structure for enclosing dumpsters designed to match the principal structure.

(5) **Site Lighting**

- (a) These standards are in addition to any site lighting requirements included within this Title. The case of conflicting requirements within this overlay, the standards of this chapter will apply.
- (b) Exterior light fixtures shall be selected to minimize glare and negative effects upon residential uses adjacent to the Commercial Riverfront Corridor District.
- (c) The lighting of structures shall be minimized to reduce ambient light pollution from above and below.
- (d) The lighting of structures shall be minimized to reduce ambient light pollution from above and below.
- (e) Lighting fixtures style shall be compatible with the architecture of nearby buildings.
- (f) Lighting attached to buildings shall be screened by the building's architectural features to eliminate glare and overspill onto adjacent properties.
- (g) Public and private walkways shall be evenly illuminated to a level between one- and two-foot candles. Walkway light fixtures shall be between twelve (12) and fourteen (14) feet in height to provide human scale.

(6) **Light Sources**

- (a) The following are appropriate light sources:
 - (i) Incandescent (for signs or on buildings)
 - (ii) Halogen
 - (iii) High pressure sodium
 - (iv) "Warm" metal halide
- (b) The following are inappropriate light sources:
 - (i) Neon, unless used as an accent.
 - (ii) Colored
 - (iii) Low-pressure sodium

(7) **Light Fixtures**

- (a) The following are appropriate light fixtures allowed in the corridor:
 - (i) Pole mounted
 - (ii) Recessed



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (iii) Wall Mounted
 - (iv) Shield spotlighting
- (b) The following are inappropriate light fixtures:

- (i) Internally lit awnings
- (ii) Blinking or flashing
- (iii) High mast (cobra head features)

(8) **Parking Lot Lighting**

- (a) Parking lot illumination shall consist of a combination of commercial grade parking lot and pedestrian style features.
- (b) Pedestrian fixtures shall be used for lighting internal parking lot walkways. Parking lot fixtures shall be employed to illuminate parking bays and drive aisles.
- (c) Parking lot illumination shall achieve levels to provide safety while minimizing over lighting and excessive spillover of ambient light onto adjacent properties.
 - (i) Cutoff fixtures shall be located below the mature height of trees in parking lot islands. This will prevent ambient "glow" or light pollution onto adjacent properties.
 - (ii) Evenly distributed illumination shall be provided to provide safety and security.

(9) **Signs**

The purpose of this section is to ensure sign designs within the overlay district harmonize and enhance the architectural, structural or landscape features of the associated facility and to enliven the resident and visitor experience. In addition to the sign standards required in this Title, the following standards shall apply to signs within the overlay district.

(a) **Compatibility**

- (i) Large signs that dominate a building façade or streetscape are prohibited.
- (ii) Signs shall be designed to be compatible with building design in terms of relative scale, overall size, materials, and colors.
- (iii) Signage elements shall incorporate materials, colors and shapes that appropriately reflect and complement the building's architectural style and the surrounding environment.

(b) **Legibility**

- (i) Use a brief message.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (ii) Avoid hard to read intricate typefaces and limit the number of letter styles.
 - (iii) The number of lettering styles should be limited to increase legibility. A general rule is to limit the number of letter types to no more than two for small signs (up to 10 square feet) and three for larger signs.
 - (iv) Limit the area of the sign devoted to text. Lettering and logos shall not occupy more than 75% of the sign face.
 - (v) Use significant contrast. If there is little contrast between the brightness or hue of the message and its background, it will be difficult to read.
 - (vi) Use of symbols and logos is permitted.
 - (vii) Avoid large areas of blank space. Signs with more than 50% of the sign area left blank shall be avoided.
- (c) **Location & Size**
 - (i) Signs shall be designed to relate to the architectural features of the building and to create visual continuity with other storefronts in the same or adjacent buildings.
 - (ii) Signs shall be placed at or near the public entrance. Signs shall be placed to indicate the location of access to a business.
 - (iii) Signs shall be sized consistent with the proportions of the building's façade.
- (d) **Illumination**
 - (i) Internally illuminated cabinet signs with translucent panels shall be prohibited.
 - (ii) Utilization of a direct source of light (i.e. spotlight) is permitted.
 - (iii) Light fixtures supported in front of the structure cast light on the sign and generally a portion of the face of the structure as well, thereby emphasizing the continuity of the structure's surface.
 - (iv) Signs that use blinking or flashing lights are not permitted.
- (e) **Materials**
 - (i) Sign materials shall be selected with consideration for the architectural design of the building's façade.
 - (ii) Materials utilized shall be durable, and the following materials are permitted:



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (A) Wood (carved, sandblasted, etched, properly sealed & painted or stained).
- (B) Metal (formed, etched, cast, engraved, and properly primed & painted or factory coated to protect against corrosion).
- (C) Neon tubing

(10) Design Standards for Sign Types

(a) Wall Signs

- (i) Wall signs shall not project from the surface upon which they are attached more than 12" inches.
- (ii) Wall signs and "ghost" signs painted directly on a structure are acceptable.
- (iii) The maximum total wall signage per façade shall not exceed two square feet per linear foot of building façade length of the wall on which it is to be located.
- (iv) In no case shall total wall signage exceed a maximum of three hundred square feet for any building.

(b) Projecting Signs

- (i) The use of small, pedestrian-oriented signs along streets, walkways and in alleys is permitted.
- (ii) On a multi-storied building, the sign shall be suspended between the bottom of the second story windowsills and the top of the doors or windows on the first story. On single-story buildings the top of the sign should be in line with the lowest point of the roof.
- (iii) Projecting signs shall be hung at a 90° angle from the face of the building.
- (iv) Sign support brackets shall be compatible with the architectural design of the building.
- (v) Decorative iron and wood brackets are permitted.
- (vi) Internal illumination of projecting signs is prohibited.
- (vii) Businesses with frontage on a street, alley or public walkway are permitted one projecting sign each, per frontage.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (viii) Project signs shall not be over 10 square feet in size and shall be a minimum of 14' feet above the surface of the street or alley.
- (c) **Awning Signs**
 - (i) Awnings are limited to first and second floor uses only. Awnings shall be mounted on the building in such a way that they project over individual windows and door openings.
 - (ii) Backlit, translucent, internally illuminated awnings are prohibited.
 - (iii) Sign area or sign lettering shall comprise no more than 30% of the total exterior surface of an awning. Any graphic logo or text printed on an awning will be counted toward the total maximum allowable sign area.
- (d) **Freestanding Signs (Monument Signs)**
 - (i) The maximum number of freestanding signs is one per street frontage.
 - (ii) All free-standing signs shall be monument-type (solid base). Pole and pylon signs are prohibited.
 - (iii) Monument signs may be internally illuminated; however, the sign copy should be the only portion of the sign face that is illuminated. The sign background or field should be opaque with a non-gloss, non-reflective finish.
 - (iv) Monument signs shall be placed perpendicular to the street, and so they do not obstruct sight lines at driveways or intersections.
 - (v) Monument signs shall incorporate landscaping at their base, in accordance with the landscaping regulations found in this Title.
 - (vi) The maximum allowed height for monument signs is 8' feet and the maximum sign area is 50 square feet.
- (11) **Fences & Screening Walls**
 - (a) Frontages
 - (i) Decorative fencing or screen walls for entry courtyards or outdoor seating areas located between buildings and the primary street frontage, to include corner lots, shall not exceed forty-eight inches in height, be at least sixty percent transparent and be limited to the following materials:
 - (A) Painted or sealed architectural metals such as wrought iron pickets or rails, cast or cut, and patterned screens supported by appropriately sized structural systems.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (B) Stone and/or brick veneer wall systems supported by appropriately sized structural backup walls and subsurface foundations.
 - (C) Wood, chain link, plastic, vinyl fiberglass pickets and/or corrugated metal panels are prohibited as dominant materials, but combinations of these materials, except for chain link, may be allowed as long as they do not compromise more than 40%, in total, of the face area of the fence.
- (b) **Side and Rear Yards & Double Frontage Lots**
- (i) Fencing and screen walls for enclosing side yards, back patios or rear courtyards, or patios or yards on double frontage lots, may be opaque and shall not exceed 8' feet in height.
 - (ii) Fences shall be limited to the same materials as for frontages, but also including painted wood or stained wood.
 - (iii) Where fences & screen walls are located at the rear entry and are over 6' feet in height, the fence or screen wall must be designed into distinct increments through the following or a combination of or similar techniques:
 - (A) Variation of fence or screen wall setback.
 - (B) Use different textures or contrasting, but compatible, materials.
 - (C) Incorporation of bases of contrasting, but compatible materials and/or planters and/or plant alcoves which shall receive irrigated landscaping materials.
 - (D) Variations in the height (to allowable limits) and/or material of the fence to include and/or feature landscaping elements such as, but not limited to, earth berms, garden structures, gates, pergolas, or other appropriate elements of interest. Incorporating landscaping features into the fence or screen wall.
 - (E) Variations in the transparency of the fence using arcades, awnings, openings, windows or window bays, ledges, trellises, or other ornamental features.
 - (F) Varying the top line of the fence or screen wall to reinforce the articulation of the primary building facade.
 - (G) A setback of at least five feet from the sidewalk, buffered with landscaping.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Sections 23 thru 39. Intentionally Left Blank

Section 40. Site Planning and Development Standards

40.5 Purpose and Applicability

This section provides standards to ensure that properties are good neighbors. This section helps ensure that development is safe and functional, fits in with the surrounding neighborhood, and is visually consistent with the community. To achieve these objectives, development regulations are provided for site-specific components of projects, such as buffering, parking, loading, lighting, accessory structures, and signage. The following site planning and development standards apply to all development and land use within the zoning districts established by Sections 15 through 20 (Use District Charts) above.

40.10 Parking and Loading

The following parking regulations qualify, supplement, or define the requirements of parking allowed in the district regulations appearing elsewhere in these Regulations.

- (1) **Required Parking Spaces.** At a minimum, the number of spaces shown in Table 40.10-1 below shall be provided for any building that is erected, constructed, or converted for the listed uses.

**Table 40.10-1
Off-Street Parking Requirements**

Land Use	Required Parking	Unit
Residential Uses		
Single-Family Residence	2	Per Dwelling Unit
Two-Family Residence	2	Per Dwelling Unit
Multi-Family Residence	1.5	Per Dwelling Unit
Accessory Dwelling	1	Per Dwelling Unit
Home Occupations	1	Per 200 s.f. of Building Area Used
Temporary Housing/Worker Camp	1	Per 3 Sleeping Units
Government/Social Uses		
Elementary School	2	Per Classroom
Junior High School	4	Per Classroom
High School	8	Per Classroom
Church	1	Per 5 Seats
Rest Home/Nursing Home	1	Per Bed
Hospital	1	Per Bed
Day Care/Foster Care	1	Per 600 sq. ft. Gross Floor Area



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Land Use	Required Parking	Unit
Commercial/Industrial Uses		
Office	1	Per 300 sq. ft.
Institution	1	Per Bed
Motel/Hotel	1	Per Sleeping Unit
Restaurant	1	Per 2.5 Seats
Service Station	1	Per 50 sq. ft., a minimum of 6
Medical/Dental Clinic	1	Per 100 sq. ft.
Automotive Sales & Service	1	Per 1,000 sq. ft. of Indoor & Outdoor Sales Area
Bank, Post Office	1	Per 300 sq. ft.
Bowling Alley	5	Per Alley
Dance/Assembly Hall	1	Per 200 sq. ft. used for Assembly/Dancing
Funeral Home/Mortuary	1	Per 80 sq. ft.
Furniture/Appliance/Household Goods Store or Repair	1	Per 500 sq. ft.
Retail	1	Per 200 sq. ft.
Sports Area, Auditorium, Theater	1	Per 3.5 Seats
Wholesale	1	Per 2 Employees or 1,000 sq. ft., whichever is greater
Commercial Mini-Storage	1	Per storage building
Other Commercial Uses	1	Per 1,000 sq. ft.
Industrial Uses	1	Per 1,000 sq. ft.

- (2) **Location.** Parking shall be located within three hundred (300) feet of the commercial or industrial use it is to serve. Parking for residential uses shall be located on the same lot as the permitted use.

Table 40.10-2
Parking Dimensions

Angle	Parking Dimensions				
	Stall Width (A)	Stall Depth (B)	Aisle Width (C)	Module Width (D)	Overhang (E)
0	10'	24'	13'	33'	0'
45	10'	24'	12'	46'	2' 6"
50	10'	24'	12'	49"	2' 6"
55	10'	24'	13'	53'	2' 6"
60	10'	24'	15'	57'	2' 6"
65	10'	24'	16'	60'	2' 6"



TITLE 17 – LAND DEVELOPMENT REGULATIONS

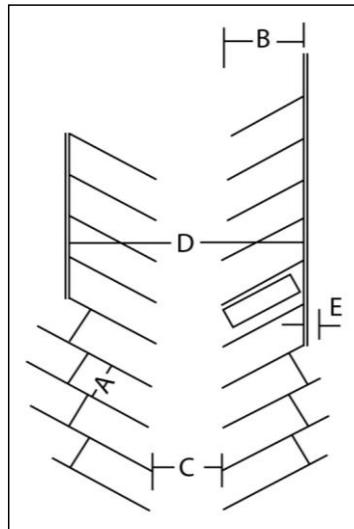
70	10'	24'	17'	63'	2' 6"
75	10'	24'	17'	64'	2' 6"
90	10'	24'	20'	68'	2' 6"

(3) Parking Dimensions

- (a) Applicability. The requirements of this section, including those of Table 40.10-1 above, apply to all required parking installed in the City.

- (i) Parking Stall Dimensions. Parking installed in the City shall conform to the dimensional requirements shown in Table 40.10-2 above and Figure 40.10-1 below. Dimensions are indicated in feet and inches. Parking angle is calculated from the line of the curb outward to the acute angle formed by the parking stall sideline. An angle of zero (0) degrees represents parallel parking. An angle of 90 degrees represents perpendicular parking.

Figure 40.10-1
Parking Dimension References



- (ii) Stall width (A) and depth (B) is measured as the minimum width and depth in which a vehicle can park without overhanging the curb or impeding into another parking stall or the drive aisle, as represented by the rectangle in the graphic below.
- (iii) Parking depth (B) may be reduced by the overhang dimension (E), provided a permanent curb stop is installed.
- (iv) Aisle width (C) is indicated for one-way travel. Two-way aisles shall be no less than twenty-five (25) feet in width, regardless of parking angle.
- (v) Module width (D) includes the sum of parking depth (B) and aisle width (C).
- (b) Exceptions. The standards established by Section 40.10(3) and Table 40.10-2 do not apply to single-family and two-family residential uses. Parking stalls for single-family and two-family residential uses shall be eight (8) feet wide by twenty (20) feet deep and shall either be enclosed in a garage or



TITLE 17 – LAND DEVELOPMENT REGULATIONS

outside any structure, provided that external parking areas do not intrude on any public roadway or right-of-way.

- (4) **Accessible Parking.** Where public parking is provided, accessible parking spaces as mandated by the Americans with Disabilities Act (ADA) shall be provided in compliance with applicable sections of the most recently adopted International Building Code, or amendments thereof.
- (5) **Use of Parking.** Parking areas shall be used for parking of passenger vehicles only. In no case shall parking areas be used for sales, repair work, storage, dismantling, or other activities related to the operation of the allowed land use. Parking areas used for such activities shall not count toward the required number of off-street parking spaces.
- ~~(6) **Surfaces.** Required parking areas shall be graded for proper drainage. All off-street parking spaces, lots or areas shall be constructed in accordance with the following standards:~~
- ~~(a) **Residential Off-Street Parking.** In all residential districts, the required number of off-street parking spaces and driveways must be paved with asphalt, concrete or similar permanent surface. Additional, off-street parking areas may be surfaced with crushed rotomill or similar product.~~
- ~~(b) **Commercial Off-Street Parking.** All off-street parking, loading and stacking areas, drive aisles, internal roadways and all other modalities providing ingress or egress leading to the parking area for all commercial uses shall be paved with asphalt, concrete or similar permanent surface.~~
- ~~(c) **Industrial Off-Street Parking.** All required off-street parking, loading and stacking areas, drive aisles, internal roadways and all other modalities providing ingress or egress leading to the parking area shall be paved with asphalt, concrete or a similar permanent surface.~~
- ~~(i) Additional off-street parking, loading and stacking areas to the front and side of a building in an industrial zone, not required by this Section, may be surfaced with asphalt, concrete or crushed rotomill or similar product. All required parking spaces and all driveways, entrances and exits from the parking area shall be paved with asphalt, concrete or similar permanent surface.~~
- ~~(ii) For lots greater than one (1) acre in size, the drive aisles, internal roadways and all other modalities providing ingress or egress leading to the parking area may be surfaced with asphalt, concrete, crushed rotomill or a similar product. The base materials shall be in a depth suitable for the traffic anticipated to utilize the facility, including emergency vehicles. Required spaces shall be paved.~~
- ~~(6)~~ **(7) Maintenance.** Parking areas and connecting driveways shall be maintained in good condition and kept free of excessive weeds, dust, trash, and other debris at all times.

Formatted: Font: Not Bold



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- ~~(7)~~(8) **Lighting.** Lighting for parking areas within multi-family, commercial, or industrial districts shall be directed and/or shielded such that light is not directed toward any residential district or use. See Section 40.35 for all applicable lighting standards.
- ~~(8)~~(9) **Plans and Approval Required.** Plans showing layout and design of all required off-street parking areas shall be submitted to and approved by the Applicable Director prior to the issuance of a permit under these Regulations. Before approving the parking layout, the City shall ensure that the spaces provided are usable and meet the standard design criteria.
- (10) **Marking.** All parking spaces shall be clearly marked. Parking aisle and parking spaces shall be entirely within the lot lines and located such that no vehicle will overhang into a public right-of-way.
- ~~(9)~~(11) **Striping.** Striping is required for all development except for individual, single family dwelling or duplex on a single lot.
- ~~(10)~~(12) **Change of Use.** In the event of any change of use of a lot, all off-street parking and loading requirements of the new use shall be met.
- ~~(11)~~(13) **Additions.** Any addition to a structure or any increase in the intensity of use within the building through the addition of dwelling units, seating capacity, or other specified measure used for parking requirements shall require all parking and loading requirements of the addition to be met.
- ~~(12)~~(14) **Exceptions.** Off-street parking requirements in industrial districts may be waived by the Applicable Director when it can be established that off-street parking, to satisfy the above requirements, is provided or is available, either private (through a shared parking agreement) or public, on adjoining property or within three (300) hundred feet of the proposed use. In determining whether or not sufficient off-street parking is available to satisfy the requirements of this section, vacant land or spaces allotted to other uses shall not be considered.
- ~~(13)~~(15) **Administration of Parking Requirements**
- (a) The City Council shall make the final determination as to the number of spaces required for off-street parking and loading.
 - (b) For uses not specified or specifically defined, the City Council shall determine parking requirements.
 - (c) The City Council is authorized to review parking plans, and after proper hearing and investigation, permit and exception or modification of established requirements when reason is found that such action is necessary to prevent unreasonable hardship in development of any lot because of unique topographical or other features.
 - (d) Off-Street Parking exception requests shall be processed under a Review Process 3.
 - (e) Submission of a written request from the owner of record addressed to the Applicable Director stating the rationale for the request and providing any



TITLE 17 – LAND DEVELOPMENT REGULATIONS

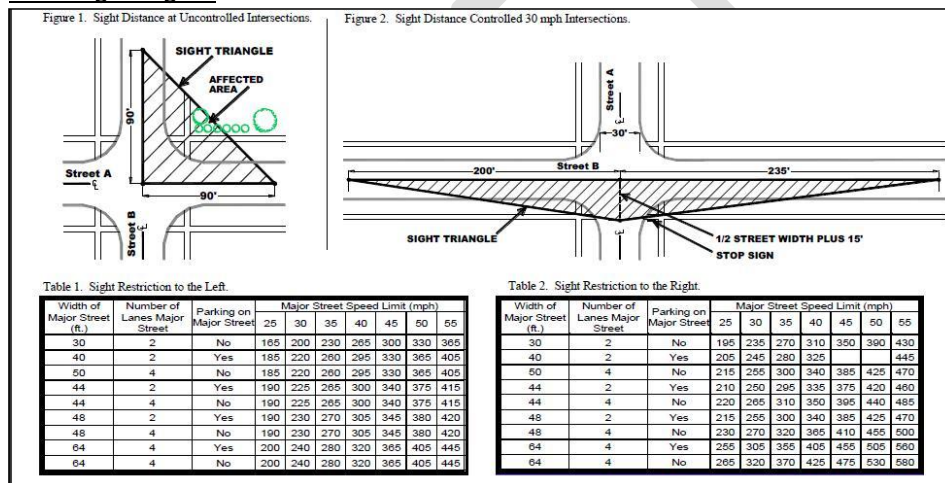
documentation, diagrams, renderings or photographs necessary to convey the intent of the exception request.

- (f) Off-Street Parking exception requests shall be considered on the basis of use, number of employees, availability of on-street parking or shared parking with adjacent property owners.

40.15 Fences, Walls, and Screening

- (1) **Fences.** Except as otherwise specifically provided in other codes and regulations of the City, the following regulations shall apply to the construction of fences:
- (a) No fence, foliage, or obstruction shall be constructed, planted, or placed on any corner lot within a designated site triangle, as described in the diagram below.

Site Triangle Diagram



- (b) No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals as determined by the Applicable Director.
- (i) Electrical fences are not permitted in any Zoning District except UA (Urban Agriculture). An electrical fence shall not be installed within fifty (50) feet of a residential structure.
- (c) No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out of sunlight, or hindering ventilation or which fence shall adversely affect the public health, safety, and welfare as determined by the Applicable Director.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (d) No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than seven (7) feet, provided, however, that the City may, by approval of an Administrative Adjustment or a Deviation permit, authorize the construction of a fence higher than seven (7) feet.

40.20 Home Occupations

- (1) **Purpose and Applicability.** The purpose of this section is to allow limited business activity to occur at a residence where the business activity is clearly incidental to the primary residential use and will not change the residential character of the neighborhood.
- (2) **Definition.** A home occupation is an accessory, nonresidential business activity that is conducted within a dwelling, or in an accessory structure located on the same parcel, by its inhabitants, and is incidental to the residential use of the dwelling, which does not change the character of the surrounding area by generating more traffic, noise, or storage of material than would be normally associated with a residential zone. Childcare facilities are excluded from this section and are regulated under Section 45.60 (Special Regulated Uses).
- (3) **Approval.** Home occupations are allowed as part of any residential use, provided the requirements of this section are met by approval of the Applicable Director using a Review Process 2.
- (4) **Performance Standards.** It is the intent of the following standards to reduce the impact of the home occupation to the degree that its effects on the neighborhood are undetectable from normal and usual residential activity. These standards shall be incorporated as conditions of approval for the home occupation.
 - (a) Number of Home Occupations. One (1) home occupation is allowed in a dwelling.
 - (b) Employees. A home occupation shall have no more than one (1) off-site employee. Other off-site employees may be employed by the business but they may not report to the home. No more than two (2) full-time residents may be employed at the home occupation.
 - (c) Habitable Floor Area. The use of the residential dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.
 - (d) Off-Site Effects. There shall be no mechanical equipment used or operations which create or make dust, odor, vibration, noise, or other effects detectable at the property line of the property in which the home occupation is located.
 - (e) On-Site Sales. There shall be no products sold on the premises except artist's originals or products individually made to order on the premises, or as part of electronic commerce. Products which are not artist's originals or individually made to order may be constructed on site, using equipment



TITLE 17 – LAND DEVELOPMENT REGULATIONS

normally found in a residence; however, these products may only be sold at a permitted commercial location.

- (f) **Display.** There shall be no display of products produced by occupants of the dwelling which are visible in any manner from the outside of the dwelling unit.
 - (g) **Traffic/Vehicles.** The use shall not generate vehicular traffic beyond that which is normal in a residential district nor in any case require the parking of more than one (1) additional vehicle per hour.
 - (h) **Storage.** There shall be no storage of material, products, or supplies out of doors.
 - (i) **Exterior Appearance.** There shall be no remodeling or construction of facilities for the home occupation which changes the external appearance of the residence from a residential to a more commercial-appearing structure when viewed from the front of the building. Conversion of a portion of the interior of the structure (e.g., a garage) that does not result in a loss of off-street parking or alter the exterior appearance of the structure may be allowed through issuance of a building permit.
 - (j) **Signs.** Home occupations may display a nameplate not more than two (2) square feet in area, flush-mounted to the residence. No other signage or display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling is permitted.
 - (k) **Visitors and Customers.** Visitors and customers shall not exceed those normally and reasonably occurring for a residence, including not more than two (2) business visitors per hour and no more than two (2) at any given time.
 - (l) **Hazardous Materials.** Storage of hazardous materials may only be stored in amounts below the thresholds as established by the local Fire Department.
- (5) **Conditions.** The Applicable Director or designee may establish reasonable conditions on the operation of any home occupation if necessary to meet the intent of this section.

40.25 Signs

- (1) **Applicability.** Sections 15 through 20 (Use District Charts) assign a sign category to each use in each zone. This category is either A, B, C, D, E, or F. This section contains the specific requirements in each sign category. If you do not know what sign category applies to the subject property, you should consult the appropriate Use District Charts.
- (2) **Scope and Exclusions.** This section applies to all signs erected or altered after the effective date of these Regulations. This section does not apply to the following:



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (a) Traffic signs, directional signs, and signs displaying a public service message installed by a governmental agency.
- (b) Seasonal holiday decorations appropriately displayed.
- (c) Signs displayed no more than seven (7) days to announce the grand opening of a business or use.

Marquee Sign



Monument Sign



Off-Premise Sign



Pole Sign





TITLE 17 – LAND DEVELOPMENT REGUL

- (d) The use of devices, if approved, on a temporary basis using as described in Section 10.30, if it is determined that it is not detrimental to any nearby neighborhood or use.
- (e) Thematic flags, banners, or pennants that are complementary to and normally associated with the character of a specific location.
- (f) Point-of-purchase advertising displays such as product dispensers.
- (g) National flags and flags of political subdivisions.
- (h) Gravestones.
- (a) Historical site plaques and signs integral to an historic building.
- (b) Structures or improvements intended for a separate use, such as phone booths, Goodwill containers, and newspaper recycling boxes.
- (c) Election or political signs.

Wall-Mounted
Sign



(3) **Sign Type.** Permitted types of signs for each sign category are listed below.

- (a) Sign Category A – Wall-mounted and pedestal signs. Commercial messages are not permitted, and signs may only be illuminated through external sources (no internal illumination)
- (b) Sign Category B – Wall-mounted, marquee, and pedestal signs.
- (c) Sign Categories C, D, and E – Wall-mounted, marquee, pedestal, monument, and pole signs.
- (d) Sign Category F – Wall-mounted, marquee, pedestal, monument, and pole signs.

(4) **Sign Area.** The maximum permitted sign area for each sign category is listed below. The permitted area applies only to the sign types listed in Section 40.25(3).

(a) Sign Category A

- (i) Signs identifying a detached dwelling unit: four (4) square feet.
- (ii) Signs identifying a complex or subdivision: thirty (30) square feet per sign face.
- (iii) The number of signs allowed on a property shall be evaluated by the Applicable Director.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

(b) Sign Category B

- (i) Forty (40) square feet per sign face.
- (ii) The number of signs allowed on a property shall be evaluated by the Applicable Director.

(c) Sign Categories C, D, E, and F

- (i) Each development is allowed the sign area shown in Table 40.25.
- (ii) Each individually licensed business within a multi-use complex is allowed fifty (50) square feet.
- (iii) Each multi-use complex containing seven or more uses or businesses is allowed one hundred (100) square feet per sign face per pedestal, monument, or pole sign or one hundred (100) square feet for one wall-mounted sign per abutting right-of-way to be used for center identification signs. These signs must be constructed with materials, colors, shapes, or other architectural features that are the same as the buildings with which the signs are associated.

- (5) **Sign Area Table.** Table 40.25-1 establishes the sign area allowed by Section 40.25(4). The sign area is primarily dependent on the linear frontage of the subject property and the sign category of the use. To use this chart, first find the applicable sign category in the applicable zoning district. Then find the corresponding category along the top of the chart and then find the linear frontage of the subject property along the left margin of the chart. Where the sign category and the linear frontage meet, you will find the maximum sign area for the subject property.
- (6) **Development Containing Uses in More than One Sign Category.** If the subject property contains uses assigned to more than one sign category, the signs for the entire development must comply with the most restrictive sign category.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Table 40.25-1 Sign Area Table				
Total Linear Frontage (Less Than, Feet)	Sign Area by Category (sq. ft.)			
	C	D	E	F
25	40	46	68	76
50	42	53	79	90
75	45	48	88	100
100	48	62	94	108
125	50	65	100	115
150	52	68	105	121
175	54	70	109	126
200	55	73	114	131
225	56	75	117	136
250	58	77	121	140
275	60	80	125	145
300	61	82	128	149
325	64	85	132	152
350	66	87	135	156
375	70	90	140	160
400	73	93	144	163
425	75	95	148	167
450	79	99	151	172
475	82	103	154	175
500	85	107	160	180
501 and greater	95	115	170	195

(7) **Sign Height and Dimensions.** The permitted height of signs for each type of sign is listed below:

- (a) Wall-mounted and marquee signs shall not project above the roofline of the building to which they are attached.
- (b) Marquee signs shall not extend further from a building facade than the marquee or canopy to which they are attached.
- (c) Pedestal signs shall not exceed ten (10) feet above average ground elevation.
- (d) Monument signs shall not exceed sixteen (16) feet above average ground elevation.
- (e) Pole signs shall not exceed thirty-five (35) feet above average ground elevation.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

(8) Location of Signs

- (a) General. Except as allowed below, all signs must be located on the same lot or property as the use, building, or event with which the sign is associated.
- (b) Exceptions. The following exceptions shall apply:
 - (i) Monument and pole signs must be set back at least five (5) feet from all property lines, except in zones that have no setbacks.
 - (ii) Off-Premise Signs must be set back at least ten (10) feet from all property lines and may not come within twenty (20) linear feet of an existing utility line or structure.

(9) Off-Premise Signs

- (a) A sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment, or amusement conducted or produced which is bought or sold, furnished, offered, or dealt in elsewhere than on the premises where such sign is located, or to which it is affixed. It may be a board, panel or tablet, either illuminated or electronic graphic display:
 - (i) Off-Premise signs shall be allowed in all commercial and industrial zoning districts and the UA (Urban Agriculture District). No such sign may be permitted to be displayed in any residential district.
 - (ii) Any such sign intending to be displayed nearer than five-hundred (500) feet to a residential building, church, cemetery or school requires a Conditional Use Permit.
 - (iii) All such signs shall be required to either be a wall-mounted or freestanding-type display.
 - (iv) No such sign shall have the lowest edge of its display face more than ten (10) feet above grade nor have the highest edge of its display face more than thirty (30) feet above grade.
 - (v) A minimum distance of 500 feet shall be required between each off-premise sign located along a Primary Highway. A minimum distance of 300' feet shall be required between each off-premise sign along all other roads.
 - (vi) Off-premise signs must be set back at least ten (10) feet from all property lines and may not come within twenty (20) linear feet of any existing utility lines or structures. The face of any off-premise sign shall not exceed the dimension of forty (40) feet long by fourteen (14) feet high, or five hundred sixty (560) square feet in sign area.
 - (vii) Embellished extensions of up to six (6) feet at the top and two (2) feet at the sides of an off-premise sign face shall be permitted, provided that the additional sign area provided by such embellishments does not exceed two hundred (200) square feet,



TITLE 17 – LAND DEVELOPMENT REGULATIONS

and provided such extensions do not encroach upon the established sign height and setback limitations.

(10) **Electronic Graphic Display Signs**

- (a) Electronic graphic display signs are highly visible from long distances and at very wide viewing angles, both day and night. They are designed to catch the eye of persons in their vicinity. These types of signs can pose a hazard to traffic safety if operated in such a manner that a driver's attention would be held for an extended period of time. All electronic display signs shall comply with the following standards:
 - (i) Message display. No electronic graphic display signs shall utilize colors or displays which create confusion with traffic lights and with lights on emergency vehicles. There shall be no multi-frame messages or effects of movement, blinking, animation, scrolling, flashing, or similar effects in individual images. A one to two (1-2) second animated transition between messages shall be allowed.
 - (ii) Dwell Time: All electronic graphic display signs shall be programmed so that the message or image on the sign changes no more than every six (6) seconds.
 - (iii) Setbacks. All electronic graphic display signs must be a minimum distance of one hundred (100) feet from an adjacent residential zoning district. Any sign within one hundred fifty feet (150) feet of a residential district must be oriented so that no portion of the sign face is visible from an existing or permitted primary residential structure.
 - (iv) Separation. A minimum distance of two thousand (2,000) feet shall be required between each electronic graphic display sign.
 - (v) Brightness. All electronic graphic display signs shall utilize technologies which automatically reduce light levels at night and under cloudy or other darkened conditions.
 - (vi) Audio. Audio speakers in any form are prohibited in association with electronic graphic display signs.
 - (vii) Malfunction. All electronic graphic display signs shall contain a default design that will freeze the device and message in one position if a malfunction occurs. Any electronic graphic display sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall be restored to its normal operation within twenty-four (24) hours or set to a blank or static display until repairs can be accomplished.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

(11) Prohibited Devices

- (a) General. Except as specifically allowed under subsection (2) of this section, the following devices and facilities are specifically prohibited:
- (i) Pennants, banners, and streamers.
 - (ii) Strings of lights, flashing lights, colored lights, advertising searchlights, and flares.
 - (iii) Twirlers, propellers, inflatable signs, and wind-activated devices.
 - (iv) Electronic graphic display signs which contain effects of movement, blinking, animation, scrolling, flashing, or similar effects in individual images.
 - (v) Any sign attached to or placed on a vehicle or trailer parked on public or private property used as an Off-Premise Sign. The prohibition of this subsection does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business.
 - (vi) Any sign with the shape and colors of a traffic sign.
 - (vii) Any sign which constitutes a traffic hazard including but not limited to signs containing words such as "stop," "look," and "danger."



(12) Sign Maintenance and Removal

- (a) Maintenance. All signs must be kept in a safe manner at all times. Damaged or deteriorated signs must be repaired within sixty (60) days of notification by the Applicable Director. One (1) ninety-day extension may be granted by the Applicable Director.
- (b) Removal. Unless otherwise specified in these Regulations, the applicant or property owner must remove all nonconforming signs within thirty (30) days and all sign copy/graphics from conforming signs within ninety (90) days of the date of the closure or discontinuance of the business, use, or event with which the signs were associated.

40.30 Buffering Standards

- (1) **Purpose.** The following buffering standards are designed to encourage the most appropriate use of land, provide a smooth transition between adjoining properties, encourage compatible development and mitigate existing or potential conflicts between differing land uses.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (2) **Applicability.** Buffering may be required upon development between certain uses and zoning districts. The required buffering standard can be found using Table 40.30-1. In the table, find the use which is being proposed, then look below for uses adjacent to the proposed use to find the buffering category. This category is either "P," "L," "H," or "N/A." For instance, if a commercial use is proposed adjacent to a high-density residential use, the buffering category "H" would apply. Requirements pertaining to each buffering category are located throughout this subsection.
- (3) **Use of Significant Existing Vegetation**
 - (a) General. The applicant should retain existing trees and vegetation in areas subject to the buffering standards of this section. The Approving Authority shall give substantial weight to the retained trees and vegetation when determining the applicant's compliance with this section.
 - (b) Supplement. The Approving Authority may require the applicant to plant trees, shrubs, and groundcover according to the requirements of this section to supplement the existing vegetation in order to provide a buffer at least as effective as the required buffer.
- (4) **Minimum Land Use Buffer Requirements.** The applicant shall comply with the Regulations specified in Table 40.30-1 and with all other applicable Regulations of this Ordinance. Land use buffer requirements may apply to the subject property, depending on what permitted use exists on the adjoining property or, if no permitted use exists, depending on the zone that the adjoining property is in.
- (5) **Land Use Buffering Standards.** Table 40.30-1 establishes which buffering standard applies in a particular case. The following subsections establish the specific requirement for each standard:
 - (a) For standard "H" High Buffering. The applicant shall provide a ten (10)-foot-wide landscaped strip with a six (6)-foot-high solid screening fence or wall. The fence or wall must be placed on the outside edge of the land use buffer or on the property line. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. The land use buffer must be planted as follows:
 - (i) At least seventy (70) percent of the landscaping shall be native vegetation within two (2) years of permit approval.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Table 40.30-1
Buffering Requirements

Land Use/Adjoining Land Use	Buffering Standard			
	P	L	H	N/A
Residential – Low Density				
Residential – Low Density*	◆			
Residential – High Density**	◆			
Commercial	◆			
Industrial				◆
Urban Agriculture Residential		◆		
Residential – High Density				
Residential – Low Density*			◆	
Residential – High Density**	◆			
Commercial		◆		
Industrial				◆
Urban Agriculture Residential			◆	
Commercial				
Residential – Low Density*			◆	
Residential – High Density**		◆		
Commercial	◆			
Industrial		◆		
Urban Agriculture Residential	◆			
Industrial				
Residential – Low Density*				◆
Residential – High Density**				◆
Commercial		◆		
Industrial	◆			
Urban Agriculture Residential		◆		
Urban Agriculture Residential				
Residential – Low Density*		◆		
Residential – High Density**		◆		
Commercial	◆			
Industrial	◆			
Urban Agriculture Residential	◆			

P: Buffering is permitted, however, not required.

L: Low buffering standard is required. Please see "Buffering, Low" as described in Section 40.30(5).

H: High buffering standard is required. Please see "Buffering, High" as described in Section 40.30(5).

N/A: These land uses are generally not permitted directly adjacent to each other.

* Low-Density Residential is defined as 2 units per acre or less.

** High-Density Residential is defined as greater than 3 units per acre.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (b) For standard "L" Low Buffering. The applicant shall provide a five (5)-foot-wide landscaped strip with a six (6)-foot-high solid screening fence or wall. The fence or wall must be placed on the outside edge of the land use buffer or on the property line. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. The landscaped strip must be planted as follows:

- (i) At least seventy (70) percent of the landscaping shall be native vegetation within two (2) years of permit approval.

- (c) For standard "P" Buffering Permitted. Any landowner may choose to buffer their property according to the above standards or submit their own buffering plan for review by the Applicable Director.

- ~~(c)(d)~~ While new commercial or industrial development is generally not permitted adjacent to existing residential zone districts, there are existing areas within the city with adjacent, incompatible zones. For new development in existing commercial or industrial zones which are adjacent to residential zones or uses, the 'H' High Buffering Standard shall be required, and the City Council shall have the authority to require additional buffering and/or landscaping as it deems necessary.

- (6) **Elevation of Review.** All buffering plans and requirements may be elevated for final review and decision by the City Council. The Council shall have the authority to modify final buffering standards and requirements.
- (7) **Location of the Land Use Buffer.** The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining property.
- (8) **Multiple Buffering Requirement.** If the subject property borders more than one adjoining property along the same property line, the applicant shall provide a gradual transition between different land use buffers. This transition must occur totally within the area which has the less stringent buffering requirement.
- (9) **Adjoining Property Containing Several Uses.** If the adjoining property contains several permitted uses, the applicant may provide the least stringent land use buffer required for any of these uses.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

40.35 Lighting Standards

- (1) **Purpose.** The purpose of this Section is to regulate exterior lighting in order to avoid unsafe and unpleasant conditions as the result of poorly designed or installed exterior lighting, discourage excessive lighting, regulate the type of light fixtures, lamps and standards, and protect adjacent properties and residential units from the adverse effects associated with nonresidential and multi-family exterior lighting.
- (2) **Applicability**
 - (a) A lighting plan shall be required for all new multi-family, commercial or industrial development or redevelopment.
 - (b) This section does not apply to residential subdivisions or individual dwelling units, with the exception of common areas. Examples of common areas include, but are not limited to open space, pathways, clubhouses, parking lots and play areas.
 - (c) This section is not applicable to street lighting within public rights-of-way.
 - (d) This section does not apply to lighting necessary for emergency equipment and work conducted in the interests of law enforcement or for the safety, health, or welfare of the public.
 - (e) Sign lighting is governed by Section 40.25, Signs.
- (3) **General Requirements**
 - (a) To reduce overall energy consumption and eliminate unneeded lighting, exterior lighting installations shall include timers, dimmers, sensors and/or photocell controllers that turn the lights off during daylight hours or when lighting is not needed.
 - (b) Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.
 - (c) Light heads for parking lots and display area light fixture shall not have bulbs or reflectors that project below the bottom rim of the fixture unless shielded by a softening diffuser.
 - (d) Lighting levels shall not exceed .2 foot candles measured 5 feet outside an exterior property line. An exception may be approved by the Applicable Director if the property is adjacent to a right-of-way.
 - (e) Fixtures and lighting systems shall be maintained in good working order.
 - (f) Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting.
 - (g) Open-air parking lot lighting shall be designed to provide sufficient illumination for comfort and safety and shall be adequate to facilitate the activities taking place in a given location.













TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (h) Lighting of outside areas shall not be used to attract attention to a business.
 - (i) Lighting fixtures shall be of a type or adequately shielded to prevent glare from normal viewing angles.
 - (j) Lighting fixture and pole types may be specified and required by the City.
- (4) **Lighting Plan Requirements.** The applicant shall submit sufficient information, in the form of an overall exterior lighting plan, to enable the Approving Authority to determine that the applicable provisions will be satisfied.
- (a) The exterior lighting plan shall include, at a minimum, the following information:
 - (i) The type of fixture (i.e., floodlight, full-cutoff lantern, coach light) and the type and luminous intensity of each light source and wattage (i.e., incandescent, halogen, high-pressure sodium).
 - (ii) Manufacturer specification sheets, cut-sheets or other manufacturer provided information for all proposed light fixtures.
 - (iii) The proposed location, mounting height, shielding details, and aiming point of all exterior light fixtures.
 - (iv) If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the luminance levels of the elevations, and the aiming point for any remote light fixture. If only architectural lighting is proposed, this section may be waived by the Applicable Director.
 - (v) A brief written narrative which describes the objectives of the lighting.
- (5) **Lighting Standards for Uses Within 150 feet of Residential Zones**
- (a) Lighting poles shall be no taller than fifteen (15) feet and shall be installed at a maximum of seventeen (17) feet above grade of the area to be lit.
 - (b) Lighting fixtures shall be aimed and shielded in a manner that shall not direct illumination on adjacent residential zones. Fixtures shall be of a type or adequately shielded to prevent glare from normal viewing angles.
 - (c) At the discretion of the Applicable Director and where feasible, additional landscaping may be used to provide light screening between commercial and residential zones to help prevent light trespass. Where landscaping is used for light screening, the Applicable Director shall take into consideration the applicable landscaping and/or buffering standards, the creation of excessive shadows or dark spaces and views into and out of a site.

TITLE 17 – LAND DEVELOPMENT REGULATIONS



Figure 40.35-1
Lighting Fixture Standards

Unacceptable	Acceptable
Area Floodlights  NO	 YES <i>*Proper aiming is still required to prevent light trespass</i>
Spotlights  NO	 YES <i>*Proper aiming is still required to prevent light trespass</i>
Wall Packs  NO	 YES
Decorative  NO <i>*These fixtures may be acceptable if using a low wattage bulb</i>	 YES
Parking/Open Space Lighting  NO	 YES

The above figure illustrates examples of acceptable and unacceptable types of outdoor lighting fixtures. Note that even those types of fixtures shown as "acceptable" must be installed and aimed properly to comply with this section.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

40.40 Landscaping Standards

- (1) **Purpose.** The landscaping standards are designed to improve the appearance and design quality of the City of Mills, encourage a more attractive environment along city streets, improve the city's quality of life, improve the functionality and quality of site planning, improve storm water management, and increase the value of properties within the city. The landscaping standards are further intended to expedite development approval by including predictable, uniform standards for landscaping that apply equitably to all developments and to provide for effective administration and enforcement, assuring that landscaping is properly installed and maintained. The landscaping standards are also intended to support water conservation throughout the city through the use of xeriscape techniques and methods.
- (2) **Applicability.** The provisions of this section shall apply to all new development in all zoning districts on each lot or site upon application for a Development Plan or if a Development Plan is not required, at the time of application for a building permit, except for the following:
 - (a) One or two-family residential development.
 - (b) Reconstruction or replacement of a lawfully non-conforming structure following a casualty loss.
 - (c) Remodeling, rehabilitation or improvements to existing uses or structures that does not substantially change the location of structures, parking or other site improvements.
 - (d) Additions or enlargements to existing uses or structures of less than 5,000 square feet.
- (3) **Landscape Review Procedures.** All applications for Development Plans or building permits covered by this Ordinance must submit a Landscape Plan that must be approved through the appropriate process before the development may proceed. The Landscape Plan shall be kept on file and becomes part of the permanent record for the site. Table 40.40-1 shows the type of Landscape Plan application, the review process and the approval process.

Table 40.40-1
Landscape Plan Review Process

Application	Review Role	Approval
All development proposals and structures specified in Section 10.40 that do not meet the thresholds for Development Plans.	City Planner, or their designee	City Planner or their designee
Any development proposals or structures that meet the requirements for a Development Plan.	City Planner or their designee, who will make a recommendation to the Planning & Zoning Commission and City Council.	City Council
Denial of any application.		City Council



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (4) **Landscape Plan Requirements.** The Landscape Plan submitted for review is not necessarily a construction document but must contain information complete enough to demonstrate the design of the landscaping and associated features, and to provide a document detailed enough to be enforceable. The plan shall be prepared by a landscape architect, landscape contractor or other qualified person and shall contain the following information, at a minimum:
- (a) Drawings at a scale no smaller than 1 inch = 10 feet, or a multiple thereof. Drawings shall include north arrows, scale, street address, street names, and the name and address of the person or firm preparing the plan.
 - (b) Calculations of the entire site area, the area required for landscaping by this ordinance, including street yards, buffer areas, and perimeter and interior parking lot landscaping; and the required quantities of trees, shrubs, ground cover, and other materials required within these landscaped areas.
 - (i) The minimum percentage of site area to be landscaped must be included within the development parcel, excluding right-of-way areas.
 - (c) Overall site plan, indicating location of major site features, structures, parking, site circulation, public streets and rights-of-way, pedestrian circulation, site amenities, and other features.
 - (d) Existing landscaped areas, including plant materials, location, size, species, and condition, and indication whether existing materials will remain or be removed.
 - (e) Planting plan, including location of all materials, size, and scientific and common name of each plant material. The planting plan includes the location and type of all ground covers, including non-living materials, and all other landscape features and structures.
 - (f) Grading plan showing berms, landforms, and stormwater management facilities, with contours shown at no less than two-foot intervals.
- (5) **Landscaping Materials & Installation Standards.** Plantings and other materials to be used in any required landscape areas shall be consistent with the criteria set forth in the latest version of Building Casper's Urban Forest, A Tree and Shrub Selection and Care Guide, available from the Building & Planning Department.
- (6) **Materials.** Landscaping standards may be met using the following types of materials:
- (a) Formal turf areas;
 - (b) Trees, shrubs, bushes, ground cover or planting;
 - (c) Sprinkler systems;
 - (d) Decorative rock, natural or manmade;



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (e) Rooftop gardens exposed aggregate tile or similar decorative materials used in walkways (excluding sidewalks on public property), driveway approaches and architectural features attached to the building.
 - (f) Decorative lighting (standard street lighting or lighting used primarily for security purposes is not considered decorative, see Section 40.35).
 - (g) Benches, tables, fountains, planters, kiosks, bus shelters, waterfalls and manmade streams.
 - (h) Decorative fences and retaining walls (i.e., railroad ties, brick, flagstone).
 - (i) Berms and mounds.
- (7) **Landscaping Criteria.** A minimum percentage of the site shall be landscaped. A list of minimum percentages can be found in Table 40.40-2. The following shall apply to all landscaping plans:
- (a) Inorganic ground cover should consist of rock, lava, and bark installed over a minimum six mill screen type material to prevent weed infiltration.
 - (i) Bark chips – a minimum of one inch in size and a minimum of two inches in depth.
 - (ii) Crushed stone – a minimum of one inch in size and a minimum of two inches in depth.
 - (b) Inorganic landscaping shall not be more than sixty percent of the landscaped area unless a waiver is applied for and granted by City Council.
 - (c) Areas of organic landscaping shall include the mature canopy of proposed plantings within mulched/rock beds.
 - (d) Landscaping of off-street parking lots and loading and unloading spaces shall be located to break up the expanse of paving, and shall be of such quality as to improve and enhance the site and its surrounding areas;
 - (i) Parking lots with twenty (20) consecutive spaces in a single row of one or more acres in size shall have interior planting areas provided at a ratio of one planting area for every twenty fifty parking spaces,
 - (ii) Each planter area shall be a minimum of 100 square feet and shall contain at least one tree and one shrub.
 - (iii) The interior planting areas shall be not less than twenty-four feet from the perimeter of the parking lot.
 - (iv) Parking lot landscape islands and perimeter buffer strips may be included in the minimum percentage of the land to be landscaped computation.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (e) Landscaping shall be required along the perimeter lot line(s) of all off-street parking lots or storage lots/areas which abut any public way right of way.
 - (i) Parking lots ~~of one or more acres in size~~ shall be buffered by a landscaping strip that is at least ~~ten five~~ feet in width, which shall be located between the parking area and the abutting property or roadway, ~~and may encroach on the abutting street right of way with the consent of the right-of-way owner.~~
 - (ii) The landscaping shall be of a height and density to partially screen parking lots from adjoining properties or public streets,
 - (iii) Parking lot landscape islands and perimeter buffer strips may be included in the minimum percentage of the land to be landscaped computation.
- (f) No artificial trees, bushes, hedges, flowers, or shrubs may be used in landscaping any exterior areas, unless having received prior approval from the Applicable Director or City Council.
- (g) No synthetic ground cover, such as astro turf, is to be used for exterior landscaping unless warranted by soil conditions and unless prior written approval has been received from the Applicable Director or City Council.
- (h) All planted areas must be provided with irrigation systems.
- (i) The owner or occupant, his successors and assigns, are responsible for irrigating, fertilizing, spraying, pruning, and general maintenance of all plantings and landscaped areas, including adjacent right-of-way areas.
- (j) Upon demand of the City, the owner shall replace and replant any plant material approved with the Development Plan or building permit that dies within two years of planting or is not in conformity with the approved landscaping plan.
- (8) **Landscape Fee-in-Lieu.** In limited situations such as size or configuration of a lot which prohibit the required landscaping, an applicant may request to pay a fee-in-lieu of landscaping, to be used toward future city beautification efforts. The fee-in-lieu waiver must be approved by City Council and must be paid in full to the City Clerk before any Certificate of Occupancy is obtained.
 - (a) The fee amount shall be set by Council and will be determined based on the cost of purchase and installation of required landscaping elements.
 - (b) The City Council may choose to deny all or any part of such request if they feel the landscape to be waived is critical for some other purpose such as screening undesirable views, maintaining consistency of existing trees along a particular street, shading sidewalks, or enhancing beautification of community gateway entrances.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Table 40.40-2 Minimum Landscaping Percentages		
Type of Use	Size of Parcel	Minimum Percentage of Land to be Landscaped
Multifamily developments of ten (10) units or more	NA	20%
Commercial developments	0 to 19,999	10%
	20,000 square feet to 1 acre	8%
	Over 1 acre	6
Industrial developments	0 to 19,999	6%
	20,000 square feet to 1 acre	5%
	Over 1 acre	4%



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Section 45. Special Use Regulations

45.5 Overview

This section includes special regulations for certain land use categories and activities. These regulations are in addition to other development standards in other parts of these Regulations, such as Section 40 (Site Planning and Development Standards). The intent of this section is to ensure that the uses regulated are compatible with the surrounding uses.

45.10 Purpose and Applicability

- (1) **Purpose.** The purpose of this section is to establish site planning, development, and/or operating standards for various specific and unique land uses and activities. It is the City's intent, in establishing these standards, to mitigate the potential adverse impacts of these uses and activities on adjacent and surrounding land uses by applying special design requirements, regulating activities within the use, and establishing special setback and other development standards.
- (2) **Applicability.** Unless otherwise specified, regulations within this section apply to all specified uses in all zoned areas of the City. The regulations and standards contained in this section shall apply to various specific and unique land uses and activities and shall be in addition to any other development standards and regulations contained elsewhere within these Regulations (e.g., lighting, landscaping, parking). These uses may only be located in those Zoning Districts as described in the Use District Charts and shall only be authorized in concert with the permit requirements of Sections 15 through 20 (Use District Charts).

45.15 Caretaker Housing

- (1) **Purpose and Applicability.** The regulations contained in this section shall apply to caretaker housing, as defined in Section 5 (Definitions). The establishment of caretaker housing shall be consistent with the allowed use regulations and bulk and dimensional requirements of Sections 15 through 20 (Use District Charts) and the standards contained in this section, as well as with other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, the more restrictive shall apply. Caretaker housing is only allowed in commercial and industrial districts (O-B, C-1, C-3, I-1, and I-2).
- (2) **Design.** One caretaker housing unit, providing housing to no more than one family, may be permitted in conjunction with an otherwise permitted nonresidential use on the same property. The residential use must be associated with and directly support the nonresidential use of the property (e.g., night watchman or site superintendent for an industrial use or housing for employees that are compensated for conducting on-site work). Immediate family members may also reside within the on-site housing. The residential use may not exceed one hundred (100) percent of the business building or five thousand (5,000) square feet, whichever is smaller.
 - (a) Design Standards



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (i) Single-family, manufactured, modular, or stick-built homes shall be allowed as residential caretaker housing. Any manufactured home shall comply with standards for individual manufactured homes (see Section 45.25).
- (ii) Separation and access. If the caretaker housing unit is detached from the working space, it shall be separated from other buildings and other uses on the property by at least 100'.
- (iii) Integration of living and working space. If the living space of a caretaker housing unit is designed as an integral part of the working space, it shall be designed to accommodate commercial or industrial uses, as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.

45.20 Home Occupations

- (1) **Purpose and Applicability.** The purpose of this section is to allow limited business activity to occur at a residence where the business activity is clearly incidental to the primary residential use and will not change the residential character of the neighborhood.
- (2) **Definition.** A home occupation is an accessory, nonresidential business activity that is conducted within a dwelling by its inhabitants, incidental to the residential use of the dwelling, which does not change the character of the surrounding area by generating more traffic, noise, or storage of material than would be normally associated with a residential zone. Childcare facilities are excluded from this section and are regulated under Section 45.50 (Special Regulated Uses).
- (3) **Approval.** Home occupations are allowed as part of any residential use, provided the requirements of this section are met by approval of the Applicable Director using a Review Process 2.
- (4) **Performance Standards.** It is the intent of the following standards to reduce the impact of the home occupation to the degree that its effects on the neighborhood are undetectable from normal and usual residential activity. These standards shall be incorporated as conditions of approval for the home occupation.
 - (a) **Number of Home Occupations.** One (1) home occupation is allowed in a dwelling.
 - (b) **Employees.** A home occupation shall have no more than one (1) off-site employee. Other off-site employees may be employed by the business, but they may not report to the home. No more than two (2) full-time residents may be employed at the home occupation.
 - (c) **Habitable Floor Area.** The use of the residential dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (d) Off-Site Effects. There shall be no mechanical equipment used or operations which create or make dust, odor, vibration, noise, or other effects detectable at the property line of the property in which the home occupation is located.
 - (e) On-Site Sales. There shall be no products sold on the premises except artist's originals or products individually made to order on the premises, or as part of electronic commerce. Products which are not artist's originals or individually made to order may be constructed on site, using equipment normally found in a residence; however, these products may only be sold at a permitted commercial location.
 - (f) Display. There shall be no display of products produced by occupants of the dwelling which are visible in any manner from the outside of the dwelling unit.
 - (g) Traffic/Vehicles. The use shall not generate vehicular traffic beyond that which is normal in a residential district nor in any case require the parking of more than one (1) additional vehicle per hour.
 - (h) Storage. There shall be no storage of material, products, or supplies out of doors.
 - (i) Exterior Appearance. There shall be no remodeling or construction of facilities for the home occupation which changes the external appearance of the residence from a residential to a more commercial-appearing structure when viewed from the front of the building. Conversion of a portion of the interior of the structure (e.g., a garage) that does not result in a loss of off-street parking or alters the exterior appearance of the structure may be allowed through issuance of a building permit.
 - (j) Signs. Home occupations may display a nameplate not more than two (2) square feet in area, flush-mounted to the residence. No other signage or display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling is permitted.
 - (k) Visitors and Customers. Visitors and customers shall not exceed those normally and reasonably occurring for a residence, including not more than two (2) business visitors per hour and no more than two (2) at any given time.
 - (l) Infrastructure. The home occupation shall not create a need for off-street parking, pedestrian and vehicular traffic, sanitary sewer and storm sewer usage public water usage as well as other municipal services in excess of the normal and usual levels for other residential dwellings.
 - (m) Hazardous Materials. Storage of hazardous materials may only be stored in amounts below the thresholds as established by the local Fire Department.
- (5) **Conditions.** The Applicable Director or designee may establish reasonable conditions on the operation of any home occupation if necessary to meet the intent of this section.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

45.25 Manufactured Homes and Manufactured Home Parks

- (1) **Purpose and Applicability.** This section applies to new and existing manufactured homes and manufactured home parks within the City. The purpose of this section is to establish standards for the location, development, modification, and operation of manufactured home parks. Individual manufactured home standards are also included in this section and are intended to allow, pursuant to the standards expressed in this section, individual manufactured homes in all areas of the City in which single-family residences are a permitted use.
- (2) **Certification.** Any manufactured home located or proposed to be located or installed in a manufactured home park or on a subdivided lot shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. For manufactured homes built prior to June 15, 1976, a label certifying compliance with the standard for manufactured homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is required before any such home may be located or installed within the City.
- (3) **Age of Manufactured Homes.** All manufactured homes proposed to be located within the City shall be newer than twenty (20) years old, as measured from the date of proposed installation, location or relocation and built according to the standards established by the United States Department of Housing and Urban Development (HUD) under the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401, et seq., as amended (currently codified at 24 C.F.R. 3280) in effect at the time of manufacture and bearing certification to that effect ("Applicable HUD Standards") and is certified for the appropriate wind, thermal and roof standards for Wyoming.
- (4) **Location Permit.** No manufactured home shall be moved, located or relocated within the City of Mills without having first secured a written permit for the movement, location or relocation of said manufactured home from the City of Mills Building Department.
- (5) **Use as Storage Prohibited.** Manufactured homes shall not be allowed, permitted or used for an accessory purpose or as a storage building. Those manufactured homes utilized as accessory structures or for storage prior to the effective date of this Ordinance shall be deemed legal non-conforming uses and permitted to continue until such time as the use of those structures are discontinued for 180 days.
- (6) **Pre-Existing Manufactured Home Parks.** The owners of mobile home parks existing before July 1, 2024, shall provide the City with a site plan showing the number of mobiles presently on the site, their location, and the dimensions of all lots and the location of size of all roads, water lines, sewer lines and all other utilities on the property. The site plan shall be submitted in conjunction with the application for renewal of a business license, as required by Title 5 of Mills City Code.
- (7) **Non-Conforming Manufactured Home Parks.** All Manufactured Home Parks existing before July 1, 2024, and which were in compliance with existing City codes at the time of their establishment, shall be considered legal, non-conforming uses and are entitled to the number of spaces which were permitted by the applicable ordinance in effect at the time the park was established.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (a) The owner of the Manufactured Home Park shall provide the city a plan or schematic of the park, drawn to scale and showing the location and dimension of each space for the placement of manufactured homes.
 - (b) All other provisions of this title shall be applicable.
 - (c) No increase in density and no increase in the number of manufactured homes or RVs is allowed unless all of the provisions of this chapter are met.
- (8) **Manufactured Home Parks.** Manufactured home parks are authorized only within the M-P zone, subject to compliance with all development standards established in this section and a subdivision plat, if applicable. All manufactured home parks shall receive review under a Review Process 3. The applicant must meet all standards imposed by the underlying zone, except where provided in this section, and provide the following:
 - (a) A plan showing location of all manufactured homes, buildings, roadways, recreation areas, off-street parking areas, electrical outlets, sewer outlets, water outlets, water mains, sewer mains, and other improvements and facilities constructed or to be constructed in the manufactured home park.
 - (b) Contact information for the long-term management of the manufactured home park.
 - (c) Utility hookups shall be provided for each manufactured home unit in the manufactured home park. These utilities shall include water, sewer, gas, electricity, and telephone.
 - (d) Recreational Vehicles are allowed as a primary residence within established Manufactured Home Parks up to fifteen percent (15%) of the total allowable spaces in the park.
- (9) **Development Standards for Manufactured Home Parks**
 - (a) Bulk and Dimensional Requirements
 - (i) Manufactured home park size. Each manufactured home park must occupy a minimum of two (2) acres.
 - (ii) Intensity of use. Manufactured homes may have a density between four (4) and ten (10) units per acre.
 - (iii) Manufactured home space dimensions
 - (A) Space size. All single-wide manufactured home space shall have a minimum of twenty-five hundred (2,500) square feet of land area. A double-wide manufactured home space shall have a minimum of thirty-five hundred (3,500) square feet of land area. A triple-wide manufactured home space shall have a minimum of five thousand (5,000) square feet of land area.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (B) Occupancy. No manufactured home may occupy more than forty (40) percent of the space. No more than one (1) manufactured home may occupy a space.
- (C) Lot width. Minimum width of lot shall be no less than twenty-five (25) feet on a cul-de-sac and forty (40) feet on all other lots.
- (D) Setbacks. Unless otherwise stated, all manufactured homes, and extensions thereof, and other buildings must be set back on a leased lot as follows:
1. ~~Twenty (20)~~ Ten (10) feet from the boundary of the park;
 2. ~~Fifteen (15)~~ Ten (10) feet from ~~an public street or~~ interior street;
 3. ~~Ten (10)~~ Five (5) feet from any other manufactured home.
- (E) Permitted yard encroachments:
1. Outdoor terraces or patios constructed at grade and without roofs or walls may project one-half ($\frac{1}{2}$) the distance of the required yard into any yard.
 - a. Open or unwallled porches, decks, balconies, and exterior stairways may project three and one-half (3.5) feet into any yards.
 - b. Window canopies may project two (2) feet into any yard.
 2. Buffer strips. ~~A ten (10) foot strip around the~~ The exterior boundary of the manufactured home park must be buffered to provide a visual screen. A solid perimeter fence or wall and a five (5) foot landscaped buffer area shall be provided. The solid fence or wall shall not be less than four (4) feet high and no more than seven and a half (7.5) feet high. The owner shall be responsible for the maintenance of the fence or wall and the landscaped buffer area.
- (iv) Accessory structures. Accessory structures are not to be located closer than seven and a half (7.5) feet to the manufactured home and no closer than five (5) feet from any property line, except that a garage entered from an alley shall be located no closer than ten (10) feet from the alley.



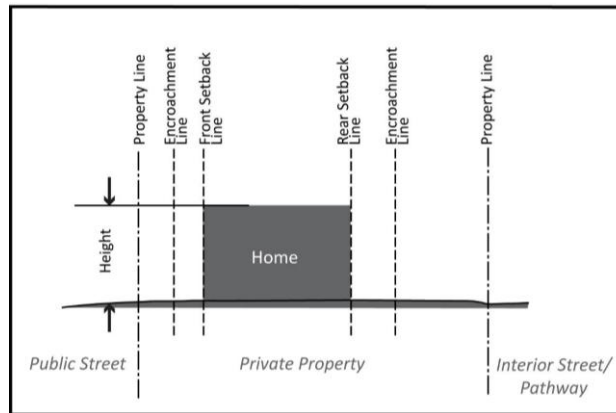
TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (v) **Parking.** A minimum of two (2) off-street parking spaces must be provided for each manufactured home. Other parking spaces may be in a common parking area so long as each space is within two hundred (200) feet of the manufactured home space to which it relates.
- (vi) **Streets.** Each space must be adjacent to a public or private street. Both public and private streets are approved by the Applicable Director and are required to meet the requirements of the City.
- (vii) **Pedestrian access.** There must be a paved or graveled system of walkways, which gives safe and convenient access to every manufactured home and all common facilities. Sidewalks developed in conjunction with public or private streets may meet this requirement.
- (viii) **Securing and skirting.** All manufactured homes and any accessory structures shall be securely fastened to the ground, at least at all four (4) corners. Manufactured homes, once in their permanent location upon the lot, shall be fully skirted.
- (b) **Service Buildings.** Service buildings, if provided, housing sanitation and laundry facilities, or any other such facilities shall be permanent structures complying with all applicable regulations and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.
- (c) **Recreation.** A recreation area shall be provided at a central location in the manufactured home park at the rate of one hundred (100) square feet for each manufactured home space, with a minimum of three thousand (3,000) square feet of recreation area, whichever is greater. Parking areas, streets, and pedestrian sidewalks may not be included in the recreation area calculation. At least fifteen (15) percent of the gross site area must be in open space or recreational areas available for use by all residents. Setback areas and common open space areas less than five thousand (5,000) contiguous square feet do not count as required open space in parks with greater than twenty-five (25) manufactured homes.
- (10) **Commencement of Construction.** Construction shall commence within a period of one (1) year following the issuance of a permit by the Approving Authority and shall be completed within a period of two (2) years from the date of the issuance of the permit.
- (11) **Management and Maintenance.** Every manufactured home park shall be properly managed to ensure maintenance of common facilities and to ensure individual home sites are developed and maintained in accordance with recorded rules and regulations for the park.
- (12) **Development Standards for Individual Manufactured Homes.** Individual manufactured homes may be sited in the R-2 and M-H zone districts under the following conditions. These conditions do not apply to manufactured homes within the M-P zoning district.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Figure 45.25-1
Manufactured Home Park Permitted Yard Encroachments



- (a) The manufactured home design is consistent with the surrounding homes and has a composition of wood shake or shingle, coated metal, or similar roof with a nominal pitch of 3:12.
- (b) The unit has exterior siding similar in appearance and quality to siding materials commonly used on conventional site-built International Residential Code single-family residences.
- (c) The wheels and tow hitch are removed and the unit is set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the finished grade is enclosed by skirting constructed of brick or an approved concrete product which can be either load-bearing or decorative.
- (d) Each manufactured or mobile home must be supported on pins or blocking constructed of masonry, block, brick, or concrete. Installation instructions as provided by the manufacturer of the manufactured or mobile home shall be deemed a typical blocking installation. Any foundation system design, other than typical blocking, shall be stamped and signed by a Wyoming licensed professional engineer.
- (e) Skirted with a waterproof, rigid, durable skirting material within 30 days of placement.
- (f) Equipped so as to permit access to utility connections. All skirting shall be provided with a door or panel to permit ready access to utility connections.
- (g) Anchored with tie downs meeting the minimum standards as set forth in Section 15.16.190 of the Mills Municipal Code or their equivalent.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (h) All water, sewer, electrical and natural gas connections shall be inspected and approved by the supplying utility prior to use.
- (i) Manufactured homes shall comply with the minimum setback requirements as indicated in the underlying zoning district (see Section 20, Residential Zoning Districts).
- (j) Any appurtenant construction such as decks, walks, steps, handrails, sheds, accessory buildings, and other similar construction is subject to the applicable building code regulations adopted by the City.
- (k) **Parking.** A minimum of two (2) off-street parking spaces must be provided for each manufactured home. If off-street parking for a non-conforming manufactured home is provided between the dedicated street or right-of-way and the hitch, or wall if there is no hitch, the distance between the dedicated street or right-of-way and the hitch, must be at least 20 feet.
- (l) No manufactured home shall be moved, located or relocated within the City of Mills without having first secured a written permit for the movement of said manufactured home from the City of Mills Building Official or designated Applicable Director.

45.30 Group Care Facilities

- (1) **Purpose.** The purpose of this section is to regulate the location and development of group care facilities. This section is meant to provide expanded locations for the placement of group care facilities of all varieties while ensuring the safety and welfare of the group care facility residents and minimize the impact of these facilities on surrounding residential uses.



- (2) **Authority.** Group care facilities of all types are authorized in all residential zones. Group care facilities and group care communities are further authorized in all commercial zones (O-B, C-1, and C-3). Group care family homes and small group homes are authorized in any residential zone. Group care family homes and small group homes may be approved with or without conditions by the Applicable Director. Group care communities and group care facilities are authorized through a Conditional Use Permit. The City Council may increase the residential density of a group care facility through a Conditional Use Permit in order to minimize the impacts on surrounding residential uses through the use of landscape buffers, fences, and other screenings.
- (3) **Development Standards for Group Care Facilities.** The applicant must meet all standards imposed by the underlying zone, except where provided in this section. In



TITLE 17 – LAND DEVELOPMENT REGULATIONS

addition, all group care communities, regardless of size (group care family homes, small group homes, or group care facilities) shall comply with the following:

- (a) The design or redesign of the structure must be approved by the Applicable Director.
 - (b) All necessary licenses shall be obtained and maintained, and all group care communities shall be constructed, maintained, and operated in conformance with applicable state and federal laws.
 - (c) When single-family dwellings located in a residential district are used for these purposes, an architectural character compatible with the surrounding neighborhood shall be maintained such that the exterior appearance of the structure is not altered from its single-family character.
 - (d) Elevators shall be provided for all multi-story structures.
 - (e) The group care facility must provide one (1) parking space for every three (3) resident beds and one (1) space per employee on the maximum working shift. The parking requirements may be modified by the City Council if the applicant provides evidence that the level of care provided will preclude at least some of the residents from being able to drive and thus have a car. The parking requirements shall not be reduced to less than one (1) per employee per shift plus one (1) space for every three (3) resident beds.
- (4) **Management and Maintenance.** Every group care facility shall be properly managed to ensure maintenance of individual residential dwelling spaces and common facilities and to ensure all structures and individual home sites are developed and maintained. Any use or activity which constitutes a code violation shall be subject to penalties including civil and criminal fines and punishment as provided in these Regulations and applicable law.

45.40 Recreational Vehicle Parks

- (1) **Purpose and Applicability.** The purpose of this section is to establish standards for the location, development, modification, and operation of recreational vehicle parks. Recreational vehicle parks may consist of a combination of recreational vehicles, expandable camp trailers, travel trailers, motor homes, fifth wheels, and converted buses or trucks (whether privately or publicly owned). This use is permitted within UA and M-P districts through the issuance of a Conditional Use Permit. No recreational vehicle park will be permitted on parcels directly adjacent to the UAR, R-1, R-2 and R-3 zoning districts.
- (2) **Approval.** Approval of recreational vehicle parks and associated accessory uses shall require the issuance of Conditional Use Permit through a Review Process 3.





TITLE 17 – LAND DEVELOPMENT REGULATIONS

(3) Development Standards

- (a) **Recreational Vehicle Park Lot Size.** The tract to be used for a recreational vehicle park shall be not less than two (2) acres.
- (b) **Commencement of Construction.** Construction must commence within one (1) year following the issuance of the Conditional Use Permit. Construction must be completed within two (2) years following issuance of the permit.
 - (i) **Density.** All recreational vehicle parks shall have a maximum density of twelve (12) recreational vehicles per acre.
 - (ii) **Recreational vehicle site.** Each recreational vehicle site shall have a minimum space of one thousand eight hundred (1,800) square feet provided for each recreational vehicle. No recreational vehicle shall occupy more than thirty (30) percent of the lot area. Each recreational vehicle space shall be at least thirty (30) feet wide and the boundaries of each space permanently marked on the physical site.
 - (iii) **Clearance.** Recreational vehicles shall be so located on each space so that there shall be at least a seven (7) foot clearance between all recreational vehicles; provided, however, that with respect to units parked end to end, the end-to-end clearance shall not be less than seven (7) feet. No recreational vehicle shall be located closer than twenty-five (25) feet from any building within the park or from any property line bounding the park. Expandable sections of an RV shall be considered a part of the RV or park trailer for proper setback or separation requirements.
 - (iv) **Roads.** No roads in a recreational vehicle park shall be dedicated to the public. Each space must front on the common roadway. All roadways must be a minimum of forty (40) feet wide; the driving surface must be a minimum of twenty-four (24) feet wide. Parking is not allowed within the twenty-four (24) foot driving surface. All roadways must have an All-Weather Surface. Roadways must be constructed to ensure rapid and complete drainage of stormwater. Recreational vehicle parks with thirty-one (31) sites or more shall have a minimum of two (2) individual and separate accesses to a public road. Recreational vehicle parks with more than one hundred and fifty (150) sites shall provide regulations for enhanced accesses to a public road (i.e., additional access or a frontage road).
 - (v) **Addresses.** All spaces shall be addressed and be posted in a place clearly visible from the roadway.
 - (vi) **Restroom facilities.** Each recreational vehicle park must, at a minimum, contain and maintain the following restroom facilities:
 - (A) One toilet for each twenty-five (25) sites, or fraction thereof. There shall be a minimum of one (1) toilet provided for each



TITLE 17 – LAND DEVELOPMENT REGULATIONS

men's and women's restroom, regardless of number of sites. Urinals may be provided for fifty (50) percent of the toilet requirement of the men's restroom. Toilets shall be partitioned for occupant privacy.

- (B) There shall be at least one (1) individual and separate men's and women's restroom facility.
 - (C) One hot water shower shall be provided for each twenty-five (25) sites or fraction thereof. There shall be a minimum of one shower for each men's and women's restroom, regardless of the number of sites. Showers shall be partitioned for occupant privacy.
 - (D) One sink with hot water shall be provided for each twenty-five (25) sites or fraction thereof. There shall be a minimum of one sink for each men's and women's restroom, regardless of the number of sites.
 - (E) Each restroom shall contain shelf space and/or hooks adequate for toilet articles and towels, a well-lighted mirror directly above each sink, an electric outlet convenient to the sink, ample general illumination, wastebaskets, and windows and doors designed for complete privacy.
- (c) **Parking.** Off-roadway parking shall be provided at the rate of two (2) spaces for each site. Each parking space shall be a minimum of ten (10) feet wide by twenty-five (25) feet in length.
- (d) **Recreation Area.** An open space recreation area shall be provided at a central location in the recreational vehicle park area at the rate of two hundred (200) square feet for each site.
- (e) **Permitted Accessory Uses.** Except for the following permitted accessory uses, no additional accessory uses are permitted within recreational vehicle parks:
- (i) One (1) single-family residence for use by the owner or a caretaker of the recreational vehicle park.
 - (ii) Central laundries, showers, recreation, or administrative space may be considered as accessory uses to a recreational vehicle park.
- (f) **Water and Wastewater Systems.** The applicant shall submit drawings and reports prepared by a Wyoming Licensed Engineer to Wyoming DEQ for the proposed water and wastewater systems. Wyoming DEQ shall approve such drawings and reports prior to the issuance of permits or the start of construction of the above systems.
- (g) **Electrical.** The electrical connection shall provide for 120- and/or 240-volt services at each recreational vehicle space. All electrical installations,



TITLE 17 – LAND DEVELOPMENT REGULATIONS

systems, and equipment shall comply with Article 551, Part VI, and other applicable sections of the most recently promulgated National Electrical Code.

(h) **Fire Protection**

- (i) **Fire apparatus access road.** Fire apparatus access roads shall be all-weather roads with a minimum width of twenty (20) feet and a clear height of thirteen (13) feet and six (6) inches, shall be designed to accommodate the loads and turning radii for fire apparatus, and have a gradient negotiable by the specific fire apparatus normally used at that location within the jurisdiction.
- (ii) **Dead-end roads/turnarounds.** Dead-end roads more than one-hundred and fifty (150) feet in length shall be provided with turnarounds of one hundred (100) foot diameter all-weather surfacing. An all-weather road surface shall be any surface material acceptable to the Applicable Director that would normally allow the passage of emergency service vehicles typically used to respond to that location within the jurisdiction.
- (iii) **Marking of roads.** Approved signs shall be provided and maintained for access roads and driveways to identify such roads. All road identification signs and supports shall be of noncombustible materials. Signs shall have minimum four (4) inch-high reflective letters with a one-half (1/2) inch stroke on a contrasting six (6) inch-high sign. Road identification signage shall be mounted at a height of seven (7) feet from the road surface to the bottom of the sign.
- (iv) **Clearance from ignition sources.** Clearance between ignition sources and grass, brush or other combustible materials shall be maintained at a minimum distance of thirty (30) feet. Dense brush, trees, topographical conditions, or other considerations may increase the minimum clearance distance.
- (i) **Skirting.** All skirting must be approved exterior skirting materials and be installed in accordance with the manufacturer's installation instructions. It shall be secured, as necessary, to assure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave.
- (j) **Garbage Receptacles.** Each recreational vehicle site shall be provided with at least one (1) metal trash and garbage can with a tight-fitting cover to permit the disposal of all garbage, trash, and rubbish. Commercial-size dumpsters may serve ten (10) sites or fraction thereof. All trash receptacles shall be screened from view and protected from wind or other damage or displacement.
- (k) **Fuel Cylinders.** All fuel cylinders shall be secured from falling over. Fuel cylinders being used shall comply with the latest edition of NFPA 58 (standard for the storage and handling of liquefied petroleum gases).



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (l) **Exterior Screening.** A solid, four (4) to six (6) foot perimeter fence or wall shall be provided between the recreational vehicle park and any adjoining property. The owner shall be responsible for the maintenance of the fence or wall.
- (4) **Development Plan Approval Required.** A Development Plan with supporting documents must be submitted for review and approval. The applicant must meet all standards imposed by the underlying zone, except where provided in this section, and provide the following:
- (a) Dimensions, orientation, and vicinity of the parcel;
 - (b) A plan showing location of all recreational vehicle sites, buildings, roadways, off-roadway parking areas, electrical outlets, refuse facilities, and other improvements and facilities constructed or to be constructed in the recreational vehicle park;
 - (c) Plans for drainage, flood control, and any landscaping;
 - (d) The proposed interior vehicular and pedestrian circulation patterns;
 - (e) The location, roadway area, surfaced roadway widths, and surfacing material of roadways and walkways;
 - (f) Location and types of recreational facilities;
 - (g) Wyoming DEQ approved drawings and reports for the proposed water, stormwater, and wastewater systems;
 - (h) Stormwater runoff, and method for control of stormwater.





TITLE 17 – LAND DEVELOPMENT REGULATIONS

45.45 Utility, Transportation, and Communication Uses

(1) Purpose and Applicability

- (a) **Purpose.** The purpose of this section is to establish site planning, development, and/or operating standards for utility, transportation, and communication uses, including telecommunication facilities and utility facility and infrastructure. It is the City's intent, in establishing these standards, to mitigate the potential adverse impacts of these uses and activities on adjacent and surrounding land uses by regulating the size, scale, and location of these uses, as well as requiring additional setbacks and buffering.
- (b) **Applicability.** The regulations and standards contained in this section shall apply only to telecommunication facilities and utility facilities and infrastructure as expressly identified in the corresponding section and shall be in addition to any other development standards and regulations contained elsewhere within these Regulations (e.g., lighting, buffering, parking). These uses may only be located in those zoning districts as described in and shall only be authorized in concert with the permit requirements of this code.



(2) Telecommunications Facilities

- (a) **Purpose and Applicability.** Telecommunication facilities shall be subject to the following regulations in this section to the extent that such requirements (1) do not unreasonably discriminate among providers of functionally equivalent services, or (2) do not have the effect of prohibiting personal wireless services, as defined by Telecommunications Act of 1996. This section establishes standards for placement of telecommunications facilities within the City and regulates the installation of antennas and other wireless communication facilities consistent with federal law. This section also promotes and protects the public safety and public welfare of residents as well as contains regulations to minimize potential impacts of the installation of telecommunication facilities.
- (b) **Approval.** A Wireless Communication Permit is required for the following telecommunication facilities located within the City limits:
- (i) Any new telecommunication tower that is not part of a collocation.
 - (ii) Any collocation that increases the overall height of an existing tower to add antennas.
 - (iii) Any building- or roof-mounted antennas that are not screened from view.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (c) **Exemptions.** The following telecommunication facilities are exempt from the requirements of this section as specified below:
- (i) A telecommunication facility shall be exempt from the regulations of this section if a permit issued by the Federal Communication Commission (FCC) specifically provides that the antenna is exempt from local regulation.
 - (ii) Satellite earth station (SES) antennas, which are two meters (6.5616 feet) or less in diameter or in diagonal measurement, located in any nonresidential zoning district. To reduce accidental tripping hazards and maximize stability of the structure, such antennas shall be placed whenever possible on top of buildings and as far away as possible from the edges of rooftops.
 - (iii) Parabolic antennas, direct broadcast satellite (DBS) antennas, and multi-point distribution service (MDS) antennas, which are one meter (3.2808 feet) or less in diameter or diagonal measurement, and television broadcast service (TVBS) antennas, so long as said antennas are located entirely on private property and are not located within the required front yard setback area.
 - (iv) Amateur radio antenna structures provide a valuable and essential telecommunication service during periods of natural disasters and other emergency conditions and are therefore exempt from permit requirements of this section in compliance with the following standards.
 - (A) Height limits. Amateur radio antennas in any district may extend to a maximum height of seventy-five (75) feet, provided that the tower is equipped with a lowering device (motorized and/or mechanical) capable of lowering the antenna to the maximum permitted height when not in operation.
 - (B) Location parameters. All antenna structures shall be located outside of all required setback areas.
 - (C) Tower safety. All antennas shall be located within an enclosed fenced area or have a minimum five (5) foot-high tower shield at the tower base to prevent climbing. All active elements of antennas shall have a minimum vertical clearance of eight (8) feet.
- (d) **Application Requirements.** An application for the approval of a telecommunication facility shall include the following information, in addition to all other information required for a Conditional Use Permit:
- (i) Visual simulations showing what the proposed facility will look like from the surrounding area as viewed from residential properties and public rights-of-way at varying distances, to assist the Approving



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Authority and the public in assessing the visual impacts of the proposed facility and its compliance with the regulations of this section.

- (ii) For wireless communication towers, a map or description of the service area of the proposed telecommunication facility and an explanation of the need for the facility.
 - (iii) For wireless communication towers, a map showing the locations and service areas of other telecommunication facility sites operated by the applicant and those that are proposed by the applicant that are close enough to affect service within the City. A written explanation of why adjacent existing wireless communication facilities could not be used for collocation shall be required. This explanation shall include documentation demonstrating that attempts have been made to co-locate with existing wireless communication facility sites.
 - (iv) Description of proposed approach for screening all telecommunication facilities from public view including plans for installation and maintenance of buffering, and sample exterior materials and colors. Where applicable, a plan showing existing surrounding landscaping, proposed landscaping, a landscape protection plan for construction, and a maintenance plan including an irrigation plan.
 - (v) For wireless communication towers, a narrative description and map showing the coverage area and location of the provider's existing wireless communication facilities and the proposed coverage area of the specific site that is the subject of the application.
 - (vi) Technical information explaining the reasons that a permit is being sought (e.g., for wireless communication towers, whether a new antenna is necessary to accommodate increased demand or to fill a "dead zone" in the provider's coverage area), the reasons that the subject site is considered necessary to accomplish the provider's coverage objectives, and the reasons that the proposed site is the most appropriate location under existing circumstances.
- (e) **General Development Standards.** Unless otherwise exempt, the following general development standards shall apply to all telecommunication facilities:
- (i) All telecommunication facilities shall comply with all applicable requirements of the current Building Code and these Regulations, as well as other standards and guidelines adopted by the City.
 - (ii) To minimize the overall visual impact, new telecommunication facilities shall be encouraged to collocate with existing facilities, with other planned new facilities, and with other facilities such as water tanks, light structures, and other utility structures whenever



TITLE 17 – LAND DEVELOPMENT REGULATIONS

feasible and aesthetically desirable. To facilitate collocation when deemed appropriate, conditions of approval for Conditional Use Permits shall require all service providers to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site when found to be feasible and aesthetically desirable. The applicant shall agree to allow future collocation of additional antennas and shall not enter into an exclusive lease for the use of the site.

- (iii) At least ten (10) feet of horizontal clearance shall be maintained between any part of the antenna and any power lines unless the antenna is installed to be an integral part of a utility tower or facility.
- (iv) Site design. All facilities (including related equipment) shall be designed to minimize the visual impact to the greatest extent possible, considering technological requirements, by means of placement, screening, and/or camouflage, to be compatible with existing architectural elements, landscape elements, and other site characteristics. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objective. A visual impact analysis is required to demonstrate how the proposed facility will appear from public rights-of-way.
- (v) Safety design. All facilities shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions which would result in hazardous conditions or visual blight.
- (vi) Location. Towers shall not be located in any required front or street side yard in any zoning district. The setback distance from any abutting street right-of-way or residential property line shall be equal to the height of the facility (tower and related equipment). Otherwise, the minimum setback distance from all other property lines shall be at least equal to one hundred (100) percent of the height of the tower.
- (vii) Height limit. The height limit for towers shall be consistent with the maximum building height of the zoning district of the subject parcel and any applicable Federal Aviation Administration regulations. Exceptions to the height limit may be granted when the Applicable Director finds that reasonable alternatives do not exist to provide the necessary service. There is no height limit specified for collocations on existing structures, provided facilities are screened from view of abutting street rights-of-way or camouflaged by matching the color(s) and/or material(s) of the structure to which it is attached.
- (viii) Lighting. The Applicable Director shall require approved lighting for towers and related equipment.
- (ix) Landscape. The Applicable Director shall approve landscaping.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (x) Design/finish. New towers shall have subdued colors and nonreflective materials that blend with the colors and materials of surrounding areas.
 - (xi) Advertising. The tower and related equipment shall not bear any signs or advertising devices other than certification, warning, or other required seals or signs.
- (f) **Development Standards for Antennas (excluding amateur radio antennas).** Unless otherwise exempt pursuant to subsection (c) (Exemptions), the following development standards shall apply to receive-only antennas (ground- and building-mounted), parabolic antennas, and satellite earth stations as defined in this section.
 - (i) Antenna location. Parabolic antenna and satellite earth stations shall be ground-mounted in residential zoning districts. In all nonresidential zoning districts, the preference is for building-mounted antenna. No antenna shall be located in the required front or street side yard of any parcel unless entirely screened from pedestrian view of the abutting street rights-of-way (excluding alleys). In all zoning districts, ground-mounted antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function and all portions of the structure/antenna shall be set back a minimum of five (5) feet from any property line.
 - (ii) Height limit. The height limit for ground-mounted antenna is six (6) feet. However, the height may be increased to a maximum of fifteen (15) feet if the setback distance from all property lines is at least equal to the height of the antenna and if the structure is screened in accordance with subsection (iii) (Screening) below. Building- and roof-mounted antenna shall not extend above the roofline, parapet wall, or other roof screen beyond a maximum of four (4) feet or extend out from the face of the building or other support structure by more than eighteen (18) inches.
 - (iii) Screening. Ground-mounted antennas shall provide screening to meet the approval of the Applicable Director. In order to facilitate collocations, screening will be reduced to fifty (50) percent for placement of antennas on existing towers when there is no increase in the overall height of the tower.
- (g) **Operation and Maintenance Standards**
 - (i) Non-ionizing electromagnetic radiation (NIER) exposure. No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To this end, no facility or combination of facilities shall produce, at any time, power densities in any inhabited area that exceed the FCC's maximum permissible exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive



TITLE 17 – LAND DEVELOPMENT REGULATIONS

standard subsequently adopted or promulgated by the City, or by the county, state or federal government.

- (h) **Removal Regulations.** In the event one or more telecommunication facility is not operated for the provision of telecommunication services for a continuous period of three (3) months or more, such facility shall be deemed abandoned. The facilities shall be removed within thirty (30) days following the mailing of written notice that removal is required. If two or more providers of telecommunication services use the antenna support structure or related equipment, the period of nonuse under this section shall be measured from the cessation of operation at the location by all such providers. Failure to remove within the time required under these Regulations shall constitute a violation.
- (i) **Effects of Development.** The City shall not be liable if development within the City, after installation of a telecommunication facility, impairs reception.

45.50 Special Regulated Uses

- (1) **Purpose.** The purpose of this section is to establish site planning, development, and/or operating standards for special regulated uses within individual or multiple zoning districts. These Regulations apply to child care facilities, sexually oriented businesses and outdoor storage uses. It is the City's intent, in establishing these standards, to mitigate the potential adverse impacts of these uses and activities on adjacent and surrounding land uses by requiring special siting and location standards.
- (2) **Applicability.** The regulations and standards contained in this section shall apply only to those uses expressly identified in the corresponding section and shall be in addition to any other development standards and regulations contained elsewhere in these Regulations (e.g., lighting, buffering, signage, and parking). These uses may only be located in those zoning districts as described in Sections 15 through 20 (Use District Charts) and shall only be authorized in concert with the permit requirements of Section 40 (Site Planning and Development Standards).
- (3) **Child Care Facilities**
 - (a) **Purpose.** The purpose of this section is to regulate the location and development of child care establishments. Implementation of this section is meant to provide expanded locations for the placement of child care establishments of all varieties while ensuring the safety and welfare of the supervised children and minimize the impact of these establishments on surrounding uses.
 - (b) **Authority.** Family child care homes (FCCH) are authorized in all residential districts and within the UA and UAR districts under a Review Process 2. Family child care centers (FCCC) are authorized in the R-1, R-2, R-3, and C-1 zoning districts under a Review Process 2. Child care centers (CCC) are permitted within the R-2, R-3 and C-1 zoning districts under a Review Process 2.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (c) Development Standards for Child Care Establishments (FCCC and CCC). The applicant must meet all standards imposed by the underlying zone, except where provided in this section. In addition, all child care establishments (FCCC and CCC), regardless of size, shall comply with the following:
 - (i) The design or redesign of the structure must be approved by the Applicable Director.
 - (ii) All necessary licenses shall be obtained and maintained, and all group daycare facilities shall be constructed, maintained, and operated in conformance with applicable state and federal laws.
 - (iii) When single-family dwellings located in a residential district are used for these purposes, an architectural character compatible with the surrounding neighborhood shall be maintained such that the exterior appearance of the structure is not altered from its single-family character.
 - (iv) The main means of access for all child care establishments (FCCC and CCC) shall be by a paved road.
 - (v) Child care establishments (FCCC and CCC) must provide one (1) parking space per employee on the maximum working shift, one (1) parking space for parent drop-off, and one (1) additional parking space per ten (10) children supervised up to a maximum of ten (10) additional spaces.
- (d) Public Noticing Requirements for Child Care Facilities
 - (i) The Applicable Director shall notify, by mail, all owners within a minimum distance of one hundred forty (140) feet of an applicant's property line(s) at the time of submissions of the application for all childcare facilities (FCCC, CCC, and FCCH). If the Applicable Director receives comments from more than thirty (30) percent of notified nearby property owners, the review process will be elevated to a Review Process 3.
 - (ii) Notice to nearby property owners is not required for child care license renewals as long as no formal complaints have been received by the Department within the previous calendar year.

(4) Sexually Oriented Business

- (a) Purpose. As defined in this section, sexually oriented businesses include adult bookstores, adult motion picture theaters, adult live theaters, and adult video stores. The regulations of this section are intended to provide a reasonable number of available sites for such uses while minimizing the harmful secondary effects of these uses.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (b) Approval. Sexually oriented businesses shall be authorized through a Review Process 3 and are only allowed in the I-1 (Light Industrial) and I-2 (Heavy Industrial) zoning districts.
- (c) Location Conditions
 - (i) Sexually oriented businesses are permitted subject to compliance with the following conditions:
 - (A) Such use is more than one thousand (1,000) feet from any property zoned for residential use.
 - (B) Such use is situated more than one thousand (1,000) feet from any other sexually oriented business.
 - (C) Such use is located more than one thousand (1,000) feet from any public building and of the following uses:
 1. Single-family, duplex, or multi-family residences;
 2. Clinic, child-family guidance;
 3. Library;
 4. Public park;
 5. Church;
 6. Citizens improvement club-community center;
 7. Public or private K-12 school;
 8. Indoor or outdoor recreation facilities that are primarily designed to serve persons under the age of eighteen (18).
 - (D) The 1,000-foot separation shall be measured as a radius from the primary entrance of the sexually oriented business to the property lines of the property so zoned or used.

(5) Outdoor Storage Uses

- (a) Applicability. The regulations and standards contained in this section shall apply only to outdoor storage uses as expressly identified in the corresponding section and shall be in addition to any other development standards and regulations contained elsewhere within these Regulations (e.g., lighting, buffering, parking). These uses may only be located in those zoning districts as described in Sections 15 through 20 (Use District Charts) and shall only be authorized in concert with the permit requirements of the underlying zone.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (b) Outdoor Storage
 - (i) The establishment of new outdoor storage uses shall be consistent with the allowed use regulations contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply. The intent of these regulations is to promote compatibility between outdoor storage yards and adjacent uses through the application of special screening regulations.
 - (ii) Location. Outdoor storage uses may only be located in those zoning districts as described in Sections 15 through 20 (Use District Charts).
 - (iii) Screening. As part of the Land Use Permit approval, the applicant must provide and maintain screening of all outdoor storage areas to minimize impact on adjacent properties.
 - (A) A six-foot privacy fence at least 75% opaque must be installed around the perimeter of all outdoor storage areas.

45.55 Accessory Uses & Structures

- (1) **Purpose and Applicability.** The purpose of this section is to establish regulations for uses of private property and structures on lots that are accessory in nature to the permitted use or structures on a private lot. These regulations place restrictions on the location and nature of the accessory use or structure and provide development standards. The intent of these regulations is to ensure that the accessory use or structure does not adversely impact the long-term uses of the same or neighboring sites, or impact the general health, safety, and welfare of persons residing within the community.
- (2) **Permitted Accessory Uses.** Permitted accessory uses and structures, including any use or structure which complies with all of the following conditions, may be operated as an accessory use to a permitted use:
 - (a) Accessory uses shall not be constructed or allowed on any parcel or lot prior to the construction or placement of a permitted use.
 - (b) The accessory use is clearly incidental to and commonly associated with the operation of the permitted use.
- (3) When an accessory use is permitted, the total lot coverage of all buildings and structures on the lot must not exceed the lot coverage maximum of the primary use. For example, if the lot coverage maximum for the single-family use is 60% in the zone district, the lot coverage of the primary house, accessory use, and all other structures on the property combined must not exceed 60%.
- (4) The accessory use is operated under the same ownership and on the same property as the permitted use. No accessory structure shall be located within five (5') feet of a site's principal structure unless otherwise specified in this section.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (5) The accessory use may not include structures or structural features inconsistent with the permitted use.
- (6) For attached accessory uses, the gross floor area utilized by the accessory use, including permitted home occupations (Section 45.20), shall not exceed the gross floor area utilized by the permitted use. This restriction applies to all accessory uses within the UAR, R-1, R-2 and O-B, and C-1, zoning districts.
- (7) Within the C-3, I-1, and I-2 districts, nonresidential attached and detached accessory uses may not include an area of over ten (10) percent of the area of the lot or thirty-five (35) percent of the gross floor area of the permitted use, whichever is greater.
- (8) Within any residential use district, a restaurant or cafeteria shall be considered a legitimate accessory use only for the following permitted uses: boarding and/or rooming house, nursing home, hospital and elementary or secondary school to serve meals for tenants, patrons, or employees. Such restaurants or cafeterias are not allowed to serve the public.
- (9) **Accessory Dwelling Units (ADUs).** In districts where accessory dwelling units are allowed as permitted uses, they shall meet the following standards in addition to all other lot and building standards for the district.
 - (a) The accessory dwelling unit may be attached or detached from the principal structure on the property.
 - (b) All applicable lot and principal building type standards for the district shall apply.
 - (c) Only one (1) accessory dwelling unit is permitted per detached single-family dwelling unit in any zoning district where accessory dwellings are allowed as a permitted use.
 - (d) Accessory dwelling units must have separate access from the principal structure.
 - (e) Accessory dwelling units must have separate utility access from the principal structure.
 - (f) The building footprint of the accessory dwelling unit may be 50% of the building footprint of the principal dwelling unit, or six hundred square feet, whichever amount is lesser.
 - (g) The maximum square footage of an accessory dwelling shall be no more than 1,200 square feet. The minimum square footage for an ADU is 220 square feet.
 - (h) The Accessory Dwelling Unit may not exceed the height of the principal structure.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (i) One (1) off-street parking space is required to be provided for an Accessory Dwelling Unit.

(10) **Portable Storage and Shipping Containers.** It is the intent of this section to limit, the placement and use of any portable storage or shipping container as an accessory structure or storage building in all zone districts. This limitation is to protect the public health and safety and to avoid unsightly conditions and degradation of community character.

(a) **Residential Zone Districts**

(i) No person shall place, or cause to be placed, or use or permit the use of any portable storage or shipping container as an accessory structure or storage building on residentially zoned land and/or other zoned land used for residential purposes.

(ii) Licensed and bonded contractors may use shipping containers for temporary housing of equipment and materials during construction as authorized by a City building permit.

(b) **Commercial & Industrial Zone Districts**

(i) In all commercial and industrial zone districts, portable storage or shipping containers may be placed on lots with an established primary use as herein provided for:

(A) Containers are allowed only in the rear yard and must be the same color as the principal building.

(B) Containers shall comply with all setbacks for the applicable zone district. This includes maintaining required setbacks from other containers.

(C) Only two (2) containers are allowed per lot. Containers shall not be stacked on top of one another.

(D) Containers must be screened from view from any public street and/or adjacent residential district through fencing, landscaping or building placement.

(E) Containers shall not be used for advertising or signage, other than incidental labeling.

~~(A)~~(F) Shipping containers may only be used for the storage of material and equipment incidental to the primary use of the lot.

~~(10)~~(11) **Urban Agriculture Accessory Uses.** In the UA district, livestock and fowl shall be permitted in accordance with the following regulations:

~~(i)~~(a) The number of livestock, including horses, cattle, sheep, burros or goats (excluding swine), allowed on a platted lot shall be limited to one (1) animal

Formatted

Formatted

Formatted: Font: Not Bold

Formatted



TITLE 17 – LAND DEVELOPMENT REGULATIONS

per one and one-half (1.5) acres of lot areas. Unweaned offspring shall not be included in this allowance.

~~(iii)~~(b) Rabbits, fowl, or poultry, including chickens, turkeys, geese or game birds, shall be limited to ten (10) rabbits or mixed fowl per two and one-half (2.5) acres.

~~(iii)~~(c) No commercial breeding of livestock and fowl shall be permitted.

~~(iv)~~(d) Areas of the lot, as well as accessory buildings or structures devoted to livestock and fowl, shall be maintained in such a manner as to not constitute a nuisance to the surrounding properties.

~~(v)~~(e) All livestock and fowl shall be fenced. Fences shall be of sufficient construction to prevent the escape of or injury to the animals being confined within the fencing. The fencing shall be maintained so that no part of such fence, absent extraordinary circumstances, may be broken, damaged, or in any way create the possibility of injury to the confined animal or to allow the escape thereof.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Section 46. Annexation Procedures

46.5 City Initiated Annexations

- (1) City-initiated annexation requirements and procedures will be in accordance with Wyoming State Statutes 15-1-401 through 15-1-423, as amended.

46.10 Annexation by Petition

- (1) Prior to submitting an annexation petition, the owner(s) shall meet with city staff to review the proposal and applicable statutes and ordinances.
- (2) **Annexation of Platted Tracts.** For platted tracts of land (filed in the office of the county clerk), upon completion of the required owner/staff meeting, the procedures outlined in Section XXXX shall be followed, upon receipt of an original annexation application and the following:
 - (a) Three copies of the proposed annexation plan.
 - (b) Three copies of a metes and bounds description of the parcel to be annexed, signed by a registered Wyoming land surveyor, if the entire platted subdivision is not to be annexed;
 - (c) The original petition for annexation, signed and dated by a majority of the landowners owning a majority of the area to be annexed, excluding public streets and alleys and tax-exempt property; and
 - (d) A fee for review as established by resolution by the council and the required recording fee of the county clerk.
- (3) **Annexation of Unplatted Tracts.** For unplatted tracts of land, upon completion of the required owner/staff meeting, the procedures outlined in Section XXXX shall be followed, upon receipt of an original annexation application and the following:
 - (a) Three (3) copies of an annexation map which has been prepared by a registered Wyoming surveyor, clearly drawn on a sheet of tracing cloth or other transparent, stable base material, and including the following:
 - (i) Certification of a registered Wyoming land surveyor that the map was prepared from an official survey made by him or under his supervision, and that all dimensional and other details are correct. The registration number of the surveyor must be shown,
 - (ii) Title block, to include the name of the area proposed for annexation and the name and address of the owner(s),
 - (iii) Date of preparation, written scale, and graphic scale at a scale of one-inch equals fifty feet (1" = 50') or a multiple thereof, and north arrow,
 - (iv) Signature blocks for use, after approval, by the mayor and the city clerk,



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (v) Existing city limits,
 - (vi) Proposed city limits,
 - (vii) Tie to city data to accurately locate the site to be annexed;
 - (viii) Total area to be annexed, including areas of all dedicated streets and lands,
 - (ix) The names of the owners of abutting, unplatted property and the names of adjacent subdivisions,
 - (x) A vicinity map at a scale of one-inch equals six hundred feet (1" = 600') clearly indicating the location of the area to be annexed with respect to a larger, recognizable area;
 - (xi) The original and two copies of the petition for annexation voluntarily signed and dated by the landowners owning a majority of the area sought to be annexed, excluding public streets and alleys, and tax-exempt property;
- (b) A fee for review and recording established by the council.
- (4) **Submittal and Review Procedure.** A landowner of any platted or unplatted parcel of land shall adhere to the following procedures in order to annex the parcel to the city.
- (a) Annexation petitions shall be reviewed under a Review Process 3. Applications and accompanying petitions shall be submitted in accordance with the City's yearly submittal calendar.
 - (b) Within five (5) working days of submitting the completed application to the Planning Department, the Applicable Director shall review the application for conformance with the annexation application requirements. If the application does not conform to these requirements, the application will be returned to the applicant within the three-day period. The planning director shall notify the if the application is incomplete. The notice shall document why the application is not in conformance, and a list of items which must be included for a complete application. If the application is complete, it shall be considered officially accepted and the date of acceptance noted on all copies.
 - (c) The Planning Department will notify the applicant, in writing, at least five days prior to the commission meeting at which the application will be reviewed. In addition, a staff review meeting shall be held between the owner and the Planning Department prior to the commission meeting to discuss the staff's written comments and recommendations.
 - (d) The commission shall then consider approved applications at its meeting. The owner(s) shall be given an opportunity to address the annexation request with the commission.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (e) The commission shall take one of the following actions:
 - (i) Approve;
 - (ii) Approve with contingencies;
 - (iii) Deny; or
 - (iv) Table the application
- (f) If the application is tabled, it shall be reconsidered at the next regular commission meeting, a recommendation made, and the application forwarded to the council. If the annexation is approved, approved with contingencies, or denied, the commission's recommendation and the application shall be forwarded to the council for consideration.
- (g) The council shall certify compliance, by resolution, with the state annexation statutes, and establish a date of public hearing not less than thirty nor more than one hundred twenty days after the effective date of the resolution. If the council finds that the area petitioned for annexation does not comply, then the petition shall be denied and the petitioner notified that no further action will be taken until the area is in compliance with Wyoming Statutes.
- (h) If, after the hearing, the governing body finds that the conditions required by Wyoming Statutes exist and that the required procedures have been met, it shall, by ordinance, annex the territory.

Section 47. Subdivisions Standards

This section contains the development standards required for all subdivisions, such as requirements for new roads, water and sewer infrastructure, utilities, parks and other physical improvements necessary to safely serve newly subdivided property and minimize impacts on existing community services and infrastructure.

47.5 Purpose

The city establishes the provisions of Section 47 of this code:

- (1) To promote public health, safety, welfare and orderly growth
- (2) To develop for the city, its own distinctive character arising from its special climate, topography, economy and people;
- (3) To develop subdivisions with optimum view, air, sunlight and orientation to take maximum advantage of
- (4) To make the city beautiful.

47.10 Statutory Authority

For the authority of a city to adopt regulations governing subdivisions, see Wyoming Statutes, 1977, Section 15-1-101, as amended.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

47.15 Application of Provisions

Section 47 of this code shall apply to any tract of land which is within the city but is not subdivided, to any subdivided lands in the city where the resubdivision of lots is contemplated, and to all areas nearby or adjacent to the city limits, which may annex to, and become, part of the city.

47.20 Administration and Enforcement

- (1) Any person desiring to subdivide or plat land which is within, or partially within, the city limits, or any person wishing to annex property to the city limits, shall comply with the provisions set forth in this Section.
- (2) The city building inspector shall not issue building or remodeling permits for any structure on a lot in a subdivision or on a parcel of land for which a plat has not been approved by the council and recorded in the office of the county clerk.
- (3) The city shall withhold all public improvements, including the maintenance of streets and the furnishing of sewerage and water service, from all subdivisions, parcel or tracts which have not been approved by the council.
- (4) No changes, erasures, modifications, or revisions shall be made in the legal description, survey data, street locations, easements or other areas that will alter the intent of the subdivision plat after approval by the council, unless the plat is first resubmitted to the Planning Commission for its consideration.
- (5) Except for Annexation action initiated by the council, no property may be annexed to the city until a petition for annexation and a plat describing the property to be annexed shall have been filed and approved in the manner prescribed in this title.

47.25 Plat Application and Review Procedures

(1) Types of Subdivisions

Before any land is subdivided, the applicant shall apply for and secure approval of the proposed subdivision following the procedures specified in this Section. Preliminary and Final Plats are reviewed under Review Process 3. Minor Adjustment Plats are reviewed under Review Process 2. The requirements for making an application and for review and approval, generally described below, are different for the various types of subdivisions:

- (a) Minor Adjustment Plats may be used to adjust or remove interior lot lines, between ~~three (3) or fewer~~ lots, provided the following conditions are met:
 - (i) The lots involved must be in conformance with the zoning district and the degree of any nonconformity of any lot shall not be increased.
 - (ii) No new lots shall be created and when merging divided portions, they shall be totally merged with and combined with an adjoining lot or tract so that no additional lots are created.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (iii) All lots must be within the same platted subdivision.
- (iv) No design or construction of public improvements is required, except for sidewalks.
- (v) Planning Department staff shall determine whether any Minor Adjustment Plat application is submitted with the intent of, or having the effect of, avoiding preliminary and/or final plat procedures and requirements. If it is determined that the Minor Plat application circumvents preliminary and/or final plat procedures, the Applicable Director shall reject the application submitted and require the applicant to submit a Preliminary or Final Plat meeting all of the provisions of this title.
- (b) Preliminary Plats are required when a person desires to subdivide an unplatted tract of land. Preliminary Plats are utilized for review of multi-phased subdivisions developments or subdivisions with ten (10) or more lots or tracts. The Planning Department may waive the requirement of a Preliminary Plat and direct the applicant to move straight to Final Plat.
- (c) Final Plats are utilized for all subdivisions creating new lots or resubdividing existing lots to create new, additional lots or tracts.
 - (i) If a Preliminary Plat is required, no final plat shall be considered unless submitted within six (6) months of the preliminary plat approval by council. If any planning considerations or conditions were placed on the approval of the preliminary plat, all conditions must be met on the final plat application prior to being submitted.

47.30 Application Submission

The application submission procedures of this Section shall apply to all Subdivision types including Minor Plats, Preliminary and Final Plats.

- (1) Persons submitting subdivision plat applications are required to discuss their applications with the Applicable Director prior to submitting the application for review. The purpose of the meeting shall be to advise such person of the requirements and procedures for plat approval.
- (2) The applicant shall submit to the City Clerk's Office, an application for subdivision permit containing all of the following materials:
 - (a) A completed, original copy of the Subdivision Application form and all related information in accordance with this Section.
 - (b) The required fee.
 - (c) Such additional relevant and reasonable information as the Planning Department may require to adequately assess whether the proposed subdivision complies with this Section and applicable state statutes.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (3) The complete subdivision application package must be submitted to the City Clerk's office by five p.m. on the submittal deadline indicated on the yearly development application submittal calendar issued yearly by the city. No subdivision plat will be reviewed prior to any necessary public hearing being held by the council for annexation and zoning, if applicable.
- (5) If the application does not conform to the requirements, the application will be returned to the applicant within five (5) working days. The Applicable Director shall notify the owner by telephone, followed in writing, if the application is determined to be incomplete. The written notice shall document the reasons upon which the determination was made and shall list items needed for the application to be complete. If the application is complete, it shall be considered officially accepted and the date of acceptance noted on all copies.
- (6) An application which is determined to be incomplete shall not be placed on the Planning Commission agenda at which it was originally intended to be considered. An application which is returned must be submitted in complete and accurate form by the submittal date indicated for the meeting at which the application is to be considered.

47.40 Subdivision Review Procedures

- (1) **Preliminary and Final Plats.** The following plat review procedures apply to all Preliminary and Final Plats.
- (2) The City Clerk shall forward all subdivision applications to the Applicable Director for review and recommendations. The Applicable Director will review the application for conformance with the plat application requirements.
- (3) The Planning Department shall notify adjacent landowners, from address information provided by the applicant, per the requirements of Sections 10.20 and 10.70 of this Title.
- (4) The Applicable Director shall combine agency comments and their own and provide them for review at a regular meeting of the Planning Commission.
- (5) The Applicable Director will notify the owner at least five (5) calendar days prior to the Planning Commission meeting at which the application will be considered. In addition, a meeting shall be between the owner and the Planning Department prior to the meeting to discuss the staff's written comments to the Planning Commission.
- (6) The Planning Commission shall review the application and render a recommendation to the City Council. The Commission shall make its recommendations in accordance with the intent, standards, and criteria specified in this Title. The applicant will be given the opportunity to address the plat application with the Planning Commission.
- (7) The Commission shall take one of the following actions:
 - (a) Approve;



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (b) Approve with conditions;
 - (c) Deny;
 - (d) Table the application to a future date.
- (8) The Commission shall notify the applicant of its decision in writing within 10 days after the Commission meeting.
- (9) If the plat is denied or tabled, the Commission shall specify the conditions under which the plat may gain reconsideration.
- (10) If the plat application is approved or approved with conditions, the application shall be forwarded to the City Council for consideration. If the application is denied, it will be forwarded to the Council with a "do not pass" recommendation. If the application is tabled, it shall be considered at the next regular commission meeting and a recommendation made.
- (11) Applications shall be considered at a City Council meeting to be held within sixty (60) days of the Planning Commission meeting. The Commission's recommendation shall be submitted to the Council. The applicant shall be given the opportunity to address the plat application with the Council.
- (12) The City Council shall take one of the following actions:
 - (a) Approve;
 - (b) Approve with conditions;
 - (c) Deny;
 - (d) Table the application to a future date.
- (13) If the application is tabled, it shall be reconsidered by the Council within thirty (30) calendar days of tabling and action shall be taken, or, upon request of the owner, the application may be tabled further. If a preliminary plat application is approved or approved with contingencies, the owner may proceed with the final plat application, as provided in this Title. If the application is denied, the application shall be considered to be finally denied.
- (14) Approval of a Preliminary Plat by the Council shall not constitute acceptance of the Final Plat. Approval of the Preliminary Plat by the Council shall confer upon the subdivider the right, for a six-month period from the date of approval, to file a Final Plat based upon the Preliminary Plat. At the end of six months from the date of approval of the preliminary plat by the council, such plat shall be void, unless an extension not exceeding six months is granted by the council upon written request of the subdivider.
- (15) Approval of the plat by City Council shall be effective for one year from the date of approval.
 - (a) If conditions of approval are not met or a recordable plat is not submitted for Council approval within six (6) months, or any extension thereof granted by the Council, the subdivision application must again be submitted for approval before action may be taken on the application.

47.40.015 Minor Adjustment Plats



TITLE 17 – LAND DEVELOPMENT REGULATIONS

Minor Adjustment Plats are reviewed by the City Planner and City Engineer under Review Process 2 and may be elevated to a Review Process 3 if necessary. The following plat review procedures apply to Minor Plats:

- (1) The City Clerk shall forward the subdivision application to the City Planner for review and recommendations. The City Planner will review the application for conformance with the plat application requirements.
- (2) The City Planner, or their designee, shall hold a review in the office of the Planning Department within twenty (20) working days from receipt of the application, to approve, approve with conditions, or deny the proposed minor plat.
- (3) In taking action on a Minor Adjustment Plat, the City Planner and City Engineer shall consider any comments received from agencies or offices receiving copies of the minor plat.
- (4) If the City Planner and City Engineer determine that the Minor Adjustment Plat is in conformance with the provisions of this Title, they shall approve the plat. If they determine that the plat, as proposed, may be detrimental to the public health, safety, or welfare, does not meet the applicability standards in this title, they shall deny the application or shall treat it as a Final Plat.
 - (a) When treated as a Final Plat, the applicant shall pay such additional fees and provide additional required materials as may be required for processing the Final Plat under this title, or the applicant may withdraw the application at applicant's sole discretion.
- (5) The decision of the City Planner and City Engineer on Minor Adjustment Plats shall be considered final.
- (6) No Minor Adjustment Plat shall be recorded by the Natrona County clerk prior to signing by the City Planner and City Engineer. After the plat is signed, the City Clerk will record the plat with the Natrona County Clerk's office.

47.45 Digital Plat Submission

- (1) A digital copy of any subdivision plat, annexation map, or replat shall be submitted as part of the plat application requirements and shall be in a geographic information system (GIS) or computer aided design (CAD) format.
- (2) File names shall be named according to the plat name with the applicable extension.
 - (a) All CAD files shall be submitted in .DWG format utilizing the CAD template provided by the city. Applicants may obtain a copy of the CAD template from the city planning office or via the city website.
 - (b) All GIS files shall be submitted in .SHP or .GDB format, compatible with the city's current GIS software, and utilizing the GIS template provided by the city. Applicants may obtain a copy of the city GIS template from the city planning office or via the city website.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (3) Digital submission shall be included with the original application, in addition to, any subsequent submissions requiring modification of the original data. Original data submission, modifications thereof, and final form approval of the plat, must include the following:
 - (a) All features in layering template, including but not limited to: Subdivision boundary lines, lot lines, easement lines, street rights-of-way, the point-of-beginning and at least one other control point, street center lines.
 - (b) Lot easement and subdivision boundary shall either be a closed polyline or be composed of single lines. All lot, easement, and boundary lines shall be broken by vertices only at line intersections, bearing changes or the start and finish of curves.
 - (c) All street centerlines and easement lines can only be broken where the object starts or ends. There must not be gaps in continuous lines.
 - (d) All line lengths shall represent true length. All elements in the drawing shall reside in the correct coordinate system.
 - (e) CAD blocks may not cause gaps in any line or polyline when exported to one of the specified file formats.
 - (f) Closure is critical in converting CAD elements to GIS features. All polygon features shall be snapped to close and polyline features shall be snapped to connect to each other.
 - (g) Drawing text shall be located in a separate annotation layer. Annotation should include text showing bearing and direction of each line segment, curve descriptions (radius, arc length, delta, chord direction and chord length) and lot and block numbers.
- (4) All digital submissions shall use the city coordinates system. Table coordinates are not acceptable. The city's coordinate system is:
 - (a) Horizontal Control: NAD 83(2011) Wyoming State Plane Wyoming East Central Zone, U.S. survey feet.
 - (i) Linear units shall be US survey feet.
 - (ii) Reference epoch must be defined.
 - (b) Vertical Coordinate System: North American vertical datum of 1988 (NAVD 88).
 - (c) All elevation points shall be delivered in either an ESRI (.SHP or .GDB), CAD (.DWG), or as a single comma-delimited ASCII text file. Each line of the file shall contain values for a single point utilizing the city's coordinate system following the specified format: Easting, northing, elevation, and location description/code.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (d) A minimum of two control points shall be included on all submitted plats. Each control point will include northing and easting, and at least one control point shall include elevation, convergence angle, and combined factor values. Public Land Survey System (PLSS) monuments are desirable, but not required.
- (5) GIS data shall also include metadata created conforming with the standards specified by the Federal Geographic Data Committee (FGDC) and in .PDF or a text-based file format. Metadata shall be provided in keeping with FGDC guidance and may be obtained from the city planning office or via <http://www.fgdc.gov/metadata/documents/metadataquickguide.pdf>.
- (6) Digital submission shall also include .PDF of the lot closure report.
- (7) The submitting party will be responsible for corrections and delivering final digital data to the city prior to recording of the final plat.
- (8) If the applicant fails to submit digital data in accordance with this section within thirty days of substantial completion of construction, then the city may, at its option, do any or all of the following: After written notice to the applicant of any digital records which have not been completed or properly submitted, and upon applicant's failure to cure the same within thirty days, the city may complete the digital records on its own, or hire a third party to do so. The applicant shall pay to the city any and all costs and expenses (including, but not limited to, attorneys' fees, court costs and litigation costs) resulting therefrom upon demand by the city. The remedies provided in this section are in addition to any other remedies specifically provided for in this agreement, or which the city may otherwise have at law or in equity and are not a limitation upon the same.

47.50 Public Agency & Utility Review

- (1) For all subdivision applications, the Planning Department shall distribute copies of the application as provided by the applicant to various public and private agencies for review.
- (2) Agencies receiving copies of the plat are given the opportunity to provide written comments regarding the proposed subdivision prior to the Planning Commission meeting at which the plat will be considered or may present comments on the plat at the meeting at which the plat is considered.
- (3) The following City of Mills departments and offices will be furnished with copies of subdivision applications and supporting documentation for review and comment:
 - (a) Public Works Department
 - (b) City Engineer
 - (c) City Surveyor
 - (d) Building Inspector
 - (e) Fire Chief
 - (f) Police Chief



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (4) If the Applicable Director determines that other agencies may be affected or interested in the subdivision application, they may furnish the following agencies and offices with a copy of the application and supporting documentation for review and comment:
- (a) Wyoming Department of Transportation
 - (b) Natural Gas Companies
 - (c) Electric Power Companies
 - (d) Telecommunications Companies
 - (e) Cable Television Companies
 - (f) Adjacent Municipalities
 - (g) Natrona County Development Office
 - (h) Natrona County Road & Bridge
 - (i) Natrona County School District
 - (j) Other Interested Agencies & Offices
- (5) Reviewing agencies and offices will be requested to review the application and provide comments within five (5) working days from the date of distribution. This time period may be extended because of caseload and complexity of applications at the sole discretion of the Applicable Director.

47.55 Preparation of Plats & Plat Contents

- (1) **Preliminary Plats.** A preliminary plat must be prepared by a registered Wyoming land surveyor, and shall include the following:
- (a) In the lower right-hand corner of the plat:
 - (i) Name of subdivision,
 - (ii) Legal description, including section, township and range from the Sixth Principal Meridian, county and state,
 - (iii) Name(s) and address(es) of the owner(s), developer(s), designers(s) of the subdivision, and
 - (iv) The engineer or surveyor who prepared the plat;
 - (b) Names, locations and dimensions of existing and proposed streets, alleys, easements (including drainage easements), watercourses, floodplain areas, and other important features within and adjacent to the land to be subdivided;
 - (c) Location and dimensions for all lot lines, areas to be used for parks or open space, schools, and other facilities;
 - (d) The area of each lot or block in square feet or acres;
 - (e) Existing and proposed contours of two feet, or as approved by the Applicable Director, that clearly show the drainage and road grade conditions;



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (f) Arrows indicating direction of surface drainage on all streets, alleys and easements;
 - (g) Date of preparation, scale of one-inch equals fifty feet (1" = 50') or a multiple thereof, and north arrow;
 - (h) Three (3) copies of the plat in each of the following sizes:
 - (i) Eleven by seventeen inches,
 - (ii) Thirty-six by twenty-four inches (one and one-half inch margin left-hand, short side; one-half-inch margin all other sides),
 - (iii) An electronic .pdf
 - (i) General site information, including:
 - (i) Number of residential, commercial or industrial lots,
 - (ii) Block and lot numbers, and
 - (iii) Total area of the subdivision, in acres;
 - (iv) Zoning on and adjacent to the subdivision;
 - (v) The names and addresses of the owners of all abutting property and property immediately across adjacent streets;
 - (vi) A vicinity map at a scale of one-inch equals six hundred feet (1" = 600') unless written permission of the planning director is obtained approving another scale, labeled, and indicating the location of the proposed subdivision with respect to a larger recognizable area;
 - (vii) Any additional preliminary information required by the Applicable Director at the initial owner/staff meeting;
 - (viii) Any deed restrictions applicable to the subdivision, referenced to the county clerk's book and page number or instrument number;
 - (ix) Location of any floodplain areas within or immediately adjacent to the site.
- (2) **Preliminary Plat Supporting Materials.** The following supporting materials must accompany all Preliminary Plats:
- (a) A Drainage study conducted and signed by a Wyoming Licensed Professional Engineer. Studies shall include:
 - (b) Preliminary design and layout of existing and proposed storm sewer system,



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (c) Developed and undeveloped flow for ten-year and one-hundred-year storms,
 - (d) Description and location of all detention ponds proposed,
 - (e) Analysis of the capacity of the downstream system and effect of drainage system; impacts on all adjacent lands,
 - (f) Analysis of the effect of the drainage system on the drainage basin,
 - (g) A statement of how the drainage plan complies with the city's stormwater management master plan,
 - (h) All calculations used to arrive at the above data, including methodology, as set forth in the city's stormwater design manual, as adopted by the council;
- (3) For all proposed residential subdivisions consisting of twenty (20) or more lots and for all commercial or industrial subdivisions generating more than seventy-five vehicle trips per peak hour, a traffic study conducted and signed by a Licensed Engineer experienced in traffic engineering is required.
- (a) The engineer shall prepare a traffic study listing each type of land use, number of dwelling units, the number of square feet within a commercial or industrial building, the trip generation rates used and its reference within the Institute of Transportation Engineers Trip Generation Manual, most recent edition, (total daily traffic and a.m., noon, and p.m. peak hours) and the resultant trip generation entering the existing site. The related variable for each trip generation shall be identified. Trip generation values shall be calculated from the data contained in the Trip Generation Guide. In the event such data is not available for the proposed land use, the Applicable Director shall approve estimated rates in writing prior to acceptance.
 - (b) The traffic study shall contain information on the adjacent street system surrounding the development. Information shall consist of existing and future average daily traffic volumes. Future traffic volumes shall be forecasted for the next twenty years. The method of projection shall be approved of by the city engineer's office.
 - (c) Revisions to Traffic Study. Revisions to the traffic study shall be provided as required by the Applicable Director. The need to require revisions shall be based on the completeness of the traffic study, the thoroughness of the impact evaluation, and the compatibility with the city comprehensive plan.
- (4) A street-lighting design plan, to include:
- (a) Distance between street light poles,
 - (b) Number of exterior lighting poles and their location,



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (c) Heights of poles,
- (d) Size and number of fixtures, and
- (5) Preliminary plans for all proposed water, sewer and storm sewer distribution and collection facilities.
- (6) A Full Title Report completed within the previous three (3) months.
- (7) A narrative summary including general information about the project, which shall be on the plat where possible, including:
 - (a) A general description of the project,
 - (b) A general discussion of the public facilities and services necessary to support the project, to include:
 - (c) Description of any recreational areas and services the developer intends to provide, i.e., public or private parks, tennis courts, swimming pools, etc.,
 - (d) Description of any fire lanes, fire hydrants or other fire-protection devices the developer intends to provide,
 - (e) Description of any commercial or shopping areas to be included within the development, and
 - (f) An analysis of any natural hazards which are located in the area, as identified by the adopted Natrona County Natural Geologic Hazards Study (1981).

47.55.030 Final Plats & Minor Adjustment Plats

- (1) All Final Plats and Minor Adjustment Plats must be prepared by a licensed Wyoming land surveyor and be clearly drawn on a sheet of tracing cloth or other transparent, stable base material, and shall include the following:
 - (a) The name of the subdivision, legal description, name and signature(s) of owner(s), developer(s) and engineer, placed on the plat;
 - (b) Space for the filing record of the clerk's office;
 - (c) Dedication and acknowledgement statement executed by the owners of all legal and equitable interests in the property being subdivided, with corporate seal when appropriate. The dedication shall be in a form approved by the city attorney and in accordance with state law;
 - (d) Date of preparation, written scale, graphic scale (one-inch equals fifty feet or a multiple thereof) and north arrow designated as a true north;
 - (e) Location of land other than roads intended to be conveyed or reserved for public use or reserved in the deeds for the use of all property owners



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- in the proposed subdivision. Such land shall be identified by a lot and block number;
- (f) Certification in the form required by law by a Wyoming land surveyor to the effect that the layout represents a survey made by him or under his supervision, and that all dimensional and other details are correct;
 - (g) All lots shall have satisfactory access to a public street or road, with minimum frontage on a public street per applicable zone district standards.
 - (h) Right-of-Way Requirements.
 - (i) The minimum right-of-way width is 50' for residential subdivisions and 60' for commercial or industrial subdivisions and the right-of-way shall be dedicated to the City of Mills.
 - (ii) Public access easements cannot be used in lieu of dedicated right-of-way. No private roads are allowed.
 - (iii) At least one public access with minimum dedicated right-of-way shall be provided to all subdivisions. For subdivisions with 30-lots or more, at least two public accesses with minimum right-of-way must be provided per Fire Department Standards.
 - (i) Stubs/extensions. Provisions for an efficient street system must be made by the use of stub streets to extensions of new streets to connect to existing streets, and by the use of developed rights-of-way. Any subdivision plat submitted for approval shall be designed to permit construction of streets into adjacent subdivisions unless there is justification for an alternate design.
 - (j) Extension of roadway construction. Roadways and streets are to be constructed by the developer to the furthest subdivision boundary line and utilized to access adjacent properties. No unimproved rights of way are allowed.
 - (i) A temporary turnaround will be installed by the developer at the end of the constructed roadway.
 - (ii) Dead end streets are prohibited.
 - (k) Dedication of all streets, alleys, easements and public sites to the public.
 - (i) All streets and roads shall be dedicated as public right-of-way to the City of Mills.
 - (ii) Easements shall be provided across adjoining properties for any utilities that provide service to the subdivision.
 - (iii) Permanent front, side and rear yard general utility easements are required on all lots:
 - (A) Front: Not less than 5' in width adjacent to all front lot lines.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (B) Side: Not less than 5' in width on each side of all side lot lines.
- (C) Rear: Not less than 10' in width on each side of all rear lot lines.
- (iv) Additional permanent easements, where necessary, shall be required for utility poles, wires, conduits, storm water and sanitary sewers, gas and water mains, and other public utilities, subject to review by the Applicable Director.
- (l) Exact closure, which shall be in excess of one foot in ten thousand feet, along with a copy of computations as follows:
 - (i) Parcel closure report of the boundary of the parcel to be platted showing all courses, computations, areas and closure of the parcel.
 - (ii) Parcel closure report of all lots and parcels showing all courses, computations, areas and closures of the parcels.
- (m) Signature blocks for use after approval by the mayor and the city clerk, the city engineer and the city planner;
- (n) Any differences between bearings (azimuths) and distances of other adjoining surveys, in written notations;
- (o) The basis of bearings (azimuths) and distances of other adjoining surveys, in written notations;
- (p) A layout including the following:
 - (i) Boundary lines with accurate distances and bearings, and the exact location and width of all existing or recorded streets intersecting the boundary of the tract,
 - (ii) Where applicable, curve data, so labeled, showing the radii, central angles, arc length, notation of non-tangent curves, and location of points of curvatures and intersections,
 - (iii) Location of existing and proposed easements (including drainage easements), designated as to use and size,
 - (iv) The right-of-way lines, widths, locations and street names of all existing and proposed streets or roads within the proposed subdivision,
 - (v) The location and amount of land to be dedicated for public facilities, if such dedication has been agreed upon in writing by the city;



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (vi) All monuments found and set are to be shown on the plat with a graphic symbol on the map and in the legend.
- (vii) Brass caps shall be installed at all major perimeter corners of subdivisions and annexations.
- (viii) Monumentation of all lot corners, PC's, PT's and angel points shall comply with current State Statute requirements.
- (ix) A note shall be on the plat stating that all distances are grid or ground distances.
- (q) The names of abutting subdivisions, or an indication that abutting property is unplatted;
- (r) A vicinity map indicating the location of the subdivision with respect to a recognizable larger area, at a scale of one inch equals six hundred feet unless written approval of the planning director is obtained for another scale;
- (s) Copies of the proposed plat in each of the following sizes and number:
 - (i) One (1) Eleven by seventeen inches,
 - (ii) Three (3) Thirty-six by twenty-four inches (one and one-half inch margin left-hand, short side; one-half-inch margin all other sides),
 - (iii) One (1) electronic .pdf
- (t) Any corrections, changes, additions or conditions placed upon preliminary plat by the council;
- (u) Certificate of vacation, if replat.
- (u)(v) Flag Lots. Flag lots are generally prohibited because they are often used to avoid building a street to serve a subdivision or parcel, and their use increases the number of approaches onto roads. However, conditions existing where flag lots are reasonable, as approved by the Applicable Director, and in areas where extraordinary topography, emergency accessibility or access to infrastructure warrant flag shaped lots.
- (8) **Final Plat & Minor Adjustment Plat Supporting Documentation.** The following supporting materials must accompany all Final Plat and Minor Adjustment Plats, unless specifically waived by the Applicable Director:
 - (a) The Final Drainage study conducted and signed by a Wyoming Licensed Professional Engineer, reviewed and approved by the City Engineer.
 - (b) Final Traffic Study, signed by a Licensed Engineer experienced in traffic engineering, reviewed, and approved by the City Engineer for all proposed residential subdivisions consisting of twenty (20) or more lots and

Formatted: Not Expanded by / Condensed by



TITLE 17 – LAND DEVELOPMENT REGULATIONS

for all commercial or industrial subdivisions generating more than seventy-five vehicle trips per peak hour.

- (c) Final street-lighting design plan.
- (d) Final plans for all proposed water, sewer and storm sewer distribution and collection facilities.
- (e) A copy of the deed by which the applicant took title to the parcel(s).
- (f) A ~~Full Title Report~~ Commitment of Title Guarantee or Owner & Encumbrance Report, completed within the last three (3) months.
- (g) A Site Plan for the purpose of review containing the following:
 - (i) Dimensions, acreage of the proposed parcels, drawn to scale and clearly dimensioned, showing the use(s) and existing structure(s). Indicate the location of natural or manmade features such as drainage ways, streams, roads, buildings, etc. on, or immediately adjacent to the site.
 - (ii) Topography on 5' contour intervals or obtained from the U.S.G.S. mapping surveys.
- (h) A narrative summary including general information about the project, including:
 - (i) A general description of the project,
 - (ii) A general discussion of the public facilities and services necessary to support the project.
 - (iii) If the proposed project is to be developed in phases;

47.60 Subdivision Design Standards

- (1) For purposes of this Title, the City of Mills shall adopt and enforce standards for subdivision layout, street construction, water and sewer system construction and storm sewer construction, as deemed necessary to promote health, welfare and orderly growth of the City.
- (2) The City of Mills has adopted, by resolution, the City of Casper "Design Standards for Public Works Construction and Infrastructure Improvements," specifically, Chapter 16.16.010 through 16.16.080, amended.

47.65 Parks and Open Space Fees and Dedication

- (1) **Purpose.** In order to enhance the quality of life and provide for the recreational needs of residents within subdivisions, and to promote a healthy lifestyle, general welfare, community character and property values, residential subdividers are



TITLE 17 – LAND DEVELOPMENT REGULATIONS

required to provide resources to improvements to the City of Mills parks and pathways system.

When planned as part of the sustainable infrastructure, parks meet the recreational needs of the community, buffer incompatible land uses and help reduce the public costs for stormwater management. When pathways are required to be dedicated and constructed, pedestrian access links are provided which enable better connectivity between activity centers. Such connectivity provides for enhanced mobility throughout the community.

- (2) **General Requirements.** The amount of park facilities required for a new subdivision or development is based on data and policies adopted in the City of Mills Comprehensive Plan and the Casper Area Parks and Recreation Master Plan. The Plans are a result of technical analysis and citizen participatory planning processes and identify short-term and long-term needs for the City parks system.
 - (a) Parkland is only required for residential uses within the City of Mills. All proposed residential developments require the payment of a park development fee.
- (3) **Determination of Fee.** The park development fee is determined at the preliminary plat review stage for subdivisions with ten (10) lots or more, and at the final plat stage for all other subdivisions. In the case of a residential subdivision which has a proposed lot or lots for multiple family development, the fee shall be determined at the time the multiple family development is being reviewed.
- (4) **Applicability of Fee.** The subdivider is required to pay a park development fee for all proposed dwelling units within a residential subdivision. This includes developments that are single-family, duplex, triplex, four-plex, structures with five or more dwelling units, structures which contain one or more dwelling units as part of a mixed-use development, townhouses, condominium units, and dwelling units within a manufactured home subdivision or park.
- (5) **Fee.** The park development fee is \$350.00 per dwelling unit for developments/subdivisions containing single-family dwellings and \$150.00 per dwelling unit for multi-family developments/subdivisions. The fee is subject to change overtime. Credit shall not be provided to any residential development for onsite private recreation or park facilities.
 - (a) The fee is calculated by multiplying the current fee rate by the proposed number of dwelling units being provided. The fee payment shall be made prior to recording the final plat.
 - (b) In the case of land to be platted and developed as a manufactured home park, the park development fee is due prior to the final plat or development plan being recorded. In all instances, the fee shall be paid prior to a zoning certificate or building permit being issued.
- (6) **Consideration of Land Dedication.** The City Council, at its sole discretion, may request parkland dedication. The City shall consider the location for neighborhood and community parks based on the City's Comprehensive Plan and the Casper Area Parks and Recreation Master Plan.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (a) **Credit.** Should a subdivider dedicate parkland at the City's request, a one hundred percent (100%) credit shall be given for the land dedication at fair market value. The credit shall be directly applied against the total amount due for the park development fee. Should the amount of the credit exceed the total park development fee required for the proposed subdivision, the subdivider shall be paid for the cost difference by the City at the time the City receives the applicable deed for the parkland.
 - (b) **Timing and Conveyance of Land for Park Use.** In the event the City elects to request or accept parkland dedication, the subdivider shall convey to the City the parkland by the delivery of a Warranty Deed conveying fee simple title, free and clear of all liens and encumbrances, except for liens and encumbrances dischargeable by cash accompanying the warranty deed. The property shall be current with all real estate taxes.
- (7) **Trails and Pathway Dedication.** The City Council shall determine if a pathway shows an alignment through a proposed subdivision. The pathways in Mills are made up of a priority pathway system, multiple use trails and side paths which are separated roadside trails and shared routes for bicycles along roadways and walking trails. If a determination is made that an approved pathway has an alignment through a proposed subdivision, then the subdivider is required to dedicate the land for the approved pathway and construct it according to the Design and Construction Standards of this title.
- (a) **Pathway Alignment.** The pathway alignment and width through a proposed subdivision shall be designed to ensure that the necessary connection to the next pathway segment is as efficient as possible. The pathways shall be constructed in accordance with the Design and Construction Standards of this title.
 - (b) **Credit.** Should a subdivider dedicate parkland at the City's request, a one hundred percent (100%) credit shall be given for the land dedication at fair market value. The credit shall be directly applied against the total amount due for the park development fee. Should the amount of the credit exceed the total park development fee required for the proposed subdivision, the subdivider shall be paid for the cost difference by the City at the time the City receives the applicable deed for the parkland.

47.70 Subdivision Improvements

No final plat shall be approved by the City Council unless it is possible, without undue delay for the subdivider, to supply or guarantee the required subdivision improvements.

- (1) **Improvements Installation.** The construction of the following improvements shall be the responsibility of the developer and shall be provided for in a Subdivision Improvements Agreement if the improvements are not installed prior to plat recordation. The agreement shall be approved with each plat. The Improvements Agreement shall be provided in a manner which is consistent with adopted standards.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (2) **Agreement in lieu of Improvement Installation.** Prior to the council approving and accepting a final plat, the subdivider shall have laid out and constructed all improvements specified by the council for completion at such time; or, in lieu thereof, the subdivider or owner shall have entered into a written agreement with the city wherein the subdivider has agreed to make such improvements upon demand of the council.
- (3) No building permit or foundation permit may be issued by the city prior to completion of all required improvements and start of the warranty period in any city subdivision except as follows:
 - (a) A building permit for the completion of any building may be issued upon completion of all-weather roadways, acceptance of the public water and sewer mains and appurtenant facilities, and payment of all required fees, including connection charges for connection to such water and sewer mains in a subdivision or construction phase of a subdivision.
- (4) **Financial Security.** A Financial Surety shall be Required, as applicable, prior to construction of all improvements and during the warranty period.
 - (a) The owner/subdivider shall provide financial security as provided herein in order to assure that the required streets, drainage facilities, water distribution systems, sewerage collection systems and any other required public improvements as outlined in the subdivision agreement are constructed in compliance with the city's specifications. The financial security for the construction of any such improvements shall be in the amount of one hundred percent of the total cost of construction thereof. This financial security shall be secured and delivered to the city prior to issuance of a permit to construct by the city.
 - (b) A project may be constructed without financial security as otherwise required herein provided that the owner/subdivider submits to the city a bonded agreement between the owner/subdivider and its contractor bonded by a Wyoming-licensed bonding company to complete the work covered by a permit to construct as outlined in the subdivision agreement. No permits will be issued for construction of buildings or foundations in the development until the improvements have been completed, a letter of completion has been issued, and the warranty period has begun.
 - (c) In the event the owner/subdivider elects to construct a project without a bonded agreement between, the owner/subdivider shall provide a written affidavit to the city stating that no sales of real property within the subdivision will be closed until after a letter of completion is issued by the city and the warranty period has begun. No permits will be issued for construction of foundations of residences or buildings in the development by the city until a letter of completion is issued by the city and the warranty period has begun. If, prior to the issuance of a letter of completion and the commencement of the warranty period, should the owner/subdivider desire to sell lots and have building or foundation permits issued within the project, the owner/subdivider shall provide:



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (i) Financial security in a form as required in an amount as that will cover the estimated cost of the remaining public improvements to be constructed for all or a phase of the subdivision as approved by the city; or
 - (ii) A bonded agreement between the owner/subdivider and the contractor as set forth in this section is provided to the city.
- (d) The owner/subdivider shall provide financial security to the City of Mills during the warranty period for the required improvements as provided in this chapter. The financial surety shall be available to the city for the repair, maintenance, and replacement of such improvements that fail within the warranty period. The financial security during the warranty period shall be in the amount of twenty percent of the total construction costs of such improvements. This financial security for the warranty period of eighteen months from the date stated in the letter of completion issued by the city shall be acquired and delivered to the city prior to issuance of any building permits in the subdivision by the city.
- (e) Financial security may be provided in one of the following forms:
- (f) An escrow agreement providing for the pledging of the owner/subdivider's line of credit or other assets in an amount and form approved by the city;
- (g) Cash;
- (h) Unconditional letter of credit subject to the laws and courts of the state of Wyoming in a form approved by the city.
- (5) **Construction Cost of Improvements.** The applicant's engineering consultant shall provide actual construction costs to the city for the purposes of determining the amount of the financial security for the construction phase and warranty period of the improvements.
 - (a) All cost estimates shall be supported by documents of the proposed improvements. Construction costs shall cover and include curb, gutter, street pavement, sidewalks, curbswalks, drainage facilities such as storm sewers, water, and sewer lines, as outlined in the subdivision's drawings and specifications.
 - (b) The financial security will be released when that portion of the work or period to which it relates has been completed. All requests for release or reduction of a financial security shall be provided in writing to the city.
- (6) **Required Improvements.** The subdivider is responsible for installing all subdivision improvements as required and specified in the "Casper Public Utilities Water Distribution Facilities Standard Specifications," "Sanitary Sewerage Collection Facilities Standard Specifications" and city of Casper "Standard Specifications for Street Construction".



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (7) The subdivider shall install the following monuments and improvements in a timely manner and in accordance with plans, specifications and data, as approved by the City Engineer:
- (a) Permanent reference monuments at current state statutes. Monuments shall be placed at the corners of all tracts, blocks and lots and at all subdivision boundary corners.
 - (i) Monuments at subdivision boundary corners shall be two (2) inch diameter pipe, a minimum of thirty (30) inches long, with brass cap. All tract, block and lot corners shall be 5/8 inch rebar, a minimum of twenty-four (24) inches long, with aluminum cap.
 - (A) All monuments must be stamped with the licensed land surveyor's number, and the top is to be flush with the ground. Wooden stakes are prohibited as monuments.
 - (b) Road improvements, including base, surfacing, gutters, curbs and sidewalks to current City of Casper Engineering Design and Construction Standards.
 - (c) Street name signs, traffic control signs and street lights;
 - (d) Connection to potable community water system;
 - (e) Connection to community wastewater treatment;
 - (f) Water supply for firefighting purposes;
 - (g) Utilities, such as telephone, cable TV, electricity and gas services. All utilities shall be installed underground.
 - (h) Storm drainage system and any other drainage improvements and/or facilities that may be on or off site, but which are necessary to serve the subdivision.
 - (i) Park improvements, landscaping and screening, as required;
- (8) **Sidewalks and Pedestrian Ways.** All new developments are required to be served by a sidewalk. In conventional developments, sidewalks are generally parallel to streets and within the rights-of-way, although undulations and interesting variations in alignment are encouraged, consistent with accepted practices. Exceptions are possible to preserve important natural features or to accommodate topography or drainage when the applicant shows an alternative for a safe and convenient pedestrian system. The location of all sidewalks shall be approved by the City Engineer. Where sidewalks meander out of the right-of-way, sidewalk easements are required.
- (a) All sidewalks shall be constructed according to the City of Casper Engineering Design and Construction Standards.
 - (b) All sidewalks, crossings, and other segments of a continuous pedestrian system shall comply with standards of the Americans with Disabilities Act.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

(9) **Water and sewer extension requirements.**

- (a) Two (2) plan sets of the water system design shall be submitted to the City Engineer for review. The applicant shall make all required corrections and submit two corrected copies to the City engineer. If the corrected prints are in order, the City Engineer will give one print to the engineer responsible for inspection and retain the second print for the City's use. The developer shall submit a third copy of the final draft to the City Clerk with DEQ approval.
- (b) Construction drawings shall be signed by a licensed professional engineer licensed to practice in the state. All plans shall contain the name and professional license number of the engineer.
- (c) The construction drawings shall be drawn on a twenty-two inch by thirty-six-inch sheet with the title box in the lower right-hand corner. The title box shall contain the names of the developer, the subdivision, City of Mills, and other information deemed appropriate, as requested by the Council and City Engineer.
- (d) Water and sewer design shall meet all standards and regulations of the State Department of Environmental Quality and other regulatory agencies.

(10) **Construction Drawings – Water & Sewer**

Plan and profile drawings shall meet the requirements of all applicable regulatory agencies. Contents of construction drawings for water and sewer extensions shall be as follows:

- (a) All drawings shall be drawn at a scale of one-inch equals fifty feet, or one-foot equals one hundred feet, matching the scale of the final plat;
- (b) Each page shall contain a bar scale;
- (c) A vicinity sketch drawn on a scale of one-inch equals two thousand feet or larger, showing adjacent areas affected by construction;
- (d) A general plan of the adjacent areas, showing spot elevations or contour lines sufficient to show the existing surface topography;
- (e) Plan drawings of individual water lines, including the size and location of all proposed lines and the size and location of existing lines to which the proposed construction will connect;
- (f) Sufficient detail of the City system so that ties and looping can readily be obtained;
- (g) Specifications, sizes and construction requirements of all facilities;
- (h) Design adequate to meet the City master plan.



TITLE 17 – LAND DEVELOPMENT REGULATIONS

- (i) The plans shall state, "The work shall be performed in accordance with this drawing and the City's specifications," dated May 23, 1979; or in its latest revision;
- (j) Any details not covered by standard details in the City's specifications;
- (k) The developer is responsible for retaining a licensed engineer to inspect the water or sewer line installation and certify to the City that the work was completed in accordance with the plans and specifications. The City Engineer has the authority to accept or reject any engineer who is requested by the developer. The accepted engineer may have qualified inspectors work under his supervision. Daily inspection reports must be kept, and copies turned into the City Engineer once a week. The inspecting engineer, with the approval of the City Engineer, shall have the authority to stop construction of any project when work is not in compliance with regulation and approved plans.
- (l) After construction, the owner will be required to furnish three sets of "as constructed" plans to the City office, one set will be for the City Clerk's office, one set for the public works department, and one set for the City engineer. Fire hydrants, fittings, valves, and utility conflicts, including gas and telephone, shall be accurately shown on the "as constructed" plans. All sheets shall be stamped or visibly marked "as constructed," certified by the inspecting engineer.

(11) Construction Drawings – Road Plan & Profiles

Plan and profile drawings shall meet the requirements of all applicable regulatory agencies. Contents of construction drawings for road plan and profiles shall be as follows:

- (a) All drawings shall be drawn at a scale of one-inch equals fifty feet, or one-foot equals one hundred feet, matching the scale of the final plat;
- (b) Each page shall contain a bar scale;
- (c) A typical cross section of the road construction, with additional cross sections for roads which vary from the typical. The cross section shall show all dimensions and specifications of sub-base, base, curb, gutter and sidewalk and other proposed construction;
- (d) Design adequate to meet the City master plan;
- (e) The plans shall state "the work shall be performed in accordance with this drawing and the City's specifications," dated in its latest revision.
- (f) Any details not covered by standard details in the City's specifications.
- (g) The developer is responsible for retaining a licensed engineer to inspect the roadway installation and certify to the City that the work was completed in accordance with the plans and specifications. The developer's engineer may have qualified inspectors work under his supervision. The City engineer

**TITLE 17 – LAND DEVELOPMENT REGULATIONS**

has the authority to accept or reject any inspector who is requested by the engineer. If the developer feels the decision of the City's engineer is unjust, he may, upon written request, be granted a review hearing before the City Council. Daily inspection reports must be kept, and copies turned into the City engineer once a week. The inspecting engineer, with the approval of the City engineer, shall have the authority to stop construction of any project when work is not in compliance with regulation and approved plans.

- (h) After construction, the owner will be required to furnish three sets of "as constructed" plans to the City office, one set will be for the City clerk's office, one set for the public works department, and one set for the City engineer. All sheets shall be stamped or visibly marked "as constructed," certified by the inspecting engineer.

ORDINANCE NO. _____**AN ORDINANCE OF THE CITY OF CUSHING, OKLAHOMA GRANTING A NON-EXCLUSIVE PERMIT TO CLARITY TELECOM, LLC (D/B/A BLUEPEAK) FOR THE CONSTRUCTION AND OPERATION OF A CABLE SYSTEM.**

WHEREAS, the City's role as manager of public rights-of-way and easements and as a regulator of cable service requires it to maintain a fair and level playing field for all such service providers; and

WHEREAS, the City and Bluepeak have determined that it is in the best interest of all parties, including the citizens of City, that Bluepeak be granted the right to construct and operate a cable system to provide cable services within the City; and

WHEREAS, the City Council of Cushing has relied on Bluepeak's representations and has considered all information presented to it by Bluepeak, by City staff, and the public, and has determined that Bluepeak has the technical, legal, and financial ability to construct and operate a cable system and to provide cable services; and

WHEREAS, based upon such representations, the City Council of Cushing has determined that it would be in the best interests of the City to grant Bluepeak a non-exclusive permit to construct, install, maintain, and operate a cable system in the City, subject to the terms and conditions set forth herein and applicable federal, state, and municipal statutes, regulations and ordinances, is consistent with the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CUSHING THAT THE FOLLOWING ORDINANCE BE ENACTED:

SECTION 1: Definition of Terms

For the purpose of this ordinance (the "Ordinance"), the following terms, phrases, words and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number:

(A) "Affiliate" means an entity which owns or controls, is owned or controlled by, or is under common ownership or control with Bluepeak.

(B) "Basic Cable" means the tier of Cable Service regularly provided to all Subscribers that includes the retransmission of local broadcast television signals.

(C) "Bluepeak" means Clarity Telecom, LLC (D/B/A Bluepeak), or the lawful successor, transferee, or assignee thereof.

(D) "Cable Service" means (i) the one-way transmission to Subscribers of Video Programming or other programming service, and (ii) Subscriber interaction, if any, which is required for the selection or use of such Video Programming or other programming service.

(E) “Cable System” means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment or other equipment that is designed to provide Cable Service or other service to Subscribers. Bluepeak’s cable system will be a fiber to the home/business network within the City utilizing the latest GPON/XGS PON infrastructure. Services available over the Cable System will include an Internet Protocol video service that includes the channels and programs commonly offered in the video marketplace in the City, as well as an integrated over-the-top (OTT) marketplace providing consumers access to content from providers like Netflix, Amazon Prime, Hulu, HBO max, etc. In addition, the Cable System will be capable of delivering high speed, symmetrical, bi- directional Internet to residential customers ranging from 1 to 2 Gbps and upwards of 10 Gbps for business customers.

(F) “City” means the City of Cushing, Oklahoma, a municipal corporation.

(G) “FCC” means Federal Communications Commission, or successor governmental entity thereto.

(H) “Permit” means the initial authorization, or renewal thereof, issued by the City, regardless of whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, or otherwise, which authorizes construction and operation of the Cable System for the purpose of offering Cable Service or other service to Subscribers.

(I) “Person” means an individual, partnership, association, joint stock company, trust corporation, or governmental entity.

(J) “Public Way” means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by City in the Service Area which shall entitle City and Bluepeak to the use thereof for the purpose of installing, operating, repairing, and maintaining the Cable System. “Public Way” also means any easement now or hereafter held by City within the Service Area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle City and Bluepeak to the use thereof for the purposes of installing or transmitting Bluepeak’s Cable Service or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the Cable System.

(K) “Service Area” means the present municipal boundaries of the City and all areas annexed into the City in the future.

(L) “Subscriber” means a user of the Cable System who lawfully receives Cable Service with Bluepeak’s express permission.

(M) “Video Programming” means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

SECTION 2: Grant of Permit

2.1 **Grant.** City hereby grants to Bluepeak a nonexclusive Permit authorizing Bluepeak to construct and operate a Cable System and offer Cable Service and other service in, along, among, upon, across, above, over, under, or in any manner connected with Public Ways within the Service Area and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, upon, across, or along any Public Way and all extensions thereof and additions thereto, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the Cable System. Nothing in this Permit shall be construed to prohibit Bluepeak from offering any service over its Cable System that is not prohibited by applicable law.

2.2 **Term.** The Permit granted pursuant to this Ordinance shall be for a term of ten (10) years from the passed and adopted date of the Permit unless otherwise lawfully terminated in accordance with the terms of this Ordinance. The Permit and the Agreement will automatically renew for one (1) additional ten (10) year term unless either Party notifies the other in writing at least 12 months prior to the expiration of the initial 10-year term that it desires to enter into renewal negotiations pursuant to Paragraph 2.6 below.

2.3 **Acceptance.** Bluepeak shall accept the Permit granted pursuant hereto by signing this Ordinance and filing same with the City Clerk within sixty (60) days after the passage and final adoption of this Ordinance.

2.4 **Favored Nations.** In the event City enters into or has entered into a Permit of any kind with any Person other than Bluepeak to enter into the Public Ways for the purpose of constructing or operating a Cable System or providing Cable Service or video service to any part of the Service Area, the material provisions thereof shall be reasonably comparable to those contained herein, in order that one operator not be granted an unfair competitive advantage over another, and to provide all parties equal protection under the law.

If another provider of Cable Services, video services or other television services utilizing any system or technology requiring use of the Public Way in the Service Area, is lawfully authorized by any governmental entity or otherwise exempt from obtaining a permit as provided for in this Ordinance in order to provide such services, City hereby agrees that, upon a request from Bluepeak, as a matter of law, Bluepeak's Permit will be modified within thirty (30) days of the granting of such authorization or exemption for the purpose of establishing the same terms and conditions as such person(s) on a competitively neutral basis. Except as specifically provided in this paragraph, neither City nor Bluepeak shall be permitted to take any unilateral action that materially changes the explicit mutual promises and covenants contained in this Permit, and any changes, modifications or amendments to this Permit must be made in writing, signed by City and Bluepeak.

2.5 **Change of Law.** In the event the federal, state, or local law, rules or regulations are amended, modified, or created that have the effect of modifying the terms and conditions of this Permit during the Term or any extension thereof, Bluepeak has the sole option to terminate this Permit upon ninety (90) days' notice to City. Nothing in this Permit shall impair the right of Bluepeak to terminate this Permit and, at Bluepeak's option, negotiate a renewal or replacement

franchise, license, consent, certificate or other authorization with any appropriate government entity (such as the State of Oklahoma). To the extent that Bluepeak obtains an authorization to operate a network and serve customers under applicable laws in lieu of this Permit, Bluepeak shall have the right to terminate this Permit upon 90 days prior written notice to City.

2.6 **Renewal of Permit.** Prior to the end of the Permit term, City and Bluepeak agree to enter into good faith negotiations regarding the renewal, modification, and/or extension of this Permit.

SECTION 3: Standards of Service

3.1 **Conditions of Street Occupancy.** All transmission and distribution structures, poles, other lines, and equipment installed or erected by Bluepeak pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of Public Ways and with the rights and reasonable convenience of property owners who own property that adjoins any of such Public Ways. Bluepeak shall comply with all right-of-way and easement management ordinances and/or regulations enacted by City, including such ordinances and/or regulations enacted after the effective date of this Permit.

3.2 **Restoration of Public Ways.** If during the course of Bluepeak's construction, operation, or maintenance of the Cable System there occurs a disturbance of any Public Way by Bluepeak, it shall, at its expense, replace and restore such Public Way to a condition reasonably comparable to the condition of the Public Way existing immediately prior to such disturbance.

3.3 **Relocation at Request of Permitting Authority.** Upon its receipt of reasonable advance notice, Bluepeak shall, at its own expense, protect, support, temporarily disconnect, relocate in the Public Way, or remove from the Public Way, any property of Bluepeak when lawfully required by City by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other type of structures or improvements by City; but, Bluepeak shall in all cases have the right of abandonment of its property. If public funds are available to any company using such street, easement, or right of way for the purpose of defraying the cost of any of the foregoing, such funds shall also be made available to Bluepeak.

3.4 **Relocation at Request of Third Party.** Bluepeak shall, on the request of any Person holding a building or other structure moving permit issued by City, temporarily raise or lower its wires to permit the moving of such building or other structure, provided: (a) the expense of such temporary raising or lowering of wires is paid by such Person, including, if required by Bluepeak, making such payment in advance; and (b) Bluepeak is given not fewer than ten (10) business days' advance written notice to arrange for such temporary wire changes.

3.5 **Trimming of Trees and Shrubbery.** Bluepeak shall have the authority to trim trees or other natural growth overhanging any of its Cable System in the Service Area so as to prevent branches from coming in contact with Bluepeak wires, cables, or other equipment. Bluepeak shall reasonably compensate City or property owner for any damages caused by such trimming.

3.6 **Safety Requirements.** Construction, installation, and maintenance of the Cable System shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with applicable FCC or other federal, state, and local regulations. The Cable System shall not unreasonably endanger or interfere with the safety of persons or property in the Service Area.

3.7 **Aerial and Underground Construction.** In those areas of the Service Area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, Bluepeak likewise shall construct, operate, and maintain all of its transmission and distribution facilities underground; provided that such facilities are actually capable of receiving Bluepeak's cable and other equipment without technical degradation of the Cable System's signal quality. In those areas of the Service Area where the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are both aerial and underground, Bluepeak shall have the sole discretion to construct, operate, and maintain all of its transmission and distribution facilities, or any part thereof, aerially or underground. Nothing contained in this paragraph shall require Bluepeak to construct, operate, and maintain underground any ground-mounted appurtenances such as subscriber taps, line extenders, system passive devices (splitters, directional couplers), amplifiers, power supplies, pedestals, or other related equipment. Notwithstanding anything to the contrary contained in this paragraph, in the event that all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are placed underground after the effective date of this Ordinance, Bluepeak shall only be required to construct, operate, and maintain all of its transmission and distribution facilities underground if it is given reasonable notice and access to the public utilities' facilities at the time that such are placed underground.

3.8 **Subscriber Charges for Extensions of Service.** If a Subscriber's residence is located within 125 feet of Bluepeak's feeder cable, the Cable Service will be provided at Bluepeak's published rate for standard installations. However, if such residence is located farther than 125 feet from Bluepeak's nearest feeder cable, then Bluepeak shall only be required to extend the Cable System to Subscribers in that area if the Subscribers are willing to pay the capital costs of extending the Cable System. Bluepeak may require that such Subscribers pay the capital contribution for construction in advance. Subscribers also shall be responsible for any standard/non-standard installation charges to extend the Cable System from the tap to the residence. Cable Service offered to Subscribers pursuant to this Article shall be conditioned upon Bluepeak having legal access to any such Subscriber's dwelling unit or other units wherein such Cable Service is provided. Nothing herein shall be construed to limit Bluepeak's ability to offer or provide bulk rate discounts or promotions.

3.9 **Pole Attachments.** Utility poles owned by City or an affiliated entity shall be available for use by Bluepeak. Bluepeak shall pay City the maximum cable services pole rental rate as determined by the rules of the FCC for the use of poles owned by City or its affiliate, but not to exceed the amount paid by any other Cable Service provider attaching to such poles pursuant to a current and effective pole agreement.

SECTION 4: Regulation by Permitting Authority

4.1 **Permit Fee.** During the term of this Permit, Bluepeak shall pay to City a fee equal to five percent (5%) of the gross revenues that Bluepeak and its affiliates collected from each subscriber to Bluepeak's Cable Services, and five percent (5%) of the portion of gross revenues from advertising which are defined below the fee ("Permit Fee"). The Permit Fee may be identified and passed through on any subscriber bill by Bluepeak, and all such fees collected will be forwarded to City quarterly and shall be due forty-five (45) days after the end of each calendar quarter.

(A) For purposes of this Permit, gross revenues are limited to the following:

- (1) recurring charges for Cable Services;
- (2) event-based charges for Cable Services, including but not limited to pay-per-view and video-on-demand charges;
- (3) rental of set top boxes and other Cable Services equipment;
- (4) service charges related to the provision of Cable Services, including, but not limited to, activation, installation, and repair;
- (5) administrative charges related to the provision of Cable Services, including, but not limited to, service order and service termination charges; and
- (6) amounts billed to Cable Services subscribers to recover the Permit Fee authorized by this section.

(B) For purposes of this Permit, gross revenues do not include:

- (1) uncollectible fees, provided that all or part of uncollectible fees which is written off as bad debt but subsequently collected, less expenses of collection, shall be included in gross revenues in the period collected;
- (2) late payment fees;
- (3) revenues from contracts for in-home maintenance service unless they relate solely to maintenance on equipment used only for the provisioning of Cable Services and not for the provisioning of any other service provided by Bluepeak or its affiliates;
- (4) amounts billed to Cable Services subscribers to recover taxes, fees or surcharges imposed upon Cable Services subscribers in connection with the provision of Cable Services, other than the Permit Fee authorized by this section;
- (5) revenue from the sale of capital assets or surplus equipment; or

(6) charges, other than those described in subsection (A), that are aggregated or bundled with amounts billed to Cable Services subscribers.

(C) Gross revenues which are subject to the Permit Fee paid by Bluepeak additionally include a pro rata portion of all revenue collected by Bluepeak pursuant to compensation arrangements for advertising (less any commissions Bluepeak receives from any third parties for advertising) and home-shopping sales derived from the operation of Bluepeak's Cable System within the Service Area. Advertising commissions paid to third parties (excluding any refunds, rebates, or discounts the Company may make to advertisers) shall not be deducted from advertising revenue included in gross revenue. The allocation of advertising and home-shopping revenue referred to above shall be based on the number of subscribers in City divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.

(D) Bundling discounts shall be apportioned fairly among video and other services. Bluepeak shall not apportion revenue in such a manner as to avoid the Permit Fee.

(E) The Permit Fee shall not apply to Internet access or Internet-based telephone services offered by Bluepeak. If the FCC or any other federal or state governmental authority with jurisdiction to do so authorizes the collection of such a fee during the term of this Permit, then Bluepeak shall, upon reasonable notice of the imposition of such a fee by City that applies equally to all Internet access or Internet-based telephone service providers within the Service Area, commence remittance of a fee in the amount of not more than five percent (5%) of the gross revenues collected from the sale of such Internet access or Internet-based telephone services during the remaining term of this Permit; provided that City and Bluepeak agree to the specific amount in an amendment to this Ordinance/Permit. *This exclusion shall not apply to the payment of statutory "911" fees; such fees shall be collected and remitted by Bluepeak beginning the effective date of this Permit as required by applicable law.*

(F) In the event that any other video services provider, including but not limited to a cable operator or open video service provider, enters into any agreement or makes any arrangement with City during the term of this Permit whereby it is required or allowed to pay a fee to City that is similar to the Permit Fee described herein, this Permit shall be amended to allow Bluepeak to substitute the definition of "gross revenue" set forth in that agreement or arrangement for the definition of "gross revenue" set forth in this Permit immediately upon request of Bluepeak.

Bluepeak and City agree that the Permit Fee shall be in lieu of all other concessions, charges, excises, franchise, license, privilege, permit fees, taxes, or assessments except sales taxes, personal or real property taxes, and act valorem taxes.

4.2 **Rates and Charges.** City may not regulate the rates for the provision of Cable Service or other service, including, but not limited to, ancillary charges relating thereto, except as expressly provided herein and except as may be authorized pursuant to federal and state law. From time to time, and at any time, Bluepeak has the right to modify its rates and charges, at its discretion and without consent of City, including, but not limited to, the implementation of additional charges and rates; provided, however, that Bluepeak shall give notice to City of any such modifications or additional charges thirty (30) days prior to the effective date thereof.

4.3 **Conditions of Sale.** Except to the extent expressly required by federal or state law, if a renewal or extension of the Permit is denied or the Permit is lawfully terminated, and City either lawfully acquires ownership of the Cable System or by its actions lawfully effects a transfer of ownership of the Cable System to another party, any such acquisition or transfer shall be at a fair market value, determined on the basis of the Cable System valued as a going concern.

Bluepeak and City agree that in the case of a lawful revocation of the Permit, at Bluepeak's request, which shall be made in its sole discretion, Bluepeak shall be given a reasonable opportunity to effectuate a transfer of its Cable System to a qualified third party. City further agrees that during such a period of time, it shall authorize Bluepeak to continue to operate pursuant to the terms of its prior Permit; however, in no event shall such authorization exceed a period of time greater than six (6) months from the effective date of such revocation. If, at the end of that time, Bluepeak is unsuccessful in procuring a qualified transferee or assignee of its Cable System which is reasonably acceptable to City, Bluepeak and City may avail themselves of any rights they may have pursuant to federal or state law; it being further agreed that City's continued operation of its Cable System during the six (6)-month period shall not be deemed to be a waiver, nor an extinguishment of; any rights of either City or Bluepeak. Notwithstanding anything to the contrary set forth in this paragraph, neither City nor Bluepeak shall be required to violate federal or state law.

4.4 **Transfer of Permit.** All of the rights and privileges and all of the obligations, duties and liabilities created by this Permit shall pass to and be binding upon the successors of City and the successors and assigns of Bluepeak and the same shall not be assigned or transferred without the written approval of the City Council, which approval shall not be unreasonably withheld, conditioned or delayed; provided, however, that this Section shall not prevent the assignment or hypothecation of the Permit by Bluepeak as security for debt without such approval; and provided further that transfers or assignments of this Permit between any parent and subsidiary corporation or between entities of which at least fifty percent (50%) of the beneficial ownership is held by the same person, persons, or entities which are controlled or managed by the same person, persons, or entities, shall be permitted without the prior approval of City ("intracompany transfers"). Bluepeak shall notify City in writing within thirty (30) days of the closing of such intracompany transfer.

SECTION 5: Compliance and Monitoring

5.1 **Books and Records.** Bluepeak agrees that City may review such of Bluepeak's books and records, during normal business hours and on a nondisruptive basis, as are reasonably necessary to monitor compliance with the financial terms hereof. Such records include, but are not limited to, any public records required to be kept by Bluepeak pursuant to the rules and regulations of the FCC. Notwithstanding anything to the contrary set forth herein, Bluepeak shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature. City agrees to treat any information disclosed to it by Bluepeak as confidential, to the extent not prohibited by law, and to disclose it only to employees, representatives, and agents of City that have a need to know, or in order to enforce the provisions hereof.

SECTION 6: Insurance, Indemnification, and Bonds or Other Surety

6.1 **Insurance Requirements.** Bluepeak shall maintain in full force and effect during the term of the Permit, at its own cost and expense, Comprehensive General Liability Insurance in the amount of at least \$1,000,000. Such insurance shall designate City as an additional insured to the liability limits imposed by the Oklahoma Governmental Tort Claims Act, 51 O.S. §151, *et seq.*

6.2 **Indemnification.** Bluepeak agrees to indemnify, save and hold harmless, and defend City, its officers, boards and employees, from and against any liability for damages and for any liability or claims, in each case resulting from property damage or bodily injury (including accidental death) which arise out of Bluepeak's construction, operation or maintenance of its Cable System, including, but not limited to, reasonable attorneys' fees and costs.

6.3 **Bonds and other Surety.** Except as expressly provided herein, Bluepeak shall not be required to obtain or maintain bonds or other surety as a condition of being awarded the Permit or continuing its existence. City acknowledges that the legal, financial, and technical qualifications of Bluepeak are sufficient to afford compliance with the terms of the Permit and the enforcement thereof. Bluepeak and City recognize that the costs associated with bonds and other surety may ultimately be borne by the Subscribers in the form of increased rates for Cable Service or other service. In order to minimize such costs, City agrees to require bonds and other surety only in such amounts and during such times as there is a reasonably demonstrated need therefor. City agrees that in no event, however, shall it require a bond or other related surety in an aggregate amount greater than \$100,000 conditioned upon the substantial performance of the material terms, covenants, and conditions of the Permit. Initially, no bond or other surety shall be required. In the event that one is required in the future, City agrees to give Bluepeak at least sixty (60) days' prior written notice thereof stating the exact reason for the requirement. Such reason must demonstrate a change in Bluepeak's legal, financial, or technical qualifications which would materially prohibit or impair its ability to comply with the terms of the Permit or afford compliance therewith.

SECTION 7: Emergency Alert

7.1 **Emergency Alert.** Bluepeak shall comply with the federal Emergency Alert System regulations (47 C.F.R. Part 11).

SECTION 8: Miscellaneous Provisions

8.1 **Preemption.** If the FCC or any other federal or state body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of the Permit, then, to the extent such jurisdiction shall preempt and supersede or preclude the exercise of the like jurisdiction by City, the jurisdiction of City shall cease and no longer exist.

8.2 **Employment Requirements.** Bluepeak shall afford equal opportunity in employment to all qualified persons. No person shall be discriminated against in employment because of race, color, sex, religion, gender, national origin, age, familial status or disability. Bluepeak shall maintain and carry out a continuing program of specific practices designed to assure equal opportunity in every aspect of its employment policies and practices.

8.3 **Notice.** Unless otherwise provided by federal, state or local law, all notices, reports or demands pursuant to this Ordinance/Permit shall be in writing and shall be deemed to be sufficiently given upon delivery to a Person at the address set forth below, or by U.S. certified mail, return receipt requested, or by nationally or internationally recognized courier service (such as Federal Express). If questioned, the party sending a notice shall have the burden to prove receipt or rejection. Rejected notices shall be deemed delivered. The parties may designate such other address or addresses from time to time by giving notice to the other in the manner provided for in this section.

To City: City Clerk
City of Cushing
100 Judy Adams Blvd.
Cushing, Oklahoma 74023

To Bluepeak: Bluepeak
4600 S. Ulster St., Suite 1300
Denver, CO 80237
Attn: Legal Notices

Email Copy to: Compliance.Team@myBluepeak.com

8.4 **Descriptive Headings.** The captions to Sections contained herein are intended solely to facilitate the reading thereof. Such captions shall not affect the meaning or interpretation of the text herein.

8.5 **Severability.** If any Section, sentence, paragraph, term, or provision hereof is determined to be illegal, invalid, or unconstitutional, by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other Section, sentence, paragraph, term or provision hereof, all of which shall remain in full force and effect for the term of the Permit or any renewal or renewals thereof.

8.6 **Force Majeure.** Bluepeak shall not be held in default under, or in noncompliance with, the provisions of the Permit, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of Bluepeak to control. This provision includes, but is not limited to, severe or unusual weather conditions, fire, flood, or other acts of God, strikes, work delays caused by failure of utility providers to service, maintain or monitor their utility poles to which Bluepeak's Cable System is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary.

PASSED, APPROVED AND ADOPTED BY THE _____ CITY COUNCIL
THIS _____ DAY OF _____, 2025.

By: _____

Title: Mayor

(SEAL)

ATTEST:

By: _____, City Clerk

APPROVED AS TO FORM AND LEGALITY THIS _____ DAY OF _____,
2025.

By: _____

Title: City Attorney

ACCEPTANCE BY PERMIT HOLDER

Accepted this _____ day of _____, 2025, subject to applicable federal, state and local law.

**CLARITY TELECOM, LLC (D/B/A
BLUEPEAK)**

By: _____

Name: _____

Title: _____

17202022.04 – 6/21/2022