

Title 17

ZONING

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Chapter 17.04

INTRODUCTORY PROVISIONS

Sections:

- 17.04.010 Authority
- 17.04.020 Short title.
- 17.04.030 Purpose.
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- 17.04.050 Conflict.

17; 04.010 Authority. This title is adopted pursuant to and in accordance with the authority vested in the town council of the town and by the provisions of Section 15-1-103 Wyoming Statutes, Sections 15-1-501 through 15-1-512 Wyoming Statutes, and Section 15-1-601 through 15-1-611 Wyoming Statutes, as amended. (Prior Code § 7-101)

17.04.020 Short title. This title shall be known, cited and referenced to as the zoning title of the town. (Prior Code § 7-102)

17.04.030 Purpose. This title is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of present and future inhabitants of the town, including among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land and distribution of land development and utilization, protection of the tax base and property values, securing economic growth, protection of both residential and nonresidential development, to promote the most appropriate use of land and insure orderly and centralized growth, and to protect the lifestyle and environmental quality of the town. (Prior Code § 7-201)

17.04.040 Interpretation. In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. (Prior Code § 7-202)

17.04.050 Conflict. This title shall not nullify the more restrictive provisions of other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive. (Prior Code § 7-203)

Chapter 17.08 DEFINITIONS

Sections:

17.08.010 Definitions

17.08.010 Definitions. For the purpose of this title, certain words, terms and phrases shall be defined to have the same meaning as set forth in this section. Where apparently inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural and the plural the singular. The word "shall" is always mandatory and not directory. The word "may" is permissive.

"Accessory building" means a building customarily incidental to, and located on the same lot occupied by, the main use or building.

"Agriculture" means the tilling of the soil, the raising of crops, horticulture, gardening, ranching and the keeping or rising of domestic animals and fowl excepting household pets. Agricultural land shall include buildings and structures required for agricultural purposes.

"Alley" means a public thoroughfare twenty feet or 6.10 meters or less in width, which affords only a secondary access to abutting property.

"Building" means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or movable possessions.

"Building height" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between ridge and eaves of a gable, hip or gambrel, roof.

"Building permit" means a written warrant or license granting a land owner approval for proposed construction, reconstruction or alteration of buildings or structures.

" Dwelling unit" means a building arranged, intended, or designed to be occupied by one or more families living independently of each other upon the premises.

"Family" one or more persons related by blood, marriage or adoption, occupying a dwelling unit and living as a single housekeeping unit, as distinguished from renters, roomers or as a group occupying a hotel or motel, as defined in this chapter.

"Floodway" means the area through which the main body of flood water flows.

"Floodway fringe area" means the area immediately adjacent to the floodway, characterized by a large volume of water moving slower than the main floodway, often dry until subject to flooding.

"Floor area" means the total horizontal living area of a building measured on the outside walls of each story.

"Garage" means an accessory building designed or used for the storage of not more than four automobiles owned and used by the occupants of the building to which it is an accessory.

"Grade (ground level)" means the average of the finished ground level at the center of all walls of a building. For buildings adjoining one street only, the elevation of the ground at the center of that wall adjoining the street shall be considered grade. For buildings adjoining more than one street, grade is the average of the elevations of the ground at the centers of all walls adjoining the streets. All walls approximately parallel to and more than five feet (1.52 m) from a street line are to be considered as adjoining a street. .

"Home occupation" means any use conducted entirely within a dwelling carried on primarily by the inhabitants living there and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling; provided, however, there shall be no uses allowed classified as industrial.

"Hospital" means any building or portion thereof used for the diagnosis, treatment or for the accommodation and medical care of sick, injured or infirm persons and including sanitariums, but not including clinics, rest homes and convalescent homes.

"Hotel" means a building or part thereof which has a common entrance, common heating system, and may include a general dining room, and which contains seven or more living and sleeping rooms designed to be occupied by individuals and sleeping rooms designed to be occupied by individuals or groups of individuals for compensation.

"Household pets" means animals ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel, as defined by Ordinance 6.04.010.

"Junkyard" means anyplace, establishment or business maintained, used or operated for storing, keeping, buying or selling junk or for the maintenance or operation of automobile graveyards.

"Indirect lighting" means a source of illumination which is enclosed in a manner which prevents all unshielded light from being seen.

"Industrial park" means a group of nonnuisance industrial plants on a single parcel of land, or on separate parcels contiguously arranged so as to form planned development of industrial sites, building or buildings.

"Lot" means a parcel of land occupied or to be occupied by a main building or group of buildings (main and accessory), together with such yards, open space, lot width and lot areas as are required by this title and having frontage upon a street. Except for group dwellings, not more than one dwelling structure shall occupy any one lot.

"Lot area" means the total area within the property lines of the lot, excluding adjacent streets.

"Lot corner" means a lot, abutting on two intersecting or intercepting streets, where the

interior angle of intersection or interception does not exceed one hundred thirty-five degrees.

"Lot, interior" means a lot other than a corner lot.

"Lot line, front" means the property line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line. Provided the shorter side is the logical front for a lot considering the location of other dwellings on the street. The appropriate town official shall be responsible for determining the front of a lot should a question arise.

"Lot line, back" means the lot line opposite the front lot line.

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

"Lot width" the distance parallel to the front lot line measured between side lot lines through that part of the building, structure or lot where the lot is narrowest.

"Mobile home" means a factory assembled structure exceeding eight feet or 2.44 meters in width and thirty-three feet or 10.06 meters in length, equipped with the necessary service connections and made so as to be readily movable as a unit on its running gears and designed to be used as a dwelling unit without permanent foundation.

"Mobile home park" means an area designated for and/or occupied by more than two mobile homes or facilities delineated above, on units of space of predesigned type, which may be utilized for living purposes, either permanent, seasonal, or both, and each unit is on less than seven thousand square feet.

"Open space" means unoccupied space within the incorporated limits, set aside for recreation uses.

"Parking space" means space within a building, lot or parking lot for the parking or storage of one automobile. The parking space shall not be less than ten feet by twenty feet (3.05 m x 6.10 m) or two hundred square feet (18.6 sq. m) in area.

"Permitted uses" means all uses permitted in a district, subject to the same use, density, sign, parking and spatial regulations applicable to that district.

"Planning commission" means the planning and zoning commission of the town.

"Sign" means any device used for visual communication to the general public and displayed out-of-doors, including signs on painted exterior walls, and interior illuminated signs, to be viewed from out-of-doors, but not including any flag, badge, or ensign of any government agency.

"Sign, advertising" means a sign which directs attention to a use, product, commodity, or service not related to the premises.

"Sign, business" means a sign which directs attention to a use conducted, product or commodity sold, or service performed upon the premises.

"Sign, identification" means a sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses located upon the premises.

"Sign, name plate" means a sign indicating the name and/or occupations of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

"Sign, property" means a sign related to the property on which it is located and offering such property for sale or lease or advertising contemplated improvements or announcing the name of the builder, owner, designer or developer of the project, or warning against trespassing.

"Sign, public information" means a sign erected by a public or nonprofit agency, service club, etc., giving information to direct the public to both public and private facilities and major uses.

"Sign, temporary" means and shall include any sign, banner, pennant or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be used for a short period of time only.

"Site plan" means a graphic portrayal drawn to scale of all required elements including, but not limited to, existing and proposed buildings, utility rights-of-way, fencing, landscaping, and parking and loading areas.

"Street" means a public thoroughfare the surface of which is at least eighty feet wide, which affords principal means of access to abutting property.

"Structure" means anything constructed or erected which requires location on the ground or is attached to something having a location on the ground.

"Use" means the purpose for which land or building is designed, arranged or intended, or for which it is or may be either occupied or maintained.

"Yard, front" means a space on the same lot with a building, between the front line of the building (exclusive of steps) and the front lot line, and extending across the full width of the lot.

"Yard, rear" means a space on the same lot building, between the rear line of the building of steps and chimneys) and the rear line of the extending the full width of the lot.

"Yard, side" means a space on the same lot with a building, between the side line of the lot and extending from the front yard line to the rear line of the lot and extending the full width of the lot.

"Zone" is synonymous to district.

"Zoning officer" means the duly constituted town official designated to administer and enforce this zoning title.

"Zoning map" means the official map which describes thereon the several zoning districts to which the regulations set forth in this title shall apply. (Amended Ordinance 2010-05, November 8, 2010)

Chapter 17.12 ADMINISTRATION AND ENFORCEMENT

Sections:

17.12.010 Enforcement responsibility.

17.12.020 Enforcement agent.

17.12.030 Enforcement and penalties.

17.12.010 Enforcement responsibility.

A. It shall be the responsibility of the town councilor its authorized agent to be known as the zoning officer, to administer this zoning title.

B. It is unlawful to locate, erect, construct, reconstruct, enlarge, maintain or use any building or use any land within the incorporated area of the town without first obtaining authorization from the town councilor its authorized agent. No such authorization shall be issued unless the plans for the proposed building, structure or use, fully comply with this zoning title. The planning and zoning commission or their authorized agent shall act upon any application filed with it. They shall grant authorization in all cases where the proposed construction or use complies with all requirements of the zoning title and if it denies the authorization shall specify

the reasons for such denial. (Prior Code § 7-801)

17.12.020 Enforcement agent.

A. The planning and zoning commission, with the approval of the town council, may appoint a zoning enforcement agent for the administration and enforcement of the provisions of this title. This agent shall be designated the zoning officer.

B. The zoning officer shall have the authority and responsibility to enter upon public or private premises and make inspection thereof at any reasonable time and for any proper purpose of enforcing this title. Further, upon reasonable cause or question as to proper compliance, to revoke any authorization and issue cease and desist orders, requiring the cessation of any construction, alteration or use which is in violation of the provisions of this title. (Prior Code § 7-802)

17.12.030 Enforcement and penalties.

A. It shall be the responsibility of the town council and agent, the planning and zoning commission, the zoning title.

B. No person shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or use of land in violation of this title or amendment thereto.

C. The planning and zoning commission shall declare each violation a nuisance and order, in writing, correction of all conditions which are found to be in violation of this title. All violations shall be corrected within a period of thirty days after the written order is issued or in a longer period of time as indicated by the planning commission in written order. Any violations not corrected within the specified period of time shall be prosecuted.

D. Any person who violates this title may be punished by a fine of not more than one hundred dollars for each offense. Each day's continuance of such violation shall be deemed to be a separate offense. In addition to the fine, any other appropriate legal action authorized by the town council may be employed against violators of the zoning title. (Prior Code § 7-811)

Chapter 17.16

ZONING DISTRICTS DESIGNATED

Sections:

- 17.16.010 Zoning map and boundaries
- 17.16.020 Establishment of districts.

17.16.010 Zoning map and boundaries. The boundaries and zoning classifications of districts established are as shown on the official zoning map for the town as adopted or amended after public hearings by the town council. Such maps and all notations, references, data and other information shown thereon are, by reference, made a part of this title. (Prior Code § 7-401 (part))

17.16.020 Establishment of districts. In order to carry out the provisions of this title there are created zoning district classifications as follows:

Low Density Residential District R-1

Medium Density Residential District R-2
Mobile home Park MHP
Commercial District C
Industrial District I
Public Ownership District PO
(Prior Code § 7-501 (part))

Chapter 17.20
GENERAL PROVISIONS

Sections:

17.20.010 Applicability.
17.20.020 Nonconforming uses and buildings.
17.20.030 Premises to be clean and orderly.
17.20.040 Conditional use permit.
17.20.050 Appeals.
17.20.060 Stays.
17.20.070 Legal action.
17.20.080 Liability for damage.
17.20.090 Building permits.
17.20.100 Licensing.

17.20.010 Applicability. Except as hereinafter otherwise provided:

A. No building or structure or part thereof and no lot or land or part thereof shall hereafter be used, except in conformity with the use regulations herein prescribed. Any existing lawful use that does not, conform to the use regulations of this title shall be deemed a nonconforming use.

B. No building or structure or part thereof shall hereafter be erected, structurally altered, enlarged or rebuilt except in conformity with the lot dimension, yard ,coverage, height and density regulations herein prescribed.

c. Any building or structure that does not conform to such regulation hereinafter referred to as the design standards of this title shall be deemed a nonconforming structure, irrespective of the use to which it is put. (Prior code §7-402)

17.20.020 Nonconforming uses and buildings.

A. Normal maintenance, repairs or reconstruction of a building or other structure containing a nonconforming use is permitted; provided, it does not extend the floor area occupied by the nonconforming use.

B. Repairs, reconstructions or structural alterations may be made to a nonconforming building or to a building housing a nonconforming use subject to approval by the planning and zoning commission.

C. A building or structure lacking sufficient automobile parking space in connection therewith, as required by this title, may be altered or enlarged in order to provide additional automobile parking space as required in this title.

D. A building or structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied for a continuous period of one year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

E. A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the use became nonconforming.

F. The nonconforming use of a building or structure may not be changed except to a conforming use but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

G. The nonconforming use of land, existing at the time the unamended ordinance codified in this title became effective may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed to a conforming use for a period of one year or more, any future use of such land shall be in conformity with the provisions of this title.

H. A nonconforming mobile home may be removed and replaced by another mobile home provided replacement occurs within a period of one year of the date on which the mobile home was removed and meets the requirements of the Wyoming Standards Governing Mobile Home Parks and all other Ordinances herein. (Ord. 2014-01)

17.20.030 Premises to be clean and orderly.

A. It shall be the duty of every owner, manager, lessee, renter, tenant or occupant of any building, house, apartment, lot or other property to maintain said premises, including any, adjacent publicly owned, right-of-way, as hereinafter specified, in a clean and orderly condition at all times, permitting no accumulation of rubbish, trash, junk, garbage, litter, discarded or unused building materials, furniture or appliances, automobile parts, animal wastes or other debris.

B. No owner, manager, lessee, renter, tenant or occupant of any building, house, apartment, lot or other property shall allow more than two (2) inoperable vehicles on the subject property. Any inoperable vehicles must be screened from view from the adjoining streets. An inoperable vehicle is any vehicle that cannot be safely and legally operated on a Wyoming public street or highway with no modifications. Multiple adjoining lots associated with one address and/or building shall be treated as one property for purposes of this Ordinance. No vehicle with broken glass, protruding metal or other features that make it unsafe for a danger to people or animals shall be allowed.

C. It shall be the duty of every owner, manager, lessee, renter, tenant or occupant of any building, house, apartment, lot or other property to cut, pull, remove or otherwise lawfully dispose of all unsightly weeds, wild grasses and other noxious plants growing upon said premises and any adjacent public right-of-way, as hereinafter specified, and to keep any lawn or ground cover or other plantings upon said premises and right-of-way in a well-maintained and attractive condition.

D. The duty imposed by this section to maintain adjacent publicly owned rights-of-way shall extend, in the case of paved roads, only to those portions of such rights-of-way between the adjacent property line and the curb or edge of the road pavement. For alleys, unpaved roads and

other, rights-of-way it shall include only the area between the adjacent property line and an imaginary line drawn parallel to said property line at a distance of three feet.

E. Any violation of the provisions of this section or failure to meet any duty imposed by this section shall constitute a misdemeanor offense and upon conviction thereof the violator may be fined in an amount not to exceed seven hundred fifty dollars, to which may be added costs. The imposition of any penalty for any violation of this section shall not excuse the violation or permit it to continue; and the court shall order all persons convicted hereunder to correct or remedy the violations or defects within a reasonable time; and each day thereafter that the prohibited condition is not corrected or remedied shall constitute a separate and continuing offense for which the court shall impose a fine on a per diem basis.

17.20.040 Conditional use permit.

A. An conditional use permit shall be required for each and every conditional use wherein a person or entity within the jurisdiction of the Town wish an Ordinance to be temporarily inapplicable in a certain instance. No building permit or other permit or license shall be issued for a conditional use by any officer or employee of the town unless a conditional use permit shall have been approved.

B. Application. Application for a conditional use permit shall be made at the office of planning and zoning commission on forms provided for that purpose.

C. Development Plan. The applicant for a conditional use permit shall prepare a site plan of the proposed conditional use, drawn to scale and showing all existing and proposed buildings, utility rights-of-way, fences, landscaping, automobile parking and loading area and any other information the planning and zoning commission may deem necessary. Four copies of the sight plan shall be submitted along with the application.

D. Fee. Any and all fees concerning conditional use permits shall be set by resolution of the Town Council, in addition to any building permit or other fees.

E. Public Hearing and Notice.

1. The Planning and Zoning Commission shall hold a public hearing on all conditional use applications at which all interested parties shall have an opportunity to be heard. Notice of the time and place of the public hearing and the nature of the conditional use sought shall be given by one publication in a newspaper of general circulation in the town at least fifteen days before the date of such hearing or alternatively notice may be posted at the town hall at least fifteen days before the date of such hearing. Notification shall also be sent to at a minimum, owners of property immediately adjoining, disregarding any roads or rights-of-way, the property for which a Conditional Use is sought, such notification to be memorialized by signature by said neighbors. The posted notices shall be in number, size and location as prescribed by the zoning officer and shall state the present zoning classification, the proposed conditional use and the time and place of the public hearing on standard signs provided by the town. Notices shall be posted by a designated town official and removed by the same within fifteen days after the. public hearing has been held ..

2. After its public hearing and after due deliberation, the planning and zoning commission shall certify its findings and recommendations on any proposed conditional use to the Town Council in writing in accordance with subsections F and G of this section.

3. No conditional use shall be considered by the council until after it has been the subject of a public hearing before the planning and zoning commission and the commission has forwarded its findings and the recommendations to the council. In its deliberations on zoning matters before it, the council shall take into consideration any evidence and material available to it, comments of public agencies and the findings and recommendations of the planning and zoning commission. The council may also request additional information from the applicant. No conditional use shall be put into effect unless a majority of the council votes in favor of its adoption.

F. Commission Action. The planning and zoning commission may approve, modify and approve, or deny the conditional use application. In approving any conditional use, the Planning and Zoning Commission and/or the Town Council shall may regulations and conditions as are necessary, to protect the public welfare.

G. In approving a conditional use, the planning and zoning commission may find:

1. That the proposed use is necessary or desirable and will contribute to the general well-being of the community;
2. That the proposed use will comply with the regulations of this title;
3. That the use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
4. That the proposed use is in harmony with the intent of this title, the master plan and any other applicable ordinances of the town.

H. Inspection. A Town Designee may inspect the conditional use during the course of the use to insure that it complies with the conditions of the use permit.

L Time Limit. A conditional use permit shall be null and void when the conditioned use has ceased, the ownership of the subject property has changed, or upon revocation of the permit, after hearing, by either the Town Council or the Planning and Zoning Commission, whose decision to revoke may be appealed to the Town Council.

J. Revocation. A conditional use permit may be revoked upon failure to comply with the conditions, imposed with the original approval of the permit and/or if the exercise of the Conditional use becomes detrimental to the Town or the public. (Ord. 2016-05; 1/9/2017)

17.20.050 Appeals. Any decision of the planning and zoning commission which does not automatically go to the town council, may be appealed to the town council by any person aggrieved or affected by any decision of the planning and zoning commission or their authorized representative. Such appeal shall be made within ten days from the date of the action being appealed by filing a notice of appeal with the town council.. The planning and zoning commission shall forthwith transmit to the town council all papers constituting the record of the action being appealed. (Prior code §7-805)

17.20.060 Stays. An appeal of a decision by the planning and zoning commission or its authorized representative shall stay all proceedings in furtherance of the action appealed, unless the planning and zoning commission or its authorized representative shall certify to the town council, after notice of appeal has been filed with both of them, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order which may be granted by the town councilor by a court of record on application or notice to the planning and zoning commission or its authorized representative, and on due cause shown. (Prior code §7-806)

17.20.070 Legal action. In case any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, maintained or used, or any land is proposed to be used in violation of any provision of this title, or any amendment thereof, the town council and the attorney for the town or any owner of real estate within the zoned areas, in addition to other remedies provided by law, may institute injunction, mandates, abatement or any other appropriate action to prevent, enjoin, above or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use. (Prior code §7-807)

17.20.080 Liability for damages. This title shall not be construed to hold the town responsible for any damage to persons or property for reason of the inspection or reinspection authorized in this title or failure to inspect or reinspect for reason of issuing authorization in the administration and enforcement of this title. (Prior code §7-808) .

17.20.090 Building permits.

A. Building permit applications shall be filled out by contractor, authorized agent, or owner of land and be submitted to the building inspector. Such permit becomes null and void if work or construction authorized is not commenced within one hundred eighty days.

B. The applicant for a building permit shall prepare a site plan, except where the building permit concerns interior or exterior changes with no alteration of the building's dimensions. The site plan shall be drawn to scale and show all existing and proposed buildings, utility rights-of-way, fences, landscaping, automobile parking and loading areas and any other information the planning and zoning commission may deem necessary.

C. Building permits and site plans shall be submitted to the planning and zoning commission for review. (Prior code §7-809)

17.20.100 Licensing. All officials and public employees of the town which are vested with the duty or authority to issue permits or licenses shall enforce the provisions of this title. Any permit or license issued and used in conflict with the provisions of this title shall be null and void. (Prior code §7-810)

Chapter 17.24

R-1 LOW DENSITY RESIDENTIAL DISTRICT

Sections:

- 17.24.010 Purpose
- 17.24.020 Permitted uses.
- 17.24.030 Conditional uses.
- 17.24.040 Lot and yard requirements

17.24.010 Purpose. A. Purpose. The purpose of the R-1 low density residential district is to provide appropriate locations where low density residential neighborhoods may be

established, maintained and protected. The regulations also permit the establishment, with proper controls, of churches, schools, libraries, parks and playgrounds. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood. (Prior code §7-501)

17.24.020 Permitted uses. The permitted uses in the R-1 low density residential district are:

- A. One Single-family dwelling unit or two-family dwelling unit with a common party wall;
- B. Home Occupations;
- C. Parks and playgrounds. (Prior code §7-501 (part))

17.24.030 Conditional uses. The conditional uses in the R-1 low density residential district are:

- A. Churches and public libraries;
- B. Educational institutions;
- C. Hospitals, clinics, and day care centers;
- D. Public utilities and facilities. (Prior code §7-501 (part))

17.24.040 Lot and yard requirements. The lot and yard requirements for the R-1 low density residential district are:

- A. Minimum lot size, ten thousand square feet;
 - B. Minimum front setback twenty feet;
 - C. Minimum side setback six feet, except on corner lots where minimum setback is twenty feet on each side.
 - D. Minimum rear setback, one foot from alley, five feet without alley.
 - E. Maximum Fence height on corner lots shall be four feet high for twenty feet from the intersection corner.
 - F. Maximum building height, twenty five (25) feet.
 - G. Minimum setback on any entrance twenty (20) feet from the nearest property line.
- (Ord. 2003-6, 11/10/2003)

17.24.045 Fences and Walls.

A. No fence, wall, or retaining wall in an R-1 district shall be erected until application for the approval of a permit by the town administration. The application must include a plan showing the lot dimensions, the location of existing buildings and improvements, the proposed fence location, and the proposed fence heights for each side, and the proposed fencing materials. The application may be referred to the Planning and Zoning Commission for its recommendations before consideration by the Town Council.

B. Fences, walls, and retaining walls may not exceed a height of 48 inches in the front yard and for a distance of 40 feet from the front lot line and may not exceed a height of 6 feet on any other part of the zone lot. On corner lots, on fence, wall, retaining wall or obstructing foliage shall be allowed within 40 feet of the point of intersection of the two intersecting property lines forming the corner or, in curved property lines, the projected point of intersections of the two property lines extended.

C. Fencing materials used shall be of the same material on any side of the zone lot being fenced which is of the same height, and all such materials shall be constructed and maintained in a neat and workmanlike manner.

D. No barbed wire or electrically charged fences shall be allowed.

E. The construction or maintenance of a fence in violation of this section is declared a nuisance. In addition to any other remedies or penalties provided by the Marbleton Municipal Code, where such a nuisance is found to exist the mayor shall have notice served on the owner, occupant or agent in charge of any property upon which such nuisance exists, or upon the author of such nuisance, giving notice of the existence of the nuisance and demanding abatement within 48 hours from service or delivery of notice, unless a longer time is given by the mayor. If the nuisance is not abated within the time set by the notice, the Town may initiate proceedings in a court of competent jurisdiction for abatement of such nuisance. (7/12/2021)

17.24.050 Bulding Construction Time Limit

No building or structure or part thereof, which was manufactured in another location, shall be placed, moved or relocated into the Town of Marbleton, if that building or structure was manufactured more than ten (10) years before it is placed, moved or relocated. Before the placement of any such building, absent a variance or conditional use permit, a permit allowing such placement shall be obtained from the Town Clerk. Such a permit shall only issue upon showing that the proposed building being placed is in compliance with this Ordinance. (Ord. 2013-3; 2/10/2014)

Chapter 17.28

R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

Sections:

- 17.28.010 Purpose
- 17.28.020 Permitted Uses.
- 17.28.030 Conditional Uses.
- 17.28.040 Lot and Yard Requirements.
- 17.28.050 Parking.
- 17.28.060 Fences and Walls

17.28.010 Purpose. The purpose of the R-2 medium density residential district is to provide appropriate locations where medium density residential neighborhoods may be established, maintained and protected. The regulations also permit the establishment, with the proper controls, of churches, schools, libraries, parks and playgrounds. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood.

17.28.020 Permitted uses. The permitted uses in the R-2 medium density residential district are:

- A. Single and two family dwelling units with a common party wall.

- B. Home occupations.
- C. Parks and playgrounds.

17.28.030 Conditional uses. The conditional uses in the R-2 medium density residential district are:

- A. Multiple dwellings.
- B. Churches and public libraries.
- C. Educational institutions.
- D. Hospitals, clinics, and day care centers.
- E. Public utilities and facilities.
- F. Parking lots for permitted or conditional uses.
- G. Business in an accessory building. (Prior code §7-501 (part))

17.28.040 Yard and lot requirements. The lot and yard requirements for the R-2 medium density residential districts are:

- A. Minimum lot size, 7,000 square feet.
- B. Minimum front setback, 20 feet.
- C. Minimum side setback, 6 feet, except on corner lots, where minimum setback is 20 feet on each street side.
- D. Minimum rear setback, 1 foot with an alley, 6 feet without an alley.
- E. Maximum fence height on corner lot shall be 4 feet high for 20 feet from the intersection corner.
- F. Maximum building height, 35 feet (not to exceed 2 stories).
- G. Minimum setback for an entrance driveway is 20 feet from the nearest property line. (Ord. 2003-5,2003; Prior code §7-501 (part)).

17.28.050 Parking. Multiple dwellings shall have a minimum of 1 parking space per unit. (Prior code §7-501 (part)).

17.28.060 Fences and Walls.

A. No fence, wall, or retaining wall in the R-2 medium district shall be erected until application for the approval of a permit by the town administration. The application must include a plan showing the lot dimensions, the location of existing buildings and improvements, the proposed fence location, and the proposed fence heights for each side, and the proposed fencing materials. The application may be referred to the Planning and Zoning Commission for its recommendations before consideration by the Town Council.

B. Fences, walls, and retaining walls may not exceed a height of 48 inches in the front yard and for a distance of 40 feet from the front lot line and may not exceed a height of 6 feet 0 any other part of the zone lot. 0 corner lots, on fence, wall, retaining wall or obstructing foliage shall be allowed within 40 feet of the point of intersection of the two intersecting property lines forming the corner or, in curved property lines, the projected point of intersections of the two property lines extended.

C. Fencing materials used shall be of the same material on any side of the zone lot being

fenced which is of the same height, and all such materials shall be constructed and maintained in a neat and workmanlike manner.

D. No barbed wire or electrically charged fences shall be allowed.

E. The construction or maintenance of a fence in violation of this section is declared a nuisance. In addition to any other remedies or penalties provided by the Marbleton Municipal Code, where such a nuisance is found to exist the mayor shall have notice served on the owner, occupant or agent in charge of any property upon which such nuisance exists, or upon the author of such nuisance, giving notice of the existence of the nuisance and demanding abatement within 48 hours from service or delivery of notice, unless a longer time is given by the mayor. If the nuisance is not abated within the time set by the notice, the Town may initiate proceedings in a court of competent jurisdiction for abatement of such nuisance. (Ord. 2001-8, 2001)

17.28.070 Building Construction Time Limit

No building or structure or part thereof, which was manufactured in another location, shall be placed, moved or relocated into the Town of Marbleton, if that building or structure was manufactured more than ten (10) years before it is placed, moved or relocated. Before the placement of any such building, absent a variance or conditional use permit, a permit allowing such placement shall be obtained from the Town Clerk. Such a permit shall only issue upon showing that the proposed building being placed is in compliance with this Ordinance.

(Ord. 2013-3; 2/10/2014)

Chapter 17:32

MHP MOBILE HOME, PARK DISTRICT

Sections:

- 17.32.010 Purpose.
- 17.32.020 Permitted uses.
- 17.32.030 Conditional uses.
- 17.32.040 Definitions.
- 17.32.050 Plans and specifications.
- 17.32.060 Permits.
- 17.32.070 Inspection of mobile home parks.
- 17.32.080 General provisions which apply to mobile home parks.
- 17.32.090 Water supply sampling.
- 17.32.100 Registration of occupants.
- 17.32.110 Refuse disposal.
- 17.32.120 Special standards governing overnight facilities for mobile homes, truck campers and tenting units.

17.32.010 Purpose. This district is intended to allow for mobile homes in a planned environment. This section contains special development standards similar to those adopted by the

state. In addition to these regulations, all nobile home parks must comply with all applicable state standards and secure all necessary state approvals prior to requesting final approval by the town. (Prior code §7-501 (part))

17.32.020 Permitted uses. The permitted uses for the mobile home park district are:

- A. Mobile homes in a mobile home park and complying with all of the provisions of these regulations and the subdivision regulations of the town;
- B. Home occupations;
- C. Parks and playgrounds. (Prior code §7-501(part))

17.32.030 Conditional uses. The conditional uses for the mobile home park district are:

- A. Churches and public libraries;
- B. Educational institutions;
- C. Hospitals, clinics, and qay care centers;
- D. Public utilities and facilities;
- E. Parking lots for permitted or conditional uses. (Prior code §7-501(part))

17.32.040 Definitions. For the purposes of this chapter:

"Approved" means acceptable to the health authority following his determination as to conformance with these standards and good public health practice.

"Health officer," as used in this chapter, means the administrator of the Division of Health and Medical Services, Wyoming Department of Health and Social Services, or his authorized representative.

"Mobile home" means a structure so constructed as to permit its being conveyed upon a public street or highway and constructed in such a manner as will permit permanent year-round occupancy thereof as a dwelling. Such unit's overall length shall be thirty-three feet or more. A structure having a flush toilet, bath or shower and all other usual home facilities. (This definition also applies to structures termed as "double-wides").

"Mobile home park" means an area designed for and occupied by three or more mobile homes or facilities defined in the definition of "mobile home" and "tent trailer" in this section or unit spaces of predesignated type which may be utilized for living purposes, either permanent, seasonal or botn.

"Person" means person, firm, corporation or association.

"Sanitary station" means a facility provided for the emptying of tanks and flushing of hoses of sewage holding tanks in travel trailers or other travel vehicles.

"Service building" means a building housing separate toilet and bathing facilities for men and women having laundry facilities and a service sink.

"Service sink" means a sink used for clean-up purposes within the service building and liquid waste disposal.

"Tent" means a shelter made of flexible material erected directly on the ground.

"Tent trailer" means a vehicle less than twenty feet in length with an expandable enclosure of canvas, fabric or metal constructed in such a manner that temporary faciltles for sleeping or dwelling are provided.

"Travel trailer" means a vehicle used and so constructed as to permit its being used as a conveyance upon public streets or highways and duly licensable as such,

constructed in such a manner as will permit occupancy thereof as a temporary or seasonal dwelling.

"Travel trailer or truck camper" means a travel trailer or truck camper which mayor may not have either a flush toilet, bath or shower. NOTE: Usually they contain a water tank and dishwashing facilities, therefore, dishwasher wastes must be provided for.

"Truck camper" means any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, constructed in such a manner that temporary facilities for dwelling or sleeping are provided upon the frame or bed of such vehicle. Such facilities may be either permanently or temporarily attached.

"Unit space" means a designated plot of ground within a mobile home park for the accommodation of one unit of a predesignated type. (Prior code §7-501(part))

17.32.050 Plans and specifications. No corporation, association, institution, firm or person shall construct a mobile home park as defined in these standards without prior written approval of the town and the health officer. One copy of the complete plans and specifications for the construction and operation of the proposed mobile home park shall be submitted to the town for review in accordance with town procedures and shall also be submitted to the Division of Health and Medical Services; Environmental Surveillance and Control Services, Wyoming Department of Health and Social Services, Cheyenne, Wyoming, at least forty-five days prior to the proposed date for bid letting or the start of construction. All plans shall show the following:

- A. The area dimension and boundaries of the mobile home park site;
- B. The number, location, size, designated use of all unit spaces, plus a designation as to specific usage. Information relating to recreation, solid waste disposal, insect and rodent control;
- C. The location and width of surface materials of roadways and walkways;
- D. The location of the service building(s), if provided/ plus any other proposed structures (storage building (s) / garbage and trash stations, etc.);
- E. Proof of current approval or permit to construct the water supply system, sewage collection, and disposal system from the Department of Environmental Quality;
- F. A floor plan of the service building(s) shall be prepared showing the number and location of toilets, urinals, shower(s) , or bath(s) , lavatory(s) , laundry facility(s) , service sink(s), door(s) , window(s), and all other pertinent information (walls, ceiling and floor finishes to be submitted);
- G. Complete plans and specifications of the sanitary station and its location;
- H. Plans and specifications of all other structures to be constructed or existing within the mobile home park;
- I. Statement of compliance with the town building, zoning and/or health approvals shall accompany the plans to the appropriate state agency. Construction shall not deviate from the submitted plans and specifications without additional review by the town and state. (Prior code §7501(part)).

17.32.060 Permits. It is unlawful for any person to operate a mobile home park in the town who does not possess a valid, town permit and one from the health officer. Such a permit shall be posted in a conspicuous place. Only persons who comply with the requirements of these standards shall be entitled to receive and retain such a permit. Annual permits are issued by the

state commencing each May 1st and shall remain in force until April 30th of the ensuing year. Such permits must be received to continue operation in the town. The following actions will result in the loss or non issuance of a permit.

A. Permits shall not be transferable from one person to another person or to a different location than originally issued;

B. Issuance of Permits. Any person, firm or corporation desiring to operate a mobile home park shall make written application for a permit on forms provided by the town and Environmental Surveillance and Control Services, Division of Health and Medical Services. Prior to issuance of the permit the mobile home park shall be inspected to determine compliance with the provisions of these standards. No permit shall be issued if the standards are not complied with;

C. The permit may be temporarily suspended by the health officer upon violation by the holder of the terms of these standards or revoked after an opportunity for a hearing by the health officer upon serious or repeated violations.

D. No mobile home park, following temporary suspension or nonissuance of a permit for noncompliance of the standards, shall operate in excess of thirty days. If conditions indicate, special consideration may be granted a mobile home park that has indicated a willingness and intent to achieve total compliance with the standards, a temporary permit may then be issued. Such temporary permits shall be for a specified time. No additional extension shall be granted for reasons of further noncompliance. NOTE: Special investigations may be initiated upon complaint and action may be then taken to avert potential and actual health hazards through the office of the county attorney.

E. After the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated provision or provisions of these standards have been conformed with, the health officer shall make a reinspection, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with requirements; and, in case the findings indicate compliance, shall reinstate the permit. (Prior code §7-501(part))

17.32.070 Inspection of mobile home parks. At least once every twelve months, the health officer will inspect every mobile home park located within the town. In case the health officer discovers a violation of any item of these standards, he shall make a second inspection after the lapse of such time as he deems necessary for the defect(s) to be remedied. If, upon subsequent inspection of any mobile home park, the health officer finds violations have not been corrected which have previously been brought to the attention of the owner or operator, he shall then give a second notice in writing to the person to whom the permit was issued that upon any consecutive violation of the same item on a third inspection shall necessitate immediate suspension of the permit. (Prior code §7-501(part)).

17.32.080 General provisions which apply to mobile home parks. The general provisions which apply to mobile home parks are:

- A. Mobile home park areas shall be graded and well drained;
- B. The mobile home park shall be adequately lighted at night;
- C. Each mobile home unit shall have its boundaries clearly defined and contain a minimum of three thousand square feet. The minimum width of the unit shall be thirty feet;
- D. Each unit shall abut on a driveway not less than twenty-four feet in width which shall

have unobstructed access to a public street or highway;

E. Mobile homes shall be located on unit space designated for such use;

F. Provisions shall be made for adequate all-weather walkways to each designated unit. Parking for one vehicle shall be provided for at each unit.

G. A sanitary station shall be provided within every mobile home park that provides units or facilities for travel trailers, truck campers or tent trailers.

H. No more than one mobile home unit shall be located on each lot.

I. Each mobile home unit shall be setback from the lot lines a minimum of twenty (20) feet on the front, six (6) feet from each side, and six (6) feet on the back or one (1) foot if the back lot line borders an alley. (Amended by Ordinance 2010-01, June 14, 2010)

17.32.090 Water supply sampling. Sampling for bacteriological (chemical examination required only once) examination shall be submitted regularly and routinely at the rate of not less than four times per year, while the mobile home park is operating. All mobile homes shall be connected to the town water supply. (Prior code §7-501 (part))

17.32.100 Registration of occupants. Every mobilehome park owner or operator shall maintain a register containing a record of all mobile homes, travel trailers, truck campers, tent trailers and tenters using the mobile home park. The register shall be current. (Prior code §7--501(part))

17.32.110 Refuse disposal.

A. All mobile homes shall be connected to the town sewer system.

B. The storage, collection and disposal of refuse shall be in such a manner as to avoid creating an insect or rodent harborage, health hazard, or odor nuisance and shall be approved by the health officer.

C. Refuse containers shall be provided in adequate numbers within one hundred feet of each unit space and shall be provided with protection from animals, rodents and insects.

D. Garbage shall be collected and disposed of a minimum of once weekly and more often if needed.

E. Every mobile home park shall be kept free of rubbish and maintained in a sanitary condition at all times.

F. All harborages for rodents and insects shall be eliminated and prevented.

G. Flies and mosquitoes shall be controlled by active control measures when required. (Prior code §7-501(part))

17.32.120 Special standards governing overnight facilities for mobile homes, truck campers and tenting units.

A. General. The following variances from the general provisions in Chapter 17.32 are made only for mobile home parks or parts of mobile home parks catering to the overnight camper utilizing such facilities as truck campers, travel trailers, tents and tent trailers; provided, that if such facilities are provided within a mobile home park, they must be totally separated from the permanent residents.

A. Unit Space.

1. Each designated unit space provided for a truck camper, travel trailer or tent or tenting unit shall contain a minimum of nine hundred square feet;

2. Each designated unit space provided for tenting units shall be provided with a table and provisions for fire building and easy access to disposal of liquid and solid wastes which might create a public health hazard;

3. No unit space serving a dependent travel trailer, truck camper or tent or tenting unit shall be located farther than, three hundred feet radially from the service building. Unit spaces farther than this distance must be designated for and be used by self-contained units only.

C. Water Supply. The water supply shall be approved by the town, Division of Health and Medical Services, Environmental Surveillance and Control Services, and the Water Quality Division of the Department of Environmental Quality. Tenting and some travel trailer or truck camper units may utilize a central watering unit provided it is not farther than one hundred feet from the farthest unit.

D. Service Building. Each mobile home park which permits overnight campers shall provide the following:

1. A service building which shall be equipped with toilet and bath facilities for each sex. The number of facilities required shall be in a ratio as stated in the following table:

Number of parking spaces	Toilets		Urinals	Laboratories		Showers		Other Fixtures
	Men	Women	Men	Men	Women	Men	Women	
1-15	1	2	2	2	2	2	2	Minimum of one slop sink
16-30	2	3	3	3	3	2	2	
31-45	3	4	3	4	4	3	4	
46-60	4	5	4	5	5	3	5	
61-80	4	6	4	5	5	5	6	

2. Each water closet shall be in a private compartment;

3. Sound retardant wall shall separate the toilet facilities for each sex when provided in a single building;

4. Each bath or shower shall be in a private compartment;

5. A slop sink(s) shall be provided for disposal of liquid wastes and for clean up and maintenance of the service building(s);

6. The service building shall be of permanent construction and be provided with adequate light, heat and positive ventilation in shower and bathing areas;

7. Interior construction of the service building shall be cleanable and provide moisture resistant materials on walls, ceilings and floors. Surfaces shall be a light color;

8. All windows, doors or other openings shall be screened or insect entry prevented.

9. All plumbing shall conform to the Uniform Plumbing Code, latest edition thereof and applicable town regulations;

10. Hot and cold running water shall be provided at all times in the service building. (Prior code §7-501 (part))

17.32.130 Building Construction Time Limi

No building or structure or part thereof, which was manufactured in another location, shall be placed, moved or relocated into the Town of Marbleton, if that building or structure was manufactured before January 1, 1978. Before the placement of any such building, absent a variance or conditional use permit, a permit allowing such placement shall be obtained from the Town Clerk. Such a permit shall only issue upon showing that the proposed building being placed is in compliance with this Ordinance.
(Ord. 2013-3; 2/10/2014)

Chapter 17.36
C COMMERCIAL DISTRICT

Sections:

- 17.36.010 Purpose.
- 17.36.020 Permitted uses.
- 17.36.030 Conditional uses.
- 17.36.040 Lot and yard requirements.
- 17.36.050 Residences in Commercial Districts

17.36.010 Purpose. This district is intended for the purpose of grouping those retail, commercial, institutional. and office uses necessary for a central business district serving a major trade area. (Prior code §7-S01(part))

17.36.020 Permitted uses. The following uses may be operated as permitted uses in the district, those uses not listed here shall not be permitted without receiving conditioned use approval. The permitted uses are:

A. Retail neighborhood stores, including grocery stores, frozen food lockers, delicatessens, bakeries, ice cream shops, cafes, restaurants, cafeterias, barber shops, beauty parlors, shoe repair shops, drug stores, variety stores, jewelry stores, electrical appliance stores, radio stores, fix-it shops, art and photographic shops, service stations, automobile supply shops, theaters, milliners, clothing stores, sporting goods shops, cleaner and dyer outlets (not cleaning and dyer plants), serve-yourself laundries, telegraph and telephone exchange buildings, hardware and furniture stores, other retail uses of a nature similar to those above specified. Stores for the conduct of retail or wholesale businesses, not including warehouses; provided that such stores do not give rise to dust, odor, noise, fumes, smoke, gas, wastes or to danger of explosion;

B. Dance halls, nightclubs, saloons, bowling alleys, pool and billiard rooms, enclosed shooting galleries and skating rinks;

C. Funeral establishments;

D. Dancing schools, music schools, business schools and trade schools;

E. Pet shops, taxidermy, dry cleaning, radio broadcasting stations, ice delivery stations, electrical shops, newspaper and printing shops and other uses of a similar nature which do not give rise to dust, odor, noise, fumes, smoke, gas or to danger of explosion. (Prior code §7-501

(part))

17.36.030 Conditional uses. The conditional uses which may be allowed in a C Commercial district are:

- A. Churches and public libraries;
- B. Educational institutions;
- C. Hospitals, clinics and day care centers;
- D. One single-family dwelling wholly contained within the commercial structure or one mobile home exclusively for the use of the owner of the lot and structures or a caretaker employed on the premises by the owner. (Ord. 95-3, 1995; Prior code §7-501(part))

17.36.040 Lot and yard requirements. The lot and yard requirements for the C commercial district are:

- A. Minimum lot size, none;
- B. Minimum front setback, none;
- C. Minimum side setback, none;
- D. Minimum rear setback, none;
- E. Maximum building height, thirty feet, not to exceed two stories. (Prior code §7-501 (part))

17.36.050 Residences in Commercial Districts.

A. No new residential building may be constructed or occupied in a C district without a valid Variance. Any residence within a C district, whether new or existing, shall adhere to all applicable Ordinances and standards as if they were in an R-2 district.

B. Reconstruction: An existing residential building or structure in a C district shall be allowed to be rebuilt at the same location so long as the reconstructed building or structure receives proper building permits and conforms to all other requirements of this code. Such reconstructed residential building shall conform with all standards, including setbacks, inspections and codes as if said residence was constructed in a R-2 district. (Ord. 2019-03; 9/9/2019)

Chapter 17.40
I INDUSTRIAL DISTRICT

Sections:

- 17.40.010 Purpose
- 17.40.020 Conditional uses.
- 17.40.030 Lot and yard requirements.
- 17.40.040 Residences in Industrial District
- 17.40.050 Livestock

17.40.010 Purpose. This district is intended to allow a compatible mixture of industrial uses which do not require excessively intensive land coverage, generate large volumes of traffic or create obnoxious sounds, glare, dust or odors. There are no permitted uses within this district

because of the small geographic area of the town and the fact that any approved location for an industrial use would-be adjacent to or near residential areas. All proposed industrial uses must be reviewed separately by the town through the conditional use process. (Prior code §7-501 (part))

17.40.020 Conditional uses. The conditional uses which may be allowed in an I Industrial district are:

- A. Any use permitted in a commercial district;
 - B. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries and food products, except the rendering or refining of fats and oils;
 - C. The manufacture and maintenance of billboards and commercial advertising structures;
 - D. Foundry casting of lightweight nonferrous metal not causing noxious fumes or odor;
 - E. Machine shop or other metal-working shop;
 - F. Concrete or cement products manufacture;
 - G. Restricted acetylene gas manufacture or bulk storage provided all hazardous liquids are securely stored within the building;
 - H. Public garages, automobile trailer, airplane or boat sales rooms or lots, and commercial parking areas;
 - I. Veterinary hospitals;
 - J. Water hauling businesses, roustabout businesses equipment rental and other oil-field-related industries;
 - K. Logging or logging-related industries;
 - L. Any other trade, industry, or use that will be injurious, hazardous, noxious, or offensive to an extent equal to or greater than those enumerated herein;
 - M. One single-family dwelling wholly contained within the business or industrial structure or one mobile home exclusively for the use of the owner of the lot and structures or a caretaker employed on the premises by the owner;
 - N. Any accessory use customarily incident to a use authorized by this section; provided, however, that the following uses shall be prohibited in an industrial district:
 - 1. Ammonia, bleaching powder or chlorine manufacture;
 - 2. Chemical manufacture;
 - 3. Iron or steel foundry of heavyweight casting;
 - 4. Rolling mills;
 - 5. Sodium or sulfur compounds manufacture.
- (Ord. 95-2 1995; prior code §7-501(part)) .

17.40.030 Lot and yard requirements. The lot and yard requirements for the I industrial district are:

- A. Minimum lot size, none;
- B. Minimum front setback, none;
- C. Minimum side setback, none;
- D. Minimum rear setback, none;
- E. Maximum building height, thirty feet. (Prior code §7-501 (part))

17.40.040 Residences in Industrial Districts.

A. No new residential building may be constructed or occupied in an I district without a valid Variance. Any residence within an I district, whether new or existing, shall adhere to all applicable Ordinances and standards as if they were in an R-2 district.

B. Reconstruction: An existing residential building or structure in an I district shall be allowed to be rebuilt at the same location so long as the reconstructed building or structure receives proper building permits and conforms to all other requirements of this code. Such reconstructed residential building shall conform with all standards, including setbacks, inspections and codes as if said residence was constructed in a R-2 district. (Ord. 2019-03; 9/9/2019)

17.40.050 Livestock. Livestock and animals otherwise prohibited may be present in an Industrial Zone so long as such animals comply with the following restrictions:

- A. The animals are maintained on the properties associated with and for the professional use of veterinary clinics or food processing businesses.
- B. In the case of an animal being processed as food, such an animal may only be present for a maximum of twelve (12) hours and a maximum of five (5) such animals at any one time. No animals shall be kept on the premises during periods when the food processing location is closed for more than twenty-four (24) consecutive hours.

Chapter 17.44

PO PUBLIC OWNERSHIP DISTRICT

Sections:

- 17.44.010 Purpose.
- 17.44.020 Permitted uses.

17.44.010 Purpose. The purpose of the PO district is to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated property. Notwithstanding those public uses permitted elsewhere in this code, the PO district is primarily concerned with although not limited to the enlightened planning of parks and recreation areas, public buildings and facilities, other capital improvements of a distinctly significant nature, and the coordination with other public agencies in their future land planning efforts. (Prior code §7-501(part))

17.44.020 Permitted uses. The permitted uses in the PO public ownership district are:

- A. Public and private utility services;
- B. Government services such as fire and police stations (jail), libraries, town offices and post offices;
- C. Educational institutions;
- D. Publicly owned and operated parks and recreational areas. (Prior code §7-501(part))

Chapter 17.48

SIGNS

Sections:

- 17.48.010 Purpose and intent.
- 17.48.020 Signs--Generally.

17.48.010 Purpose and intent. The purpose and intent of this chapter is to establish a set of standards for the fabrication, erection and use of signs, symbols, markings or advertising devices within the town. These standards are designed to protect and promote the health and safety of persons within the community and to aid and assist in the promotion of business and industry by providing regulations which allow and encourage creativity, effectiveness and flexibility in the design and use of such devices, and minimize the unreasonable restraint upon the needs of the community, while avoiding an environment that encourages visual blight. (Prior code §7-601)

17.48.020 Signs--Generally. The following regulations shall apply in the low density (R-1) and medium density (R-2) residential districts and the mobile home park district (MHP):

1. An unlighted signboard not exceeding eight square feet in area, appertaining to the lease or sale of the property, also a bulletin board not exceeding eight square feet in area erected upon the premises of a church or other institution for the purpose of displaying the name and activities of services therein, provided that such sign board must be set within five feet of the building lines and located so as not to create a traffic hazard.

B. The following regulations shall apply in the commercial and industrial districts:

1. Signs shall be placed on the sides or tops of the buildings so as not to obstruct a walkway or a view or cause a wind drift. Any other placement of a sign shall be considered a conditional use and subject to review just as any other conditional use. (Prior code §7-602)

Chapter 17.52

CHANGES AND AMENDMENTS TO ZONING

Sections:

- 17.52.010 Generally.

17.52.010 Generally. A. The zoning title, including the maps, may be amended from time to time by the planning and zoning commission and the town council. All proposed amendments shall be first proposed by the planning and zoning commission or shall be submitted to the commission for its recommendation.

B. Application. Application for a zoning amendment shall be made to the planning and zoning commission on forms provided for that purpose. .

C. Development Plan. The applicant' for a zoning amendment shall prepare a site plan such as described in Section 17.20.030.

D. Fee. The zoning amendment fee shall be thirty-five dollars.

E. Public Hearing and Notice.

1. The planning and zoning commission shall hold a public hearing on all amendments to this title and to the district zoning map at which all interested parties shall have an opportunity to be heard. Notice of the time and place of the public hearing and the nature of the amendment sought shall be given by one publication in a newspaper of general circulation in the town at least fifteen days before the date of such hearing or alternatively notice may be posted at the town hall at least fifteen days before the date of such hearing. Also, the area which is to be the subject of the hearing shall be posted for at least fifteen days prior to the hearing. The posted notices shall be in number, size and location as prescribed by the zoning administrator and shall state the present zoning classification, the proposed zoning classification and the time and place of the public hearing on standard signs provided by the town. Notices shall be posted by a designated town official and removed by the same within fifteen days after the public hearing has been held.

2. After its public hearing and after due deliberation, the planning and zoning commission shall certify its findings and recommendations on any proposed amendments to this title or to the district zoning map to the town council in writing, in accordance with subsection F of this section.

3. No zoning amendment shall be considered by the council until after it has been the subject of a public hearing before the planning and zoning commission and the commission has forwarded its findings and the recommendations to the council. In its deliberations on zoning matters before it, the council shall take into consideration any evidence and material available to it, comments of public agencies, and the findings and recommendations of the planning commission. The council may also request additional information from the applicant. No zoning change shall be put into effect unless a majority of the council votes in favor of its adoption.

4. In the event of a protest to a proposed amendment to the district zoning map duly signed and acknowledged by the owners of twenty percent or more of the area of the lots included within the proposed change, or those immediately adjacent within a distance of one hundred forty feet, the amendment shall not become effective except by the affirmative vote of three-fourths of all the members of the town council. In determining the one hundred forty feet, the width of any intervening street or alley shall not be included.

5. All protests to a proposed amendment to the district zoning map, or any withdrawals from such a protest, shall be filed with the zoning officer at least twenty-four hours before the time set by notice for the council meeting at which the proposed amendment will be considered.

F. Planning and Zoning Commission Action. The planning and zoning commission may approve, modify and approve, or deny the zone change application. The planning and zoning commission shall submit their recommendations of proposed changes and amendments to the town council for its consideration within thirty days after the public meeting unless additional information is requested by the town council or unless agreement is reached by the applicant and the planning and zoning commission to table the matter until the next meeting. Failure of the planning and zoning commission to submit its recommendation within the prescribed time shall be deemed approval by such commission of the proposed change or amendment, except when additional information has been requested or the matter has been tabled, with the approval of the

applicant.

G. Town Council Action. After a public hearing in accordance with subsection E of this section, the town council may approve, modify and approve, or deny an amendment to the zoning commission's recommendations. Town council shall take action within forty-five days after receiving recommendations for the planning and zoning commission, postponement may occur as set forth in subsection F of this section. (Prior code §7-804).

Chapter 17.58 VARIANCES

Sections:

17.58.010	Purposes and Limitations
17.58.020	Filing Requirements
17.58.030	Town Clerk Action
17.58.040	Planning and Zoning Commission Action
17.58.050	Town Council Action
17.58.060	Variance Standards
17.58.070	Revocation
17.58.080	Lapse

17.58.010 Purposes and Limitations. In order to prevent or lessen practical difficulties of unnecessary hardships resulting from the strict or literal interpretation of certain provisions of the zoning ordinances of the Town of Marbleton, the Town Council is authorized to grant variances. The authority to grant variances is intended to resolve practical difficulties or physical hardships resulting from the size, shape or dimensions of a site, or from topographic or physical conditions on a site or in the immediate vicinity of a site. (Ord. 2006-9, 9/11/2006)

17.58.020 Filing Requirements.

A. An application for variance shall be filed with the Town Clerk, shall be accompanied by the required filing fee, and shall include materials setting forth the following information:

1. The name and address of the owner or applicant;
2. A legal description or other information necessary to identify the site;
3. A site plan showing all existing and proposed structures or improvements on the site, and showing all natural conditions relevant to the application;
4. A statement of the precise nature of the variance request, the zoning regulations involved, and the non self-inflicted practical difficulty or physical hardship that would result from the strict or literal enforcement of the zoning regulations. (Ord. 2006-9, 9/11/2006)

17.58.030 Town Clerk Action The Town Clerk shall review the application and determine if the application is complete. If the application is not complete, the Town Clerk and

notify the applicant of the deficiencies. When a completed application has been received, the Town Clerk shall present the application to the Planning and Zoning Commission within 15 days after the completed application is reviewed by the Town Clerk. (Ord. 2006-9, 9/11/2006)

17.58.040 Planning and Zoning Commission Action. The Planning and Zoning Commission shall review the application at a regular meeting within 45 days from its receipt of the completed application. Within 15 days after its review, the Planning and Zoning Commission shall make recommendations to the Town Council that the Town Council grant the variance, grant the variance subject to conditions or modifications, or deny the variance. In making its recommendations the Planning and Zoning Commission shall consider the various standards set forth in this chapter. (Ord. 2006-9, 9/11/2006)

17.58.050 Town Council Action. The Town Council shall consider the application at a regularly scheduled meeting of the Town Council within 45 days after the recommendations of the Planning and Zoning Commission have been received. The Town Council may grant the variance, grant the variance subject to conditions or modifications, or deny the variance. The Town Council shall consider the various standards set forth in this chapter in making its decision. (Ord. 2006-9, 9/11/2006)

17.58.060 Variance Standards. The following standards shall apply to all variance applications:

A. The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to other properties in the vicinity.

B. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on use of the properties in the district.

C. The hardship which is the basis for the variance application was non self-inflicted by the applicant.

D. The granting of the variance is justified for one or more of the following reasons.

1. Strict interpretation or enforcement of the zoning regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the purposes of the zoning regulations;

2. There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same district;

3. Strict interpretation or enforcement of the zoning regulations would deprive the applicant of privileges enjoyed by other property owners in the same district. (Ord. 2006-9, 9/11/2006)

17.58.070 Revocation. A variance granted on condition may be revoked by the Town Council for failure to comply with the condition. (Ord. 2006-9, 9/11/2006)

17.58.080. Lapse. A variance shall lapse and become void one year following the date on which the variance was granted unless construction or development is commenced prior to the expiration date and diligently pursued to completion. The Town Council may extend its authorization for an additional period of six months for good cause. (Ord. 2006-9, 9/11/2006)