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CHAPTER 23
LAND USE ZONE DISTRICT ORDINANCE

ARTICLE I. TITLE AND PURPOSE

SECTION 23.1. TITLE.

An ordinance establishing specified land use districts or zones, and to regulate therein, buildings and structures according to their construction and the nature of the extent of their use, and the nature and extent of the uses of land, in the incorporated area of the City of Kemmerer, Wyoming, hereinafter referred to as the city, and providing for the administration and enforcement of the provisions therein contained, including the establishment of The Kemmerer Zoning Board and fixing penalties for the violations thereof and repealing any ordinance or parts of ordinances in conflict with the provisions provided herein.

SECTION 23-2. SHORT TITLE.

This ordinance shall be known and may be cited as "The Kemmerer Zoning Ordinance of 1997".

SECTION 23-3. DECLARATION OF PURPOSE.

This zoning ordinance is adopted for the purpose of promoting the public health, safety, morals, and the general welfare of the community, and to further the following related and more specific objectives:

(a) The guide and regulate the orderly growth, development, and redevelopment of the city in accordance with a comprehensive plan of long-term objectives, principles, and standards deemed beneficial to the interest and welfare of the people.

(b) To protect the established character and the social and economic well-being of both private and public property.

(c) To promote, in the public interest, the utilization of land for the purposes of which it is most appropriate.

(d) To secure safety from fire, panic, and other dangers, and to provide adequate light, air and convenience of access.

(e) To prevent overcrowding of land or buildings, and to avoid undue concentration of population.

(f) To lessen and, where possible, to prevent traffic congestion on public streets and highways.

(g) To conserve the value of buildings and to enhance the value of land throughout the city.

(h) In applying and interpreting the provisions of this ordinance, they shall be held to be minimum requirements.

ARTICLE II. DEFINITIONS AND RULES OF CONSTRUCTION

SECTION 23-4. RULES OF CONSTRUCTION.

In the interpretation of this ordinance, the following rules of construction shall be observed, unless the context clearly requires otherwise:

Words used in the present tense include the future; the singular numbers include the plural, and the plural the singular.

The word "person" includes a profit or non-profit corporation, company, partnership or individual.

The word "shall" is mandatory, and not directory; and the word "may" is permissive.

The word "lot" includes the word "plot".

The word "use" and the word "used" refer to any purpose for which a lot of land or part thereof is arranged, intended, or designed to be used, occupied, made available or offered for use; and to any purpose for which a building or structure or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use, or erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same.

SECTION 23-5. DEFINITION OF TERMS.

Abandoned: Any use or structure which is not actively pursued, or utilized for its intended purpose during the preceding 180 days at least 60 days. Failure to open for business or absence of active utility accounts or absence of active efforts to sell the property during the above stated period shall create the presumption of abandonment. Active efforts to sell the property will mean maintaining an active listing with a real estate agency with appropriate signage or, if for sale by owner, signage indicating the availability of the property for sale with a contact telephone number.

Accessory Building: A subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building within the zoning district.

Allowed Use: A use which requires no review by the Zoning Board.

Apartment; Two or more independent living units under a single title, to be occupied by individuals or groups of individuals for more than 30 days.

Basement: A floor level which is 4 feet or more below ground level for more than 50% of the perimeter.

Bed and Breakfast: A private home which is used to provide temporary, less than 30 days, accommodations for a charge to the public with not more than 4 lodging units or not more than a daily average of 8 persons per night and which no more than 2 family style meals are served per 24 hour period.

Billboard: Any off premises sign, or any on premises sign which is not used to advertise or identify the business at which the sign is located.

Block: A tract of land or a lot or group of lots, bounded by streets, public parks, parkways, railroad rights-of-way, water course, body of water, not subdivided land, or a boundary line or lines of the county or any combination thereof.

Building: A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals, or property, including tents, lunch wagons, dining cars, cap cars, trailers and other roofed structure on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the proposed of this definition "roof" shall include an awning or other similar covering, whether or not permanent in nature.

Building, Area of: The horizontal area measured around the outside of the foundation walls and of the floors or roofed porches and roofed terraces inclusive, and including the area of accessory buildings, if any. In the case of split-level dwellings, the "first floor area" shall be deemed to include floor areas on two (2) non-overlapping levels, separated by a half-story, or less, of height.

Communications Antenna: Consistent with federal or state law, any antenna structure which transmits signals, meeting FCC requirements, and which is in excess of 15 feet in height. Government agencies and political subdivisions are exempt from this definition.

Dependent Travel Unit: Means any conveyance designed to be used a temporary or seasonal dwelling which does not have a flush toilet or shower. The unit does contain a water tank. The unit's liquid wastes consist only of "gray water".

Dump: A lot or land or part thereof used primarily for disposal by abandonment, dumping, burial, incineration, or any other means for whatever purpose, of garbage, offal, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

Dwelling Unit: A building arranged, intended or designed to be occupied for residential purposes, which is functionally independent of other units.

Filling Station: A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks. A filling station may include accessory facilities for rendering service such as lubrication, washing and repairs.

Flood Plain: The relatively flat area of low land area that is likely to be inundated by the one hundred (100) year recurrence interval flood, and where such data is not available, the maximum flood on record and shown on the National Flood Insurance Map.

Floor Area: The total horizontal area of a building measured on the outside walls of each story excluding garages, unfinished basements, porches, or cellars.

Garage (Residential Use): A building or part thereof for the storage or parking of one (1) to four (4) vehicles.

Garage, Parking: A garage for the convenience of the general public in which no servicing, repairs, washing or reconditioning of motor vehicles is carried on.

Garage, Repair: Any garage other than a private garage or parking garage. A repair garage may include servicing, repairs, washing or reconditioning of motor vehicles and filling station facilities.

Gray Water: Means the liquid waste not containing fecal or other body wastes.

Height of a Structure: The vertical distance derived from the average finished grade at the foundation corners of the building or structure, to the highest point of the building or structure excluding a chimney or other similar structure.

Home Occupations: Any use customarily conducted within the dwelling or the premises and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the dwelling for dwelling purposes and does not change the character thereof.

Hotel/Motel: A building(s) which contains sleeping rooms designed to be temporarily occupied by individuals or groups of individuals for less than 30 days for compensation.

Independent Travel Unit: Means any conveyance designed to be used as a temporary or seasonal dwelling which has a flush toilet or shower. The unit has a sewage storage tank.

Industry, Non-Nuisance: Any industry which is not detrimental to the environment in which it is located by reason of the emission of smoke, noise, odor, dust, vibration or excessive light, beyond the limits of its lot, or by reason of generating excessive traffic with attendant hazards.

Industrial Park: A ground of non-nuisance industrial plants on a single parcel of land, or on separate parcels continuously arranged, s as to form a planned development of industrial sites, building or buildings.

Junk Yard: A lot, land or structure or part thereof, used primarily for collecting, storage and sale of waste paper, rags, scrap metal or other discarded material; or for the collection, dismantling, storage or salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

Kennel, Commercial: Means any premise in which a person engages in the business, work or hobby of boarding, breeding, buying, letting for hire, training for fee, offering for adoption or selling dogs or cats, including any dwelling or other property maintaining more than four (4) dogs or cats.

Live Stock: Domesticated Farm Animals which include cows, sheep, goats, horses, mules, donkeys, llamas, but does not include pigs or swine of any kind. Livestock may also be Small Domesticated Animals which include chickens, ducks, geese and rabbits, but does not include roosters or peahens or peacocks.

Livestock Fence: A required and lawful fence designed to keep livestock within an enclosed area. If livestock is allowed upon a lot, it shall be the property owner's and/or agent's responsibility to fence livestock in with the use on an approved livestock fence.

Livestock Storage: Means a structure for feeding and/or sheltering of animals.

Lot: A lot parcel of land used or designed to be used by one (1) use or structure, or by a related group of uses or structures, and the accessory uses or structures customarily incident thereto, including such open spaces as are arranged or designed and required in connection with such structure or group of structures. A lot may be or may not be the land shown as a single lot on a duly recorded plat or other official record.

Lot Area: The total square foot area included within lot lines.

Lot corner: A lot at the junction of and fronting on two (2) or more intersecting streets, the angle of intersection being not more than one hundred thirty-five (135) degrees.

Lot, Depth of: The mean distance between the front lot line and the rear lot line.

Lot Line: Any boundary of a lot. Any lot line not a rear lot line nor a front line shall be deemed a side lot line.

Lot Line, Front: The street line at the front of a lot. On a corner lot, the owner may specify the front lot line on the plot plan.

Lot Line, Rear: The lot line opposite to the front lot line.

Lot, Through: A lot extending from one (1) street to another.

Lot, Width of: The mean dimension measured at substantially right angles to the depth of the lot.

Manufactured Home: A manufactured mobile home is a factory-assembled structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit on its (their) own running gear and designed to be used as a dwelling unit(s) with or without a permanent foundation. (Note: A modular or prefabricated home meeting UBC Code transported on temporary wheels is not a manufactured home.)*

Manufactured Home Park: An area occupied on a rental or lease basis by two or more manufactured home units, which are being utilized for dwelling or sleeping purposes.

Medical Office Building: A building used exclusively by physicians and dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.

Medical Treatment Facility: A building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified.

Mill: A reducing plant where ore is concentrated and/or metals recovered.

Milling: The grinding or crushing of mineral removed from the earth.

Mining: The process of obtaining mineral from the earth's crust, including both underground excavations and surface working.

Motel/Hotel: A building(s) which contains sleeping rooms designed to be temporarily occupied by individuals or groups of individuals for less than 30 days for compensation.

Multiple Dwelling: Two or more independent living units under a single title, to be occupied by individuals or groups of individuals for more than 30 days.

Net Residential Density: The ratio obtained by dividing the number of dwelling units on a lot by the area (excluding drives, streets and required open space) of the lot expressed in units per acre.

Nonconforming Structure: A structure lawfully existing at the effective date of this ordinance or any amendment thereto affecting such structure, which does not conform to the building regulations of this ordinance for the district in which it is situated, irrespective of use.

Nonconforming Use: Any use of a building, structure, lot or land, or part thereof, lawfully existing at the effective date of this ordinance or any amendment thereto affecting such use, which does not conform to the use regulation of this ordinance for the district in which it is situated.

Parking Area: A lot or part thereof used for the storage of parking of motor vehicles, with or without the payment of rent or charges in money or other consideration which has an all-weather surface.

Permitted Use: A use of property within a particular zone which has been recognized as compatible with the zone if conditions, restrictions and limitations are prescribed by the Zoning Board. Such conditions are set by considering the impact to the area around the property. Requires review and approval of Zoning Board. Such permit is issued to applicant and does not become property right. Once granted Permitted Uses are not regularly allowed uses of the land, but only need to be reviewed if reports or complaints raise concerns that the prior considerations examined, have not kept the expected health, safety, noise and/or other zoning goals as expected. The review shall show how prescribed conditions, restrictions and limitations have been followed and how they have actually addressed concerns and if other concerns have been identified. The allowance of the permitted use may be continued, withdrawn or modified with additional required conditions.

Recreational Vehicle Park: An area specifically designed for and occupied by two (2) or more dependent or independent travel units which are being utilized for temporary or seasonal dwelling units.

Sand and Gravel Pit: A lot or land, or part thereof, used for the purpose of extracting sand, gravel, soil for sale, as an industrial operation and exclusive of the process of legitimate excavation of a lot preparatory to the construction of a building.

Set back: The distance from the closest point of the structure to the lot line.

Single Family Detached Dwelling: A building, on a lot, designed and occupied exclusively as a resident for one (1) family, and which has not part of all in common with an adjacent building. For purposes of this ordinance, trailers, automobile trailers and mobile homes are not considered single family detached dwellings.

Special Permitted Use: A use of property within a particular zone which has been recognized as compatible with the zone if conditions, restrictions and limitations are prescribed by the Zoning Board. Such conditions are set by considering the impact to the area around the property. Requires review and approval of Zoning Board after a public hearing. Such permit is issued to applicant and does not become property right. Special Permitted Uses are not regularly allowed uses of the land, but only need to be reviewed if reports or complaints raise concerns that the prior considerations examined, have not kept the expected health, safety, noise and/or other zoning goals as expected. The review shall consider how prescribed conditions, restrictions and limitations have been followed and how they have actually addressed concerns and if other concerns have been identified. The allowance of the permitted use may be continued, withdrawn or modified with additional required conditions. The review may be in the form of a public hearing, at the discretion of the Zoning Board.

Requires review and approval of Zoning Board after a public hearing. Such permit is issued to applicant and does not become property right.

Structure: The primary building on the lot.

Unfinished Basement: Any portion of the basement which does not meet the Uniform Building Code for the purposes of occupancy.

Use: The primary activity to be carried out on a particular parcel. For the purposes of determining what zone a particular use may be carried on the Zoning Board may determine that a use similar to an allowed or permitted or special permitted use is acceptable in a particular zone.

Variance: A modification of the regulations of this ordinance granted on grounds of practical difficulties or unnecessary hardship, not self-imposed, pursuant to the provisions of and the laws of the State of Wyoming.

Yard, Front: An open unoccupied space on the same lot with a building situated between the nearest wall portion of the building and front lot line of the lot and extending from side lot line to side lot line.

Yard, Rear: A space on the same lot with a building situated between the nearest wall portion of the building and the rear lot line of the lot, and extending from side lot line to side lot line.

Yard, Side: An open unoccupied space on the same lot with a building situated between the nearest wall portion of the building or of any accessory building and the side lot line of the lot, and extending through from the front lot line where no front yard exists, to the rear yard, or the rear lot line where no rear yard exists.

Zoning Board: The Zoning Board of the City of Kemmerer.

Zoning Officer: The duly constituted city official designated to administer and enforce this zoning ordinance.

ARTICLE III. DISTRICT REGULATIONS

DIVISION 1. CLASSIFICATION AND INTERPRETATION

SECTION 23-6. DISTRICT CLASSIFICATIONS.

The following zoning classifications are intended to identify land uses which are considered compatible and thus allowed in each zone. The list of allowed uses is not intended to be all inclusive. Zoning recognizes that uses similar to an allowed use may also be appropriate for a particular zone. The Zoning Board may, but is not required to, authorize a use that is substantially similar to an allowed use. Permitted uses and special permitted uses are uses which may be allowed in a zone based on the characteristics of the specific project. The Zoning Board may, but is not required to, approve the uses and may have special requirements as a condition of any approval. Additionally, the Zoning Board may associate the permitted or special permitted use with either a specific owner or with the continuation of the use by a new owner under the conditions which the use was originally approved. As a result, a permitted or special permitted use is not a property right and does not necessarily run with the property. The Zoning Board is responsible for interpreting the Zoning Code. Any questions of formal interpretation of the Zoning Code should be directed to the Zoning Board.

For the purposes of this ordinance, the city is divided into certain districts as shown by the "Zoning Districts Map" of the City of Kemmerer, which said map, as revised from time to time to include amendments is hereby declared to be a part of this ordinance. A copy of such map is on file at the Office of the City Clerk and shall at all times be available for inspection by the public.

SECTION 23-7. INTERPRETATION OF ZONING MAP.

The district boundary lines are intended generally to follow the rear lot lines, or straight line projections of such lines, or city boundary lines, township or section lines all as shown on the zoning map; but where a district boundary line does not follow such a line, its position is shown on said zoning map by a specific line or another boundary line as indicated.

In case of uncertainty as to the true location of a district boundary line in a particular instance, the determination thereof shall be made by the City Zoning Board, subject to the right of appeal.

DIVISION 2. DISTRICTS

SECTION 23-8. P - PUBLIC USE ZONE.

Purpose:
To identify properties currently owned and used for a governmental purpose which are of such a nature that their conversion to a use, public or private, other than the existing use would require special consideration. Change from governmental ownership to private ownership will require a rezoning.

Allowed Uses:
Any governmental use in place at the adoption of this Code.

Permitted Use:
Any ancillary use to an allowed use.

Special Permitted Use:
Any change of use from an allowed use.

Lot and Yard Requirements: None.

SECTION 23-9. R – SINGLE FAMILY RESIDENTIAL

Purpose:
Single family residential to provide for limited equestrian and limited livestock on property from 1 to 5 acres in size without creating a nuisance to neighboring uses.

Allowed Uses:
Crop and garden uses - requires on site residential occupancy
One horse or donkey or mule or llama per each half acre with a maximum of four animals.
Livestock shall be protected from weather and fenced. - Requires on site residential occupancy.
Accessory buildings - Buildings compatible with the zone.
Parks or playground

Permitted Uses:
Publicly owned and operated facilities
Home occupation
Day care center
Churches

Special Permitted Uses:
Recreational facilities
Bed and breakfast inn
Veterinary hospital - Requires on site residential occupancy.

Lot and Yard Requirements:

(a) Minimum Lot Area: Minimum size from 1 to 5 acres with minimum width 150 feet and 250 feet depth.

(b) Building Setback: From property lines

Front	25 feet
Side	25 feet
Rear	25 feet
Corner	25 feet

(c) Minimum Residences Floor Area: No single-family residence building shall hereafter be erected unless conforming to the following requirement for total gross floor area (floor area DOES NOT include attached garages, porches, cellars, or unfinished basement.)
Single Story minimum 900 square feet.
Multi-story minimum on main floor 750 square feet with balance on other level(s).

SECTION 23-10. RA – SINGLE FAMILY RESIDENTIAL

SECTION 23-11. PURPOSE

The purpose of the Ra Zoning, Single Family Residential Zone, is to establish and maintain a conventional, detached and modular housing residential neighborhood characterized by moderate sized lots with adequate space provided for landscaping and play.

SECTION 23-12. PERMITTED USES

(a) Conventional site built single family dwellings and modular homes with material consisting of new wood or used materials permitted by International Building Code (IBC), stucco, brick, rock, horizontal lap wood, steel or vinyl siding;

(b) Day care center;

(c) Home occupation (you must have a Home Occupation Permit per Article XII, Home Occupations, of this Chapter);

(d) Churches, synagogues, and temples;

(e) Schools, public, parochial private and disabled elementary, junior high and senior high;

(f) Parks, playgrounds, historical sites, golf courses and other similar recreational facilities;

(g) Library;

(h) Home gardens;

(i) Resident facility for elderly persons;

(j) Accessory structure;

(k) Utility lines and rights-of-way;

(l) Public recreation facility;

(m) Telecommunications facility on city property;

(n) Household pets (as per Chapter 5, Section 5-12, Keeping of Animals, of the City Code).

(o) Outdoor fireplace or fire pit subject to the following conditions:

(1) The fire pit or other burning device shall be commercially manufactured or constructed of non-combustible materials.

(2) Fire pits must be located at least 10 feet from any combustible structure (including fences). They are not allowed on combustible decks or balconies.

(3) Only charcoal or unpainted and untreated wood can be burned in the fire pits. You may not burn rubbish, garbage, plastic, rubber, grass or tree trimmings, brush, or construction debris.

(4) A garden hose, fire extinguisher or other suitable means of putting out the fire shall be in close proximity of the outdoor fireplace or fire pit.

SECTION 23-13. CONDITIONAL USES

(a) Bed and Breakfast (a residence must have a Home Occupation Permit per 23-145, Bed & Breakfast Homes);

(b) Home daycare (a residence must have a Home Occupation Permit per 23-144, Permitted Home Occupation Day Care);

(c) Resident home for adult persons with disabilities;

(d) Domestic violence shelters;

(e) Accessory dwelling unit;

(f) Parking lots;

(g) Public or private cemetery;

(h) Private recreation facility;

(i) Telecommunications facility not on city property;

(j) Public or private utility facility and public or private service installations and facilities, excluding business offices and repair/storage facilities.

SECTION 23-14. PROHIBITED USES

(a) Two family dwelling

(b) Multifamily dwelling

(c) Domesticated farm animals

(d) Group homes unless expressly permitted by Sections 23-15.

(e) Coops, barns, stalls, pens and any other animal housing other than dogs and cats per Chapter 5, Section 5-12, Keeping of Animals, of the City code.

SECTION 23-15. OCCUPANCY OF DWELLING UNITS

Subject to the provisions of Article IV, the occupancy of the single-family or multiple-family dwelling units shall be limited to the following maximums:

(a) Members of family related by blood, marriage, or adoption, living together as a single housekeeping unit;

(b) A group of not more than eight unrelated individuals per dwelling unit;

(c) A family foster home care approved and certified by Wyoming Department of Health; or

(d) An assisted living facility licensed by the Wyoming Department of Health with sixteen or fewer residents;

(e) A group home for the handicapped of eight or fewer residents;

SECTION 23-16. PRIMARY DWELLINGS ON LOTS OVER 30% SLOPE

(a) Ra lots with a slope over thirty percent (30%) require additional standards, guidelines, and criteria which permit reasonable development of private property while minimizing flooding, erosion, and other environmental hazards, and which protect the natural scenic character of hill areas, and which insure the efficient expenditure of public funds.

(b) The goals to be achieved by these additional requirements include but are not limited to the following:

(1) The protection of the public from natural hazards of storm water runoff and erosion by requiring drainable facilities and the minimal removal of natural vegetation while still allowing reasonable use of the land;

(2) The minimizing of the threat and damages of fire in hill areas by establishing fire protection measures;

(3) The preservation of natural features, wildlife habitat, and open space consistent with the provisions of this title;

(4) The preservation of legal public access to public areas, trails, and natural drainage channels;

(5) The preservation and enhancement of visual and environmental quality by use of natural vegetation and the prohibition of excessive excavation and terracing;

(6) The establishment of traffic circulation facilities that ensure ingress and egress for vehicles including emergency vehicles into all developed areas at any time of the year and minimal cuts, fills or visible scars;

(7) The encouragement of a variety of development designs and concepts which are compatible with the natural terrain of the hill areas and which will preserve open space and natural landscape and that allow a reasonable use of the land;

(8) The establishment of land use management criteria which will encourage protection of natural elements while allowing a harmonious and satisfying residential environmental;

(9) Encouragement of regard for the view of the higher elevations as well as a view from the hills;

(10) Public and individual personal safety;

(11) To assure that the taxpayers of Kemmerer are not burdened by extraordinary costs for services attributable solely to the development of hillside areas.

It is the intention of this code that every subdivision, lot, or parcel with slopes greater than thirty percent (30%) be developed with as little disturbance to the natural ground, with the most harmony with natural conditions, and with the greatest conformity with the purposes and requirements of this ordinance, as possible under individual circumstances. It is the finding of the Zoning Board that all possible circumstances, and the best means of dealing with them, cannot be anticipated in the preparation of these regulations. Therefore, the Zoning Board may, unless expressly stated to the contrary in this chapter, grant a variance to the provisions of this chapter to implement its purposes by modifying requirements in the standards required for lots with a slope over thirty percent (30%) as individual circumstances may merit subject to the criteria set forth below. The provisions set forth in this chapter regarding land with slopes greater than thirty percent (30%) shall be the standard, but when conditions merit a reasonable exception, discretion may be exercised, even where the term “shall” is used in the regulation, in accordance with such criteria. The following findings and conclusions may justify a reasonable exception and shall be included in the record of the proceedings.

(a) The proposed development is located on a lot or parcel that was legally created

(b) There is no other reasonable use or feasible alternative to the proposed development with less impact on sensitive land areas including phasing or project implementation, change in timing of activities, setback or other variance, driveway relocation or placement of any structure.

(c) The development cannot be located outside sensitive land areas due to topographic constraints of the parcel or size and/or location of the parcel in relation to the limits of sensitive land areas and a building setback, street width, or other possible variances have been reviewed, analyzed, and rejected as feasible alternatives.

(d) The proposed development does not pose a threat to the public health, safety, or welfare on or off the site, including degradation of groundwater or surface water quality, nor is it anticipated that it will damage nearby public or private property.

(e) Any alteration of sensitive land areas is the minimum necessary to allow for reasonable use of the property; and the proposal reasonably mitigates impacts on sensitive land areas while still allowing reasonable use of the site.

(f) The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in unlawfully subdividing the property or adjusting a boundary line thereby creating the undevelopable condition after the effective date of this Chapter.

SECTION 23-17. MAXIMUM DENSITY AND MINIMUM LOT STANDARDS

Ra is the Single-Family Residential zone with a maximum of five (5) units per acre. In addition to the maximum density requirement, there are minimum lot size and buildable area defined in this chapter.

(a) All structures and all other site improvements of whatever description shall be located only upon areas constituting usable land. Furthermore, all lots or parcels that are designated or zoned for residential development shall have a minimum rectangular buildable area with a length to width ratio between 2:1 and 1:2, that is located entirely on ground of less than thirty percent (30%) slope, that does not encroach into required setbacks or easements, and that meets the area requirements as outlined in this section. The exact location of the minimum building pad shall be designated by the developer or owner during the approval process and shown on the subdivision plat or site plan, as applicable.

(b) Each lot or parcel in the Ra zone shall have a minimum width, measured at the minimum front yard setback line (See Section 23-19).

(c) As measured along a line parallel to the center of the street or along the circumference of a cul-de-sac improved to city standards. For property fronting on a cul-de-sac not improved to City standards, frontage shall be calculated by measuring the linear distance between the side property lines at the tangential point of the arc.

(d) Each corner lot or parcel in the Ra zone shall be ten (10) feet wider and ten percent (10%) larger than the minimum requirements for interior lots in the sub-zone in which it is located. Also, each corner lot shall meet the minimum width and frontage requirements along both street frontages. A parcel of land on a street corner may not be subdivided diagonally from the corner in order to avoid the provisions of this section.

(e) Not more than one single-family dwelling or primary building may be placed on a lot or parcel in the Ra zone.

(f) It is unlawful to subdivide, modify, or otherwise create a residential lot that does not have the minimum required width, except for legally existing non-conforming lots (See Section 23-19). Furthermore, no residential lot may be narrower than the minimum required width at any point between the front property line and the closest point of the primary dwelling and/or the approved buildable area.

(g) A building permit shall not be issued for any type of construction on a flag lot, facing an alley or landlocked parcel that has not been approved by the City as a developed lot.

(h) In the Ra zone, all structures, including accessory structures, and all impervious surfaces such as driveways, sidewalks, patios, parking areas, sports courts, and pools shall not cover a total of more than sixty percent (60%) of the area of the lot or parcel of land.

(i) For institutional uses, such as churches, private schools, and public buildings, the approving authority may increase the amount of impervious surface area up to seventy percent (70%), if the additional hard surfacing is used to provide parking spaces beyond the minimum required.

(j) All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards:

(k) Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

(1) Single Family Dwelling, 8,500 square feet minimum

(2) Churches constructed prior to June 1, 2014 shall be permitted in their original configuration. All churched constructed after June 1, 2014 shall be required to provide parking at the rate of one (1) space per three (3) seats in the main congregation hall., Each residential lot or parcel of land located in a zoning district shall abut along the right-of-way line of a public street for a minimum distance of seventy (70) feet or be accessed by a private dwelling road or lane, except for cluster type subdivisions. No home frontage will be allowed to “face” an alley.

(l) Lot Width and Depth Minimums

(1) Width: seventy (70) feet

(2) Depth: one-hundred (100) feet

(m) Lots on Cul-de-sacs

(1) Radius of the cul-de-sac shall be a minimum of fifty (50) feet

(2) Maximum lots facing cul-de-sac is five (5).

SECTION 23-18. MINIMUM RESIDENCES FLOOR AREA

No single family residence building shall hereafter be erected unless conforming to the following requirements for gross floor area (floor area DOES NOT include attached garages, porches, cellars, or unfinished basements):

(a) Minimum residential unit floor area for the first floor of the primary structure is nine-hundred (900) square feet.

(b) A building permit shall not be issued for any type of construction on a flag lot or land locked parcel that has not been approved by the City as a developed lot.

SECTION 23-19. SETBACK REQUIRMENTS – PRIMARY DWELLINGS

The following yard setback requirements shall apply to lots over 8,500 square feet and newly created lots. Existing smaller lots where a majority of the homes are nonconforming with regards to setback requirements, any new construction, significant change to the existing primary dwelling, or enlargement must apply for a permit conforming to setback consistent with the greatest existing setback of immediately adjacent homes:

(a) Front Yard. Each lot or parcel shall have a front yard setback of not less than twenty-five (25) feet from the front lot line. Except for corner lots where the elevation of the ground differs ten (10) feet or more from the curb level, as measured at a point fifty (50) feet from the front lot line and midway between the side lot lines, said front yard setback may be reduced to twenty (20) feet.

(b) Side Yard; Interior Lot. Each interior lot or parcel of land shall have two (2) side yards with a minimum setback of five (5) feet per side yard.

(c) Side Yard; Corner Lot. No parking, driveway, or vegetation over two (2) feet in height is permitted in the site distance triangle. The minimum corner yard setback shall be twenty-five (25) feet.

(d) Side Yard; Deep Setback. Any home that is located more than one-hundred (100) feet from the front property line shall have a minimum side yard setback equal to the minimum required back yard setback.

(e) Side Yard; Driveway. When used for vehicle access to the primary garage, carport, or parking area, an interior lot side yard setback shall be at least twelve (12) feet wide.

(f) Back Yard. Each lot or parcel shall have a back yard setback of not less than ten (10) feet.

(g) Back Yard; Irregular Lot. On any lot which is not generally rectangular in shape, the required minimum back yard setback may be an average of the distances measured from the rear corners to the main building directly to the rear property line(s). However, at no point may the main building be closer than fifteen (15) feet to the rear property line(s).

(h) Easement. No dwelling or main building shall be located within a platted easement area of any kind. An easement can be part of the setback requirements.

(i) Height and Building Limits. No lot or parcel of land in the Ra zone shall have a building intended for human habitation which exceeds a height of thirty-five (35) feet (See Section 23-24 – how to calculate the 35 feet).

SECTION 23-20. SETBACK REQUIREMENTS – ACCESSORY STRUCTURE

(a) Front Yard Setback. No accessory structures are allowed in front of the residential dwelling.

(b) Side Yard & Back Yard Setback. An accessory structure allowed by this Code shall be located no closer than five (5) feet from the property line.

(c) Side Yard; Accessory Structure. No accessory structures shall be allowed in any required side yard setback.

(d) Housing/Shelter of Animals. A dog/cat shelter/house can be built anywhere in the back or side lot outside of the setbacks. For this use, the owner must have someone living at the property full time as their primary residence.

(e) Easements. No permanent accessory structure shall be located within a platted easement area of any kind.

SECTION 23-21. REQUIREMENTS FOR ACCESSORY USES, PRIMARY USE REQUIRED

(a) An accessory structure shall not be permitted on any lot or parcel of land unless a primary structure is first constructed on the site. If the primary structure is removed and not immediately replaced, any accessory structure must also be removed. A lot or parcel shall not be subdivided such that an accessory structure is located on a lot or parcel without a primary structure.

(1) Accessory Structure, Permitted Use. An accessory structure allowed as a permitted use shall meet all of the following:

(A) The total footprint of any and all accessory structures shall not exceed thirty-five percent (35%) of the entire lot or parcel area, and no lot or parcel shall be reduced in area after the construction of an accessory structure, such that it is in violation of this provision.

(B) An accessory structure shall meet all of the setbacks of a primary structure, or it shall be located behind the rear building line of a primary structure, and shall be setback at least five (5) feet from a rear or interior side property line, and at least five (5) feet from a street side yard property line.

(C) The aggregate square feet for all accessory structures shall be no more than fifty percent (50%) larger than the footprint of the primary dwelling.

(D) All accessory structures, unless attached according to International Building Code (IBC), shall be at least five (5) feet from a primary structure, including eaves, bay windows, chimneys and any other protrusion on either the accessory structure or the primary structure.

(E) No part of an accessory structure, excluding the eaves, may be closer than ten (10) feet to any primary dwelling on an adjacent property.

(F) The eaves of an accessory structure shall be setback at least one (1) foot from any property line If there is an easement within the setback, then no eaves are allowed.

(G) An accessory structure shall be designed and constructed so as to prevent roof runoff from impacting an adjacent property.

(H) An accessory structure shall meet all applicable provisions of the (IBC).

(I) The sidewall of an accessory structure shall not exceed sixteen (16) feet in height, as measured from the average slope of the ground to the point where the undersides of the eaves connect to the top of the sidewall. For a flat or mansard roof, the sidewall shall be measured from the average slope of the ground to the highest point of the roof, including any coping, parapet, or similar feature.

(J) The height of an accessory structure shall not exceed twenty (20) feet.

(K) Private swimming pools, tennis courts, and similar uses shall be allowed in a back yard provided they are located at least twenty (20) feet from any dwelling on an adjoining lot and at least six (6) feet from any property line and not on an easement.

(L) Accessory structures shall not cover over fifty (50%) percent of the back yard area or be located closer than five (5) feet from the property line or within a easement if noted on a subdivision plat.

(M) Hard surfaced parking areas are allowed, provided the parking area does not cover over fifty (50%) percent of the back yard area or is not less than twenty (20) feet from the property line.

(N) Hot tubs, decks or similar uses twelve (12) inches or less above grade shall be allowed in a back yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot, twenty (20) feet from the property line and not in an easement.

(O) Circular driveways shall be permitted only in front yard areas of residential lots leading to and from a garage or carport on the property subject to the following conditions:

(i) Such drives shall be constructed of one or more of the following: concrete, asphalt, crushed stone, cobblestone, or other available/viable options, creative designs are encouraged.

(ii) Such drives shall not be over sixteen (16) feet in width.

(iii) Circular driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time.

(P) Accessory driveway leading to a garage or parking area:

(i) No portion of a required front yard setback shall be hard surfaced or graveled so as to encourage or make possible the parking of automobiles, except for approved accessory driveways;

(ii) Approved accessory driveways are defined to be only those that provide a primary entrance and/or exit to parking areas for accessory use;

(iii) Curb cuts may be allowed for approved driveways.

SECTION 23-22. REQUIREMENTS FOR ACCESSORY USES, CONDITIONAL USE REQUIRED

(a) An accessory structure may be allowed as a conditional use in accordance with the following:

(1) The Zoning Board and City Staff shall consider the following when reviewing the proposed accessory structure:

(A) The extent that sunlight, air, and view sheds are obstructed/disturbed,

(B) The proximity to adjoining structures,

(C) The contour of the land, both existing and proposed,

(D) Features peculiar to the site and the immediately adjoining properties

(E) The location of windows, doors, balconies, and other openings that may intrude on the privacy of adjoining property owners

(F) The proposed and potential uses based on the size, configuration, and other aspects of the structure.

(2) No lot or parcel may be reduced in area after the construction of an accessory structure.

(3) An accessory structure shall meet all of the setbacks of a primary structure, or it shall be located behind the rear building line of a primary structure, and shall be setback at least five (5) feet from a rear or interior side property line, and at least five (5) feet from a street side yard property line.

(4) An accessory structure shall be located at least five (5) feet from a primary structure, including eaves, bay windows, chimneys, and any other protrusion on either the accessory structure or the primary structure.

(5) No part of an accessory structure, excluding the eaves, shall be closer than ten (10) feet to any dwelling on an adjacent property.

(6) The eaves of an accessory structure shall be setback at least one (1) foot from any property line.

(7) An accessory structure shall be designed and constructed so as to prevent roof runoff from impacting an adjacent property.

(8) An accessory structure shall meet all applicable provisions of the (IBC).

(9) An accessory structure shall not encroach on any easements, recorded or otherwise.

(10) The sidewall of an accessory structure shall not exceed sixteen (16) feet in height, as measured from the average slope of the ground to the point where the undersides of the eaves connect to the top of the sidewall. For a flat roof, the sidewall shall be measured from the average slope of the ground to the highest

point of the wall.

(11) The height of an accessory structure shall not exceed twenty (20) feet unless approved through a conditional use process but in no way shall exceed thirty-five (35) feet.

SECTION 23-23. ACCESSORY DWELLINGS

The intent and purpose of this provision is to encourage accessory dwellings as an affordable housing opportunity while protecting the existing quality of life in the residential zones throughout the community.

Any request for an accessory dwelling such as basement, attic or garage apartments within residential dwellings must be reviewed and approved by City Staff and/or the Zoning Board.

The limit is one (1) accessory dwelling per single family detached dwelling. The following criteria must be established prior to approval or issuance of a building permit.

(a) Size. The maximum size of an accessory dwelling shall not exceed 40 (forty) percent of the floor area of the primary dwelling unit not to exceed 900 square feet, whichever is less. The floor area of the accessory dwelling may be included in the total building square footage calculations for all structures.

(b) Parking. One (1) on-site parking space shall be provided in addition to the underlying parking requirements for a household unit.

(c) Building and Fire Code. The accessory dwelling and associated improvements shall meet building code regulations as well as any fire codes in effect.

SECTION 23-24. HEIGHT REQUIREMENTS AND PROVISIONS

(a) "Height" means the vertical distance from the lowest point within twenty-five feet of the tallest side of the structure to the uppermost point of the roof. The lowest point shall be calculated using the natural grade. The tallest side shall be that side whose lowest exposed exterior point is lower in elevation than the lowest exposed exterior point of any other side of the building.

(b) Modifications to Natural Grade: The height of a building is determined as described in the definition of "height" in Section (a) above. Regrading, berms or other modifications to natural grade shall be permitted to allow for the construction of a building that would be taller than otherwise permitted by this Section. (See figure 23-24a of this section.) This new Section on modifications to existing shall apply to all homes constructed in the Ra Zoning District after August __, 2014.

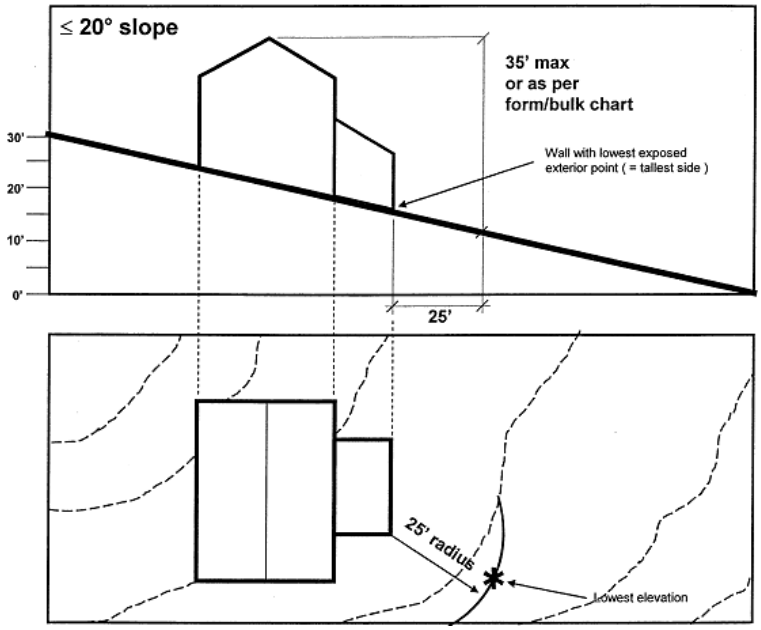

Figure 23-24a

(c) Slopes Greater Than Twenty Degrees: On a slope measured within the building envelope created by the required setbacks from property lines that is greater than twenty degrees (36.4 percent slope), the building height may not exceed twenty-five feet. (See figure 23-24b of this section.) However, under no circumstances shall a structure exceed fifty-five (55) feet. The slope percentage shall be calculated by measuring the difference between the high point and the low point within the building envelope and dividing it by the distance between the high and low points.

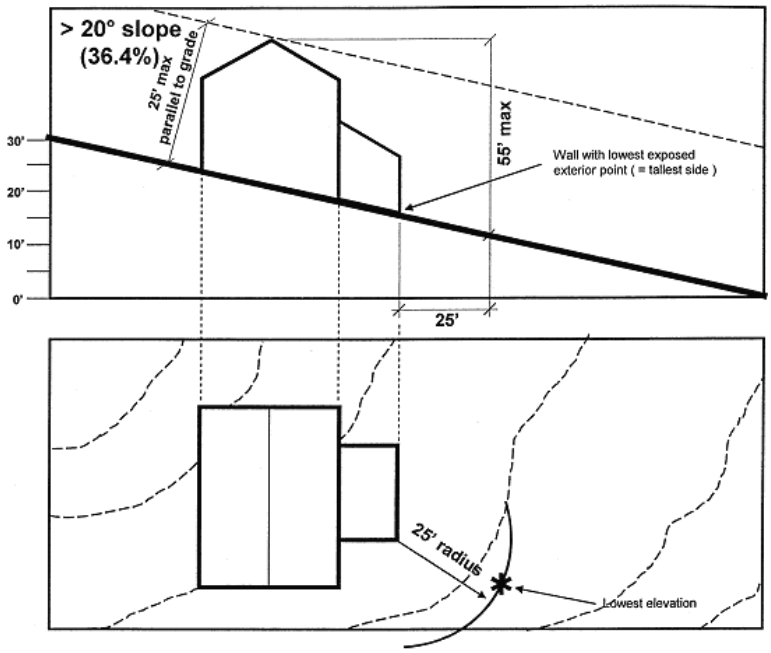

Figure 23-24b

(d) No building or structure shall exceed two (2) stories or thirty-five (35) feet in height measured from the average grade around the structure. Chimneys, flagpoles, church towers, and similar accessory elements not used for human occupancy are excluded in determining height; however, the City may limit the height of any protrusion that is found by the City to be a public nuisance.

(e) The total height of a building or structure shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point of

(1) A flat roof

(2) The ridge of a hip or gable roof

(3) The deck line of a mansard roof.

(f) In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen (18) inches above the maximum height limitation in the zone.

(g) Roofs not fitting clearly any of the above three classifications shall be classified by the City Staff in accordance with the roof it most closely resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration.

(h) To allow for roof pitches and provide usable space within the structure, the following exceptions apply:

(1) Antennas, chimneys, flues, vents, or similar structures may extend up to eight (8) feet above the specified maximum height limit for the zone.

(2) Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.

(3) Church spires, bell towers, and like architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as part of the site plan review and approval.

SECTION 23-25. DISTANCE BETWEEN BUILDINGS

The horizontal distance between any dwellings on adjacent lots shall not be less than sixteen (16) feet, excluding permitted eave extensions. The horizontal distance between any accessory structure and any dwelling shall not be less than five (5) feet, as measured at any point. The horizontal distance between any accessory structure and any primary dwelling on an adjacent property shall not be less than ten (10) feet as measured at any point.

SECTION 23-26. LANDSCAPING

The following landscaping provision shall apply to any developed lot or parcel in the Ra zone:

(a) At least fifty (50%) percent of all front, side and back yards shall be landscaped. The landscaping shall not be solely gravel or other loose materials with no living plant materials.

(b) All portions of the lot not improved with structures or other impervious surfaces shall be maintained with suitable landscaping of plants, trees, shrubs, grass, and similar landscaping materials.

(c) Landscaping shall also be installed in each adjacent park strip to the same standards as other on-site landscaping. Asphalt, concrete, bricks, pavers, railroad ties, and other non-vegetative material are not allowed in the park strip area between the curb and the sidewalk. Xeriscaping is permitted as a viable landscaping methodology for homes or other permitted uses in this section of the Code.

SECTION 23-27. ACCESS

Ra does not permit private roads. Cluster type subdivisions shall have public access.

SECTION 23-28. DRAINAGE APPROVAL

For most approved lots, the "approved drainage facility" is the street right-of-way. On these sites, the finished grading shall direct runoff from the front yard setback to the street right-of-way by means of the driveway or front yard grading, or as approved by the City Engineer. Driveway slopes shall have a minimum slope of two (2%) percent, and a maximum slope of fifteen (15%) percent, as measured along the centerline of the driveway.

SECTION 23-29. REQUIREMENTS FOR BUILDING AREAS WITH SLOPES GREATER THAN 30%

No construction, excavation, or removal of vegetation may occur on any lot or parcel in these areas until a permit has been issued, and no permit may be issued until the proposed plans have been approved by the appropriate land use authority. The following rules apply to all building and construction in the Ra zone with land that has slopes greater than thirty (30%) percent.

(a) All portions of the lot that are to remain undisturbed shall be protected with snow fencing or a comparable barrier attached to T-posts.

(b) Facilities for the collection of storm water runoff shall be required to be constructed on development sites and according to the following requirements:

(1) All drainage improvements shall be designed by a licensed Wyoming Civil Engineer.

(2) Such facilities shall be the first improvement constructed on the hillside.

(3) Such facilities shall be designed to retain safely and adequately the maximum expected storm water runoff for a twenty-five (25) year storm event, as determined by Technical Paper No. 28, prepared by the U.S. Department of Commerce – Weather Bureau, for a sufficient length of time so as to prevent flooding and erosion during storm water runoff flow periods and release stormwater at no greater than historic levels.

(4) Such facilities shall be so designed to divert surface water away from cut surfaces or sloping surfaces of a fill.

(c) Vegetation and re-vegetation:

(1) Any area on a development site cleared of natural vegetation in the course of construction of off-site improvements shall be replanted with native grasses and wildflowers or other vegetation which, when established, shall have characteristics of erosion control equal to or exceeding the original vegetation.

(2) New plantings shall be protected with organic mulch. The use of persons or firms having expertise in the practice of re-vegetation (i.e., licensed landscape architects or nurserymen) shall be employed to supervise the planning and installation of re-vegetation cover.

(3) Vegetation shall be removed only when absolutely necessary, e.g., for the construction of buildings, roads, and filled areas.

(4) Vegetation shall be planted in all disturbed areas within three (3) weeks of the completion of off-site improvements or as directed by the City Engineer. Such vegetation shall be of a perennial and low combustibility nature and which, when established, shall be sufficient to stabilize the soil.

(d) Grading, cuts and fills:

(1) Exposed unstable surfaces of an excavation or fill shall not be steeper than one (1) vertical to two (2) horizontal.

(2) Permanent fill shall be located so the settlement, sliding, or erosion shall not damage or cover any street, curb, gutter, sidewalk, or building.

(3) All fill and degrees of compaction shall comply with the standards established by the City Engineer in accordance with applicable codes and standards adopted by the City.

(4) The top or bottom edges of slopes caused by and excavation of fill up to ten (10) vertical feet shall be at least three (3) horizontal feet from the property line and/or street right-of-way lines. Cut and or fills greater than ten (10) feet shall be setback an appropriate distance as determined by the City Engineer.

(5) All required walls must be designed by a licensed Wyoming Engineer and approved by the City staff or the Zoning Board.

(e) Streets, roadways, and alleyways shall follow as nearly as possible the natural terrain. The following additional standard shall apply:

(1) At least two (2) ingress and egress routes shall be provided for each subdivision.

(2) Points of access shall be provided to all developed and undeveloped areas for emergency and firefighting equipment. Any driveway located upon a lot extending from a public street shall have at any point a maximum grade of fifteen (15%) percent as measured along the centerline of the driveway, and a minimum width of twenty (20) feet, and shall be of a sufficient width and design to admit and accommodate firefighting equipment. Any driveway to an accessory structure or secondary garage may be reduced to a minimum width of ten (10) feet if the City Administrator or City Administrator Designee determines that it is not necessary for providing emergency access.

(f) Architectural design and site orientation:

(1) The Zoning Board shall review the design and specified exterior materials and colors of all structures other than single-family dwellings. Building permits for such structures shall not be granted until building materials and colors have been approved by the Zoning Board.

(2) Any primary structure and its accompanying site improvements and accessory structures shall be located on the building pad defined and approved for the lot, but may be located outside of the minimum building pad area only if the ground is considered usable as set for in this Chapter.

(3) Exceptions to the requirements and provisions set forth in this chapter may be approved by the Zoning Board, provided that the developer or owner of such development can demonstrate that the requested exception:

(A) Is not detrimental or injurious to the property or improvements adjacent thereto,

(B) Is not detrimental to the general wellbeing of the neighborhood,

(C) Is minor in its overall scope and not a major departure from the purposes and objective of this chapter,

(D) Does not require undue public expense for maintenance, and

(E) Does not impose an undue burden upon the public or the City.

(g) No construction, excavation, grading, or removal of vegetation may occur until final subdivision approval has been granted by the City Council and specific site developments have been approved by the City Engineer. Furthermore, individual lots or parcels may not be disturbed until a building permit has been issued for that lot or parcel.

SECTION 23-30. TRASH, WASTE STORAGE AND ABANDONED VEHICLES

No trash, used materials, wrecked, non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas.

All such materials must be screened from public streets and adjacent property or stored within an enclosed building. All storage areas within a side yard and back yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in the rear of the main building if possible.

No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet health regulations or are accessible to the public.

SECTION 23-31. OFF-STREET PARKING AND LOADING

Parking spaces shall not be provided within the minimum required front yard or street side yard, including driveways. Generally, each residential dwelling is required to provide off-street parking for at least two (2) automobiles per unit. Said spaces shall be paved with asphalt, concrete, or similar impervious surface, and shall include a paved driveway accessing a public street.

For storage of boats or other accessory vehicles or trucks refer to Chapter 13, Motor Vehicles and Traffic.

SECTION 23-32. NON-RESIDENTIAL SITE PLAN APPROVAL

Site plan approval is required for any non-residential use in the Ra zone per the procedure set for in Chapter 20.

SECTION 23-33. SIGNS

The signs permitted in this zone shall be those allowed in residential zones by Article XIII, Signs, of this Code.

SECTION 23-34. STORAGE OF COMMERCIAL MATERIALS

The storage of commercial materials, commercial goods or construction related items is expressly prohibited.

SECTION 23-35. FENCES AND RETAINING WALLS

All walls and fences erected or maintained in the Ra zone shall comply with the provisions of Article XV, Fencing, of this Chapter.

Retaining walls shall not exceed ten (10) feet and must be designed by an engineer if over four (4) feet tall.

All areas of a development site cleared of natural vegetation in the course of construction shall be replanted with approved vegetation and shall contribute to minimizing erosion. The vegetation shall be planted within three weeks of completion of the grading and/or if the grading stops for any period longer than one (1) month. The city staff may extend the requirements for planting of approved vegetation until spring if the project completes during the winter months.

SECTION 23-36. PROJECTIONS INTO YARDS

(a) The following structures may be erected on or project into any required yard:

(1) Fences and walls in conformance with City Codes or Ordinances,

(2) Landscape elements, including trees, shrubs, agricultural crops and other plants,

(3) Necessary appurtenances for utility service.

(b) The structures listed below may project into a minimum front or back yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet:

(1) Cornices, eaves, awnings, belt courses, sills, buttresses, or other similar architectural features,

(2) Fireplace structures and bays, provided that they are not wider than eight (8) feet, measured generally parallel to the wall of which they are a part,

(3) Stairways, balconies, door stoops, fire escapes, and planter boxes or masonry planters not exceeding twenty-four (24) inches in height.

(c) Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the back yard no further than one-half (1/2) the required back yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

(1) The roof or canopy is not more than one (1) story in height,

(2) The roof or canopy is not more than one-half (1/2) the width of the main dwelling on which it is located,

(3) The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features,

(4) The columns supporting the roof or canopy are constructed on individual pad footings or similar design and not on a continuous footing wall that could be used for future expansion of living space, and

(5) In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

(d) None of the above structures or additions may project into any side yard abutting a street on a corner lot.

SECTION 23-37. WATER/SEWER REQUIREMENTS

The owner(s) of all houses, buildings or properties used for human occupancy, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a sanitary sewer of the city, is required, at the owner(s) expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper sanitary sewer in accordance with the provisions of this article, within thirty days after date of official notice to do so, provided that the sanitary sewer is within four hundred feet of the site.

All dwellings within the municipal boundaries on lots of one (1) acre or less shall connect to the municipal water system, Subdivisions with lot areas greater that one acre shall have the option of using a domestic well for potable water.

SECTION 23-38. USE OF PROPANE

The use of propane as a primary source for heating and cooking shall be prohibited in the Ra Zoning District. Small containers of propane for barbeques, campers, camper trailers and recreation vehicles shall be exempt. .

SECTION 23-39. RB - SINGLE FAMILY RESIDENTIAL

Purpose:
Single family attached residence with separate title to home and property for a single unit with minimum lots 3,500 square feet.

Allowed Uses:
Crop and garden uses
Accessory buildings - Buildings normally associated with single family residential usage.
Parks or playground

Permitted Uses:
Day care center
Churches
Home occupation
Publicly owned and operated facilities

Special Permitted Uses:
Recreational facilities

Lot and Yard Requirements:
(a) Minimum Lot Area: New lots minimum size from 3,500 square feet.

(b) Building Setback:

Front	15 feet
Side	5 feet
Rear	5 feet
Corner	15 feet

(c) Minimum Residences Floor Area: No single family residence building shall hereafter be erected unless conforming to the following requirement for total gross floor area of 500 square feet (floor area DOES NOT include attached garages, porches, cellars, or unfinished basement.)
* Single Story minimum none
* Multi-story minimum on main floor none

SECTION 23-40. RC – SINGLE FAMILY RESIDENTIAL

Purpose:
Single family residence for manufactured (mobile) homes on lots of 5,000 square feet with separate title on properties. (Note: Privately owned lots for a manufactured home outside of manufactured home park.)

Allowed Uses:
Crop and garden uses
Accessory buildings - Buildings normally associated with single family residential usage.
Parks or playground

Permitted Uses:
Day care center
Churches
Home occupation
Publicly owned and operated facilities

Special Permitted Uses:
Recreational facilities

Lot and Yard Requirements:

(a) Minimum Lot Area and Floor Area:
* New lots minimum size from 5,000 square feet minimum width 75 feet and 70 feet depth, while corner lot frontage both sides is 50 feet.
* Minimum 900 square feet of floor area. The requirement for total gross floor area DOES NOT include attached garages, porches, or cellars.

(b) Building Setback: from property lines

Front	15 feet
Side	10 feet
Rear	10 feet
Corner	15 feet

SECTION 23-41. M-1 MULTI-FAMILY HOUSING

Purpose:
To provide for the high density residential housing in appropriate locations, with a level of standards conducive to establishment of a suitable living environment to those living in multiple family residences. The M-1 District is design for two to twelve units per acre with a single title for all units or a condominium method of ownership as specified in Chapter 29.

Allowed Uses:
Crop and garden uses
Accessory buildings - Buildings normally associated with Multi-family housing usage.
Parks or playground

Permitted Uses:
Senior congregate care facility
Service and social club
Day care center
Churches
Private Schools
Signs, pursuant to regulations
Home occupation
Publicly owned and operated facilities

Special Permitted Uses:
Recreational facilities
Studio for music, dancing or art lessons
Nursing, rest homes and convalescent homes
Emergency Shelters
Transitional housing

Lot and Yard Requirements:

(a) Minimum Lot Area Density and Building Height:

(1) Maximum 12 dwelling units per acre

(2) Maximum two stories high

(3) Minimum 25 square feet of snow storage per unit, cannot block emergency access or parking areas

(b) Minimum Setback: Setback from property line ad between buildings.

Main Residence:	Front	25 feet	Accessory Building:	Front	50 feet
	Side	15 feet		Side	15 feet
	Rear	15 feet		Rear	15 feet
	Corner	25 feet		Corner	25 feet

Additional residence buildings must have minimum of 15 feet of emergency access between structures.

SECTION 23-42. M-2 – MULTI-FAMILY HOUSING

Purpose:
To provide for the highest density residential housing in appropriate locations, with a level of standards conducive to establishment of a suitable living environment to those living in multiple family residences. The M-2 District is designed for thirteen (13) to a maximum twenty units per acre with a single title for all units or a condominium method of ownership as specified in Chapter 29.

Allowed Uses:
Crop and garden uses
Accessory buildings - Buildings normally associated with Multi- family housing usage.
Parks or playground

Permitted Uses:
Senior congregate care facility
Service and social club
Day care center
Churches
Private Schools
Signs, pursuant to regulations
Home occupation

Permitted Uses (continued):
Publicly owned and operated facilities

Special Permitted Uses:
Recreational facilities
Studio for music, dancing or art lessons
Boarding house
Nursing, rest homes and convalescent homes
Emergency Shelters
Transitional housing

Lot and Yard Requirements:

(a) Minimum Lot Area Density and Building Height: Minimum lot area and width shall be sufficient to meet following criteria:

(1) Maximum 20 dwelling units per acre

(2) No maximum stories

(3) Minimum 25 square feet of snow storage per unit, can not block emergency access or parking areas

(b) Minimum Setback: Setback from property line and between buildings.

Main Residence:	Front	25 feet	Accessory Building:	Front	50 feet
	Side	15 feet		Side	15 feet
	Rear	15 feet		Rear	15 feet
	Corner	25 feet*		Corner	25 feet

Additional residence buildings must have minimum of 15 feet of emergency access between structures.
*Setback from property shall be a minimum of 25 ft. (25') for each story over three (3), an additional 10 ft. (10') shall be required to all setbacks.

SECTION 23-43. M-3 – MULTI-FAMILY HOUSING

Purpose:
To provide for the high density residential housing in Manufactured home park in a appropriate locations, with a level of standards conducive to establishment of a suitable living environment to those living in multiple family residences zone. The M-3 District is design for maximum of 8 manufactured homes per acre with a single title for the property. .

Allowed Uses:
Crop and garden uses
Accessory buildings - Buildings normally associated with Multi- family housing in a manufactured home park.
Parks or playground

Permitted Uses:
Service and social club
Day care center
Churches
Private Schools
Signs, pursuant to regulations
Home occupation
Publicly owned and operated facilities

Special Permitted Uses:
Recreational facilities

Lot and Yard Requirements:

(a) Minimum Rental Lot Area and Floor Area: Minimum lot area and width shall be sufficient to meet following criteria:

(1) Maximum 8 dwelling units per acre. The rental lots minimum width 75 feet and 70 feet depth, while corner lot frontage both sides is 50 feet.

(2) Minimum 500 square feet of floor area. The requirement for total gross floor area DOES NOT include attached garages, porches, or cellars.

(b) Minimum Setback: Setbacks are from property lines. All site requirement such as parking, driveway, and walkways must be included in the Manufactured home park design, amendments, or redesign.

Main Residence:	Front	15 feet	Accessory Building:	Front	50 feet
	Side	25 feet		Side	25 feet
	Rear	10 feet		Rear	5 feet
	Corner	15 feet		Corner	15 feet
				Main residence	15 feet

SECTION 23-44. C – COMMERICAL DISTRICT

Purpose:
Intended to cluster commercial in currently established downtown area to minimize commercial traffic interference with residential areas and give shopping areas the necessary high visibility identification. A condominium method of ownership as specified in Chapter 29 of this code and in conformance with the uses allowed in this section.

Allowed Uses:
Single family residences on the second floor of commercial buildings
Residence which existed at the time of rezoning which have not been abandoned for more than 6 month
Retail store and repair shop
Office building - service
Service business - such as beauty shop, barber shop tailor, or other personal service shop
Restaurant, other places servicing food or beverage
Social club, theater, churches

Allowed Uses (continued):
Day care centers, nursing, rest and convalescent home
Funeral parlor
Customary accessory uses and structures
Accessory off-street parking and loading pursuant to Parking regulations
Signs pursuant to regulations
Private School
Museums
Hotel / Bed and breakfast
Theaters
Studios

Permitted Uses:
Outdoor sales
Outdoor storage
Veterinary hospital
Publicly owned and operated facilities
Communication Antenna
Medical Treatment Facility
Campgrounds/RV Parks
Laundromats
Dry cleaning business

Special Permitted Uses:
Kennels
Major auto or truck repair facilities

Lot and Yard Requirements:

(a) Minimum Lot Area Density: Minimum lot 3 times the total building floor space to provide for parking, loading, circulation, and pedestrian walks.

(b) Minimum Setback:
Front and corner - pursuant to Section 23-85
Rear and Side When adjacent to Residential District a minimum setback equal to 2 times the height of the proposed building is required. In addition, a solid fence or wall not less than six feet in height is required on the boundary line.

SECTION 23-45. CB – COMMERICAL COMBINING DISTRICT

Purpose:
Intended to cluster commercial in currently established downtown which includes a large number of residential units. The area is designed to minimize commercial traffic interference with residential areas and give shopping areas the necessary high visibility identification. A condominium method of ownership as specified in Chapter 29 of this code and in conformance with the uses allowed in this section.

Allowed Uses:
Single family residences will follow the regulations contained within the Ra Residential zoning district
Residence which existed at the time of rezoning which have not been abandoned for more than 6 month and which do not meet the Ra district regulation are not affected unless the use is abandoned.
Retail store and repair shop
Office building - service
Service business - such as beauty shop, barber shop tailor, or other personal service shop
Restaurant, other places servicing food or beverage
Social club, theater, churches
Day care centers, nursing, rest and convalescent home
Funeral parlor
Customary accessory uses and structures
Accessory off-street parking and loading pursuant to Parking regulations
Signs pursuant to regulations
Private School
Museums
Hotels / Motels/ Bed and breakfasts
Theaters
Studios

Permitted Uses:
Outdoor sales
Outdoor storage
Veterinary hospital
Publicly owned and operated facilities
Medical treatment facility

Special Permitted Uses:
Kennels
Major auto or truck repair facilities

Lot and Yard Requirements:
(a) Minimum Lot Area Density:

(1) Commercial - Minimum lot 3 times the total building floor space to provide for parking, loading, circulation, and pedestrian walks.
(2) Residential- See minimum lot size for the Residential District "Ra" for single family home.

(b) Minimum Setback:

(1) Commercial -

Front and corner - pursuant to Section 23-85

Rear and Side When adjacent to Residential District a minimum setback equal to 2 times the height of the proposed building is required. In addition, a solid fence or wall not less than six feet in height is required on the boundary line.

(2) Residential - See setback for the Residential District "Ra" for single family home

SECTION 23-46. CN – COMMERCIAL NEIGHBORHOOD DISTRICT

Purpose:
Intended to provide small commercial area that cater to the daily convenience shopping and service needs of the surrounding residential neighborhood. The scale and design of buildings within this district must be compatible with the neighboring residential uses. A condominium method of ownership as specified in Chapter 29 of this code and in conformance with the uses allowed in this section. NOTE: No residential uses will be allowed.

Allowed Uses:
Residence which existed at the time of rezoning which have not been abandoned for more than 6 month
Office building - service
Service business - such as beauty shop, barber shop tailor, or other personal service shop
Restaurant or café with less than 3,000 square feet (excluding drive-thru restaurants)
Churches
Day care centers
Customary accessory uses and structures
Accessory off-street parking and loading pursuant to Parking regulations
Private School

Permitted Uses:
Veterinary hospital
Filling stations
Restaurant over 3,000 square feet or drive-thru
Studios for music, dancing, and art lessons
Publicly owned and operated facilities
Medical treatment facility

Special Permitted Uses:
Kennels
Uses that exceed 10,000 square feet of floor area

Lot and Yard Requirements:

(a) Minimum Lot Area Density: Minimum lot 3 times the total building floor space to provide for parking, loading, circulation, and pedestrian walks.

(b) Minimum Setback:
Front and corner - pursuant to Section 23-85
Rear and Side When adjacent to Residential District a minimum setback equal to 2 times the height of the proposed building is required. In addition, a solid fence or wall not less than six feet in height is required on the boundary line.

SECTION 23-47. C-H - COMMERICAL HIGHWAY DISTRICT

Purpose:
Intended to provide service to vehicle oriented consumers or large sale area which are not suitable in the commercial downtown district.

Allowed Uses:
Residence which existed at the time of rezoning which have not been abandoned for more than 6 month
Retail store requiring large area or outside display area
Sales and rental of new and used autos, boats, agricultural equipment or similar items
Auto service station
Repair shop related to highway traffic
Drive-thru facilities
Restaurant, other places servicing food or beverage
Customary accessory uses and structures
Accessory off-street parking and loading pursuant to Parking regulations
Signs pursuant to regulations
Hotel / Motels
Major auto or truck repair facilities
Theaters
Studios

Permitted Uses:
Recreation facilities
Publicly owned and operated facilities
Medical treatment facility
Communication antenna
Campground/RV Park

Special Permitted Uses:
Kennels

Lot and Yard Requirements:
(a) Minimum Lot Area Density: Minimum lot 3 times the total building floor space to provide for parking, loading, circulation, and pedestrian walks.

(b) Minimum Setback:
Front and corner - pursuant to Section 23-85
Rear and Side When adjacent to Residential District a minimum setback equal to 2 times the height of the proposed building is required. In addition, a solid fence or wall not less than six feet in height is required on the boundary line.

SECTION 23-48. A - AGRICULTURAL COMBINING DISTRICT

Purpose:
To provide agriculture district which provides a reasonable usage for large undeveloped areas surrounding the developed areas within the city with or without a single family detached housing. The A District is for agriculture use with limitation on poultry, dairy, and raising pigs.

Allowed Uses:
Single family residences
Crop and garden uses
Accessory buildings - Buildings normal associated with limited agricultural usage.
Livestock farming - provided not more than one horse, or one mule, or one cow, or one steer, or 2 sheep, or 1 llama, or 2 goats, or similar sized farm animals shall be kept for each 1 acre of lot area.
Poultry, rabbit or similar sized farm animal - limited to five per acre.
Sale of agricultural products produced on-site - however no commercial structure shall be built

Permitted Uses:
Service and social club
Day care center
Churches
Signs, pursuant to regulations
Kennel/stables
Veterinary hospital
Home occupation
Publicly owned and operated facilities
Communication antenna

Special Permitted Uses:
Recreational facilities
Bed and breakfast inn*
Placement of pigs, swine or other domesticated farm animal, not included in definition of "Livestock," with limits to be set by the zoning board but not to exceed those of Domesticated Farm Animal limits as set above;

Lot and Yard Requirements:

(a) Minimum Lot Area Density: Minimum lot area is five acres.

(b) Minimum Setback: from property line

Main Residence:	Front	25 feet	Accessory Building:	Front	90 feet
	Side	25 feet		Side	25 feet
	Rear	50 feet		Rear	25 feet
	Corner	25 feet			
Livestock storage:	Front	100 feet			
	Side	100 feet			
	Rear	100 feet			

A livestock fence is required to be placed around any area in which any livestock is placed on the property.

SECTION 23-49. A -1 - AGRICULTURAL HOLDING DISTRICT

Purpose:
To provide agriculture district which provides a reasonable usage for large undeveloped areas surrounding the developed areas within the city with or without a single family detached housing. The A-1 District is for agriculture use with use permits required for poultry, dairy, and raising pigs.

Allowed Uses:
Single family residences
Crop and garden uses
Livestock farming - provided not more than one horse, or one mule, or one cow, or one steer, or 2 sheep, or 1 llama, or 2 goats, or similar sized farm animals shall be kept for each 1 acre of lot area.
Accessory buildings - Buildings normal associated with limited agricultural usage.
Sale of agricultural products produced on-site - however no commercial structure shall be built

Permitted Uses:
Agricultural processing
Service and social club
Day care center
Churches
Signs, pursuant to regulations
Kennel
Veterinary hospital
Home occupation
Publicly owned and operated facilities
Communication antenna
Campground/RV Park

Special Permitted Uses:
Dairy, pig, poultry operations and livestock yards, i.e. more intense than livestock farming
Bed and breakfast inn

Lot and Yard Requirements:

(a) Minimum Lot Area Density: Minimum lot area is forty acres.

(b) Minimum Setback:

Main Residence:	Front	25 feet	Accessory Building:	Front	90 feet
	Side	25 feet		Side	25 feet
	Rear	50 feet		Rear	25 feet
	Corner	25 feet			
Livestock storage:	Front	100 feet			
	Side	100 feet			
	Rear	100 feet			

SECTION 23-50. I-1 – LIGHT INDUSTRIAL DISTRICT

SECTION 23-51. PURPOSE

The I -1 Light Industrial zone district is intended for the purpose of allowing certain industrial uses which may, in general, be compatible with residential and/or commercial activities. Land coverage, building height, traffic generation, obnoxious sounds, glare, dust and odor are minimal to insure compatibility with adjoining properties.

SECTION 23-52. PERMITTED USES

The following uses may be permitted in a I-1 district:

(a) Automobile and vehicular sales and repairs;

(b) Bottling works;

(c) Building material sales (except for ready-mix concrete and similar uses which emit dust, odor or smoke);

(d) Carpenter, cabinet, plumbing or sheet metal shops;

(e) Contractor's office and equipment storage yard;

(f) Dry cleaning and/or laundry plants;

(g) Frozen food lockers;

(h) Greenhouse and nurseries, retail and wholesale;

(i) Light manufacturing operations, providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor or smoke;

(j) Sales, service repairs, painting and storage;

(k) Monument sales and manufacture;

(l) Motor vehicle sales, services, repairs and painting;

(m) Printing, publishing and newspaper services

(n) Public utility and public service uses as follows:

(1) Substations,

(2) Railroads,

(3) Telephone exchange, microwave towers, radio towers, television towers, telephone transmission buildings, small electric generation facilities.

(4) Public utility storage yards;

(o) Sign printing, painting and manufacturing;

(p) Parcel warehousing and distribution and trucking facilities;

(q) Upholstery shops;

(r) Urgent care medical facility;

(s) Warehouses;

(t) Welding shops;

(u) Wholesale merchandise sales and storage;

(v) Other industrial uses which have similar influences as the above uses.

SECTION 23-53. CONDITIONAL USES

(a) Parking lots;

(b) Public or private cemetery;

(c) Private recreation facility;

(d) Telecommunications facility not on city property;

(e) Public or private utility facility and public or private service installations and facilities, excluding business offices and repair/storage facilities.

SECTION 23-54. PROHIBITED USES

(a) Single family dwelling

(b) Two family dwelling

(c) Multifamily dwelling

(d) Domesticated farm animals

Coops, barns, stalls, pens and any other animal housing per Chapter 5, Section 5-12, Keeping of Animals, of the City code.

SECTION 23-55. MAXIMUM AND MINIMUM LOT STANDARDS

(a) Setbacks.The minimum setback from any lot line or public right-of-way shall be as set forth below:

Buildings:	Feet
Front	35
Interior side and rear	15
Corner side	30
Residential Zone Boundary	60

Parking lots:	Feet
Front	6
Interior side and rear	10
Corner side	10
Residential Zone Boundary	25

(b) Minimum lot area shall be determined by building, area, parking requirements and required setbacks.

All business utilizing outdoor storage of materials shall have that portion of the property fenced and screened from all public rights-of-way and any adjoining residential or commercial land use.

SECTION 23-56. HEIGHT REQUIREMENTS AND PROVISIONS

(a) When a building or structure is within one hundred fifty (150) feet of a more restrictive residential district zone, such building or structure shall not exceed forty-five (45) feet in height.

SECTION 23-57. OFF-STREET PARKING AND LOADING

Loading and unloading spaces shall be provided off-street and on the premises and in the side or rear yard for such uses involving receipt or distribution of materials or merchandise by motor vehicle or rail. All loading and unloading operations shall be so located to avoid undue interference with public use of streets, alleys and walkways. Such space shall include a twelve

(12) foot by fifty (50) foot loading area for loading and unloading operations and shall have a minimum height clearance of fourteen (14) feet.

The minimum number of required parking spaces shall be provided as follows:

Five (5) employee parking spaces for the first 3,000 square feet plus the additional parking required by the following table:

NUMBER OF SPACES	GROSS FLOOR AREA (IN SQUARE FEET)
1	3,001 – 20,000
2	20,000 – 40,000
3	40,000 – 60,000
4	60,000 – 80,000
5	80,000 – 100,000
6	100,000 – 150,000

One additional space shall be provided for each fifty thousand (50,000) square feet above one hundred fifty thousand (150,000) square feet.

SECTION 23-58. SIGNS

The signs permitted in this zone shall be in conformance with Chapter 23, Article XIII, Signs, of the Kemmerer Municipal Code.

SECTION 23-59. WATER/SEWER REQUIREMENTS

All buildings or properties used for human occupancy, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a sanitary sewer of the city, is required, at the owner(s) expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper sanitary sewer in accordance with the provisions of this article, within thirty days after date of official notice to do so, provided that the sanitary sewer is within four hundred feet of the site.

All structures intended for human occupancy within the municipal boundaries on lots of one (1) acre or less shall connect to the municipal water system, subdivisions with lot areas greater that one acre shall have the option of using a domestic well for potable water.

Lots greater than two (2) acres and within 400 feet of a sewer main may use individual sewage disposal systems.

SECTION 23-60. I-2 MEDIUM INDUSTRIAL

SECTION 23-61. PURPOSE

The I-2 Medium Industrial zone district is intended for the purpose of allowing certain industrial uses which may, in general, be less intense than heavy industry, but are not compatible with residential and/or commercial activities. Land coverage, building height, traffic generation, obnoxious sounds, glare, dust and odor are minimal to insure compatibility with adjoining properties.

SECTION 23-62. PERMITTED USES

The following uses may be permitted in a I-1 district:

(a) Automobile and vehicular sales and repairs;

(b) Bottling works;

(c) Building material sales (except for ready-mix concrete and similar uses which emit dust, odor or smoke);

(d) Carpenter, cabinet, plumbing or sheet metal shops;

(e) Contractor's office and equipment storage yard;

(f) Digital data centers

(g) Dry cleaning and/or laundry plants;

(h) Frozen food lockers;

(i) Greenhouse and nurseries, retail and wholesale;

(j) Light manufacturing operations, providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor or smoke;

(k) Machinery sales, service repairs, painting and storage;

(l) Monument sales and manufacture;

(m) Motor vehicle sales, services, repairs and painting;

(n) Oil field supply facilities;

(o) Printing, publishing and newspaper services

(p) Public utility and public service uses as follows:

(1) Substations,

(2) Railroads,

(3) Telephone exchange, microwave towers, radio towers, television towers, telephone transmission buildings, electric power plants,

(4) Public utility storage yards;

(q) Sign printing, painting and manufacturing;

(r) Tannery;

(s) Taxidermy;

(t) Travel plaza or truck stop – use primarily engaged in the maintenance, servicing, storage, parking or repair of commercial vehicles, including the sale of motor fuels or other petroleum products, and the sale of accessories or equipment for over-the-road trucks and similar commercial vehicles. A travel plaza or truck stop may also include overnight accommodations, showers, vehicle scales, restaurant facilities, game rooms, and/or other services and diversions intended mainly for use by truck drivers and interregional travelers.

(u) Truck and retail terminals;

(v) Upholstery shops;

(w) Urgent care medical facility;

(x) Warehouses;

(y) Welding shops;

(z) Wild game processing;

(aa) Wholesale merchandise sales and storage;

(bb) Other industrial uses which have similar influences as the above uses.

SECTION 23-63. CONDITIONAL USES

(a) Commercial kennel, pet boarding facility or animal shelter subject to the following conditions:

(1) The facility shall provide sufficient lighting and temperature controls to protect the animals from conditions to which they are not normally acclimatized;

(2) The facility shall be adequately ventilated to provide for the health of the animals and assist in the removal of foul and obnoxious odors and provisions shall be made so that the volume of air within the enclosed indoor facility shall be changed three or more times and hour. This may be accomplished through the periodic opening of doors and windows. If fans or ventilating equipment are used, they shall be constructed in conformance with current standards of good engineering practice with respect to noise and minimization of drafts;

(3) The housing facilities shall be constructed to provide natural or artificial light as may be necessary to provide sufficient illumination to inspect and clean the facility. Such lighting shall be of good quality, well distributed within the facility and in an amount and location which will protect the animals from excessive illumination;

(4) The housing facility shall use disposal methods and drainage systems that rapidly remove water and excreta during cleaning of the facility. All indoor housing facilities for animals shall be maintained in a clean and sanitary condition and an effective disinfectant safe to humans and animals shall be used in the cleaning of the facility;

(5) The housing facility shall contain interior wall, ceiling and floor surface made of materials which are resistant to the absorption of moisture and odors, if surfaces are not originally resistant to moisture or odors they shall be treated with sealant or paint which make them resistant. In addition, interior walls shall be constructed so that the interface with floor surfaces is sealed to prevent the accumulation of moisture or debris;

(6) Obtaining a City of Kemmerer business licenses; and,

(7) Other conditions deemed appropriate by the City Administrator.

(b) Parking lots;

(c) Public or private cemetery;

(d) Private recreation facility;

(e) Telecommunications facility not on city property;

(f) Public or private utility facility and public or private service installations and facilities, excluding business offices and repair/storage facilities.

SECTION 23-64. PROHIBITED USES

(a) Single family dwelling

(b) Two family dwelling

(c) Multifamily dwelling

(d) Junk yard

(e) Domesticated farm animals

(f) Coops, barns, stalls, pens and any other animal housing per Chapter 5, Section 5-12, Keeping of Animals, of the City code.

SECTION 23-65. MAXIMUM AND MINIMUM LOT STANDARDS

(a) Setbacks.
The minimum setback from any lot line or public right-of-way shall be as set forth below:

Buildings:	Feet
1. Front	35
2. Interior side and read	15
3. Corner side	30
4. Residential Zone Boundary	60

Parking Lots:	Feet
1. Front	6
2. Interior side and read	10
3. Corner side	10
4. Residential Zone Boundary	25

(b) Minimum lot area shall be determined by building, area, parking requirements and required setbacks.

(c) All business utilizing outdoor storage of materials shall have that portion of the property fenced and screened from all public rights-of-way and any adjoining residential or commercial land use.

SECTION 23-66. HEIGHT REQUIREMENTS AND PROVISIONS

When a building or structure is within one hundred fifty (150) feet of a more restrictive residential district zone, such building or structure shall not exceed forty-five (45) feet in height.

SECTION 23-67. OFF-STREET PARKING AND LOADING

Loading and unloading spaces shall be provided off-street and on the premises and in the side or rear yard for such uses involving receipt or distribution of materials or merchandise by motor vehicle or rail. All loading and unloading operations shall be so located to avoid undue interference with public use of streets, alleys and walkways. Such space shall include a twelve (12) foot by fifty (50) foot loading area for loading and unloading operations and shall have a minimum height clearance of fourteen (14) feet. The number of spaces shall be provided as follows:

The minimum number of required parking spaces shall be provided as follows:

Five (5) employee parking spaces for the first 3,000 square feet plus the additional parking required by the following table:

NUMBER OF SPACES	GROSS FLOOR AREA (IN SQUARE FEET)
1	3,001 – 20,000
2	20,000 – 40,000
3	40,000 – 60,000
4	60,000 – 80,000
5	80,000 – 100,000
6	100,000 – 150,000

One additional space shall be provided for each fifty thousand (50,000) square feet above one hundred fifty thousand (150,000) square feet.

SECTION 23-68. SIGNS

The signs permitted in this zone shall be in conformance with Chapter 23, Article XIII, Signs, of the Kemmerer Municipal Code.

SECTION 23-69. WATER/SEWER REQUIREMENTS

All buildings or properties used for human occupancy, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a sanitary sewer of the city, is required, at the owner(s) expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper sanitary sewer in accordance with the provisions of this article, within thirty days after date of official notice to do so, provided that the sanitary sewer is within four hundred feet of the site.

All structures intended for human occupancy within the municipal boundaries on lots of one (1) acre or less shall connect to the municipal water system, Subdivisions with lot areas greater that one acre shall have the option of using a domestic well for potable water.

The use of municipal sewer is strongly encouraged, where feasible. However, structures intended for human occupancy may utilize individual sewage disposal systems.

SECTION 23-70. I-3 – HEAVY INDUSTRIAL

SECTION 23-71. PURPOSE

The I-3 Industrial Park zone district is intended for the purpose of allowing certain industrial uses which may, in general, are more intense land uses than light and medium industry and are not compatible with residential and/or commercial activities. Land coverage, building height, traffic generation, are more suited to a site requiring highway and/or rail access.

SECTION 23-72. PERMITTED USES

The following uses may be permitted in a I-3 district:

(a) Activated carbon manufacturing and processing;

(b) Aerospace engineering and manufacturing facilities;

(c) Bottling works;

(d) Coal gasification processes

(e) Contractor's office and equipment storage yard;

(f) Digital data centers

(g) Dry cleaning and/or laundry plants;

(h) Fire station;

(i) Greenhouse and nurseries, retail and wholesale;

(j) Intermodal carrier and transfer stations, depots and facilities;

(k) Machinery sales, service repairs, painting and storage;

(l) Monument sales and manufacture;

(m) Motor vehicle sales, services, repairs and painting;

(n) Oil field pump, pipeline, drilling, storage, supply and service facilities;

(o) Pipeline storage;

(p) Printing, publishing and newspaper services

(q) Wholesale Propane storage and distribution centers;

(r) Public utility and public service uses as follows:

(1) Substations,

(2) Railroads,

(3) Telephone exchange, microwave towers, radio towers, television towers, telephone transmission buildings, electric power plants,

(4) Public utility storage yards;

(s) Sexually Oriented Business: a Sexually oriented businesses shall not be located within 500 linear feet of the following:

(1) Churches

(2) Schools

(3) Residential Zones

(4) Other Sexually Oriented Businesses

(t) Sign printing, painting and manufacturing;

(u) Tannery;

(v) Taxidermy;

(w) Truck and retail terminals;

(x) Travel plaza or truck stop – use primarily engaged in the maintenance, servicing, storage, parking or repair of commercial vehicles, including the sale of motor fuels or other petroleum products, and the sale of accessories or equipment for over-the-road trucks and similar commercial vehicles. A travel plaza or truck stop may also include overnight accommodations, showers, vehicle scales, restaurant facilities, game rooms, and/or other services and diversions intended mainly for use by truck drivers and interregional travelers.

(y) Upholstery shops;

(z) Urgent care medical facility;

(aa) Warehouses;

(bb) Welding shops;

(cc) Wild game processing;

(dd) Wholesale merchandise sales and storage;

(ee) Other industrial uses which have similar influences as the above uses.

SECTION 23-73. CONDITIONAL USES

(a) Parking lots;

(b) Public or private cemetery;

(c) Telecommunications facility not on city property;

(d) Public or private utility facility and public or private service installations and facilities, excluding business offices and repair/storage facilities.

SECTION 23-74. PROHIBITED USES

(a) Single family dwelling

(b) Two family dwelling

(c) Multifamily dwelling

(d) Domesticated farm animals

(e) Coops, barns, stalls, pens and any other animal housing per Chapter 5, Section 5-12, Keeping of Animals, of the City code.

SECTION 23-75. MAXIMUM AND MINIMUM LOT STANDARDS

(a) Setbacks.

(1) The minimum setback from any lot line or public right-of-way shall be as set forth below:

Buildings:	Feet
Front	35
Interior side and rear	15
Corner side	30
Residential Zone Boundary	30

Parking Lots:	Feet
Front	6
Interior side and rear	10
Corner side	10
Residential Zone Boundary	25

(b) Minimum lot area shall be determined by building, area, parking requirements and required setbacks.

(c) All business utilizing outdoor storage of materials shall have that portion of the property fenced and screened from all public rights-of-way and any adjoining residential or commercial land use.

SECTION 23-76. HEIGHT REQUIREMENTS AND PROVISIONS

When a building or structure is within one hundred fifty (150) feet of a more restrictive dwelling district zone, such building or structure shall not exceed forty-five (45) feet in height.

SECTION 23-77. OFF-STREET PARKING AND LOADING

Loading and unloading spaces shall be provided off-street and on the premises and in the side or rear yard for such uses involving receipt or distribution of materials or merchandise by motor vehicle or rail. All loading and unloading operations shall be so located to avoid undue interference with public use of streets, alleys and walkways. Such space shall include a twelve (12) foot by fifty (50) foot loading area for loading and unloading operations and shall have a minimum height clearance of fourteen (14) feet. The number of spaces shall be provided as follows:

Five (5) employee parking spaces for the first 3,000 square feet plus the additional parking required by the following table:

NUMBER OF SPACES	GROSS FLOOR AREA (IN SQUARE FEET)
1	3,001 – 20,000
2	20,000 – 40,000
3	40,000 – 60,000
4	60,000 – 80,000
5	80,000 – 100,000
6	100,000 – 150,000

One additional space shall be provided for each fifty thousand (50,000) square feet above one hundred fifty thousand (150,000) square feet.

SECTION 23-78. SIGNS

The signs permitted in this zone shall be in conformance with Chapter 23, Article XIII, Signs, of the Kemmerer Municipal Code.

SECTION 23-79. WATER/SEWER REQUIREMENTS

All buildings or properties used for human occupancy, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a sanitary sewer of the city, is required, at the owner(s) expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper sanitary sewer in accordance with

the provisions of this article, within thirty days after date of official notice to do so, provided that the sanitary sewer is within four hundred feet of the site.

All structures intended for human occupancy within the municipal boundaries on lots of one (1) acre or less shall connect to the municipal water system, Subdivisions with lot areas greater that one acre shall have the option of using a domestic well for potable water.

The use of municipal sewer is strongly encouraged, where feasible. However, structures intended for human occupancy may utilize individual sewage disposal systems.

ARTICLE IV. GENERAL REQUIREMENTS

SECTION 23-80. APPLICABILITY.

The requirements hereinafter set forth in this article shall apply to all districts. In the event the provisions of this article conflict with the provisions of any other article or section of this ordinance, the more restrictive article or section shall control.

SECTION 23-81. PLACEMENT OF ACCESSORY USES AND STRUCTURES.

The placement of a private garage, accessory parking area or other accessory building or use, shall be subject to the following requirements:

(a) No accessory building shall be constructed within five feet (5') of any rear lot line.

(b) Nothing contained herein shall prevent the construction of a private garage as a structural part of a main dwelling, provided that when so constructed, the exterior garage walls shall be regarded as the walls of the main dwelling in applying the front, rear and side yard regulations of this ordinance.

(c) No private garage or other accessory building or parking area shall be within a required front yard, nor within a required side yard, except that in any non-residential district, a parking area may utilize the portion of a side yard not otherwise required for a planting screen.

(d) Any access driveway may be located within a required side yard or required front yard.

(e) Required accessory buildings and uses shall be on the same lot with the main building or buildings or on an immediately adjacent lot in the same ownership, or within the site limits of an approved site plan of development.

(f) Required accessory parking areas and truck loading spaces shall have safe and adequate access to a public street either by a driveway on the same lot or by means of a permanent easement across an adjoining lot.

(g) No required accessory parking area or off-street truck loading space shall be encroached upon by buildings, open storage or any other use.

(h) Accessory private garages may be constructed within or under any portion of a main building, provided that the access driveway does not at any point have a grade in excess of then percent (10%).

(i) Any accessory building larger than one hundred twenty square feet shall have exterior siding and roof compatible with the exterior siding and roof of the principal building as approved by the Building Inspector or City Administrator.

SECTION 23-82. HEIGHT RESTRICTIONS.

(a) Tower, Chimneys, etc. Nothing herein contained shall restrict the height of a church spire, cupola, dome, mast, or belfry, flagpole, chimney flue, water tank, elevator or stair bulkhead. No such structure shall:

(1) Have a lot coverage at the base in excess of ten percent (10%) of the lot area.

(2) Be used for residence or tenancy purposes.

(3) Have any advertising sign or device inscribed upon or attached to such structure.

(b) Garage and Accessory Building Height. No private garage in a residential district shall exceed sixteen feet eight inches (16'8") in height. All other accessory buildings in a residential district shall not exceed fifteen feet (15') in height.

(c) Airport Safety Zones. Except for field crops and fences under five feet (5') high, the maximum height of any object, building or structure located within five hundred feet (500') of either side of the centerline of a landing strip or runway and extended to a distance of two (2) miles from the end of landing strip or runway shall be no higher in relation to the mean elevation of the runway than a hundredth (1/100) of the distance of the object, structure or building to the landing strip or runway.

SECTION 23-83. YARD AND FENCE RESTRICTIONS.

(a) Front Yard. The space in a required front yard shall be open and unobstructed except:

(1) For an unroofed balcony or terrace projecting no more than eight feet (8'); or

(2) Steps giving access to a porch or first (1st) floor entry door; or

(3) Fences, hedges, structures, walls of landscaping displays constructed, erected, or placed after the day this revised ordinance is passed shall be allowed only as described herein.

(b) Prior to construction, erection or placement, a fence permit shall be obtained.

(c) The permit fee shall be ten dollars ($10.00)

(d) It shall be the responsibility of the property owner to locate all property lines and corners for the permitting of the construction, erection or placement of all fences

(e) No fence, hedge wall or obstruction shall be placed in the public right-of-way

(f) All front yard fences shall be a maximum of four feet (4') in height

(g) No fence, structure, wall or landscaping displays shall contain any barbed, razor, or similar sharp or pointed wire fence nor be electrically charged, not shall such wire, fence, structure, wall or landscaping display be permitted.

(h) On corner lots, no fence, hedge, structure, wall or landscaping display shall interfere with the unobstructed view of vehicular traffic or pedestrians being more than twenty-four inches (24") above the imaginary geometric plane consisting of the triangular area drawn or extrapolated from the three (3) points established as per the following examples"

(1) Example 1 for a ninety degree (90) corner:

(2) Example 2 for an arced corner:

(i) Back and Side Yards. Every part of a required yard shall be open to the sky unobstructed except for retaining walls and for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses and for ornamental features projecting not to exceed six inches (6") and eaves projecting not more than thirty inches (30"); provided, however, open or lattice enclosed fireproof fire escapes or stairways, required by law, projecting into a yard not more than four feet (4'), and the ordinary projections of chimneys and pilasters shall be permitted.

(j) Fences. In R and M districts, fences shall be no higher than six feet (6') above ground and in C and I districts, no higher than ten feet (10') above ground on the highest side. No fence shall be permitted to encroach on a public right of way, such as a street or alley.

SECTION 23-84. THROUGH LOT RESTRICTIONS.

Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages. If one (1) street is other than a local street some common fencing, landscaping or other design treatment may be approved by the zoning board if said treatment is somewhat uniform for the block.

SECTION 23-85. CORNER CLEARANCE RESTRICTIONS.

At all street intersections the maximum height of fences, retaining walls or foliage shall not exceed two feet (2') measured from top of curb. Tree branches shall be trimmed up to eight feet (8'), measured from top of curb, within forty feet (40') of the point of intersection of the two curb lines.

At all intersections of alleys with streets, the maximum height of fences, retaining walls or foliage shall not exceed two feet (2'), measured from top of curb. Tree branches shall be trimmed up to eight feet (8') measured from top of curb within fifteen feet (15') of the point of intersection of the two curb lines.

SECTION 23-86. LIVESTOCK PROHIBITED.

No livestock or poultry shall be kept or maintained on or in any part of any district within the City except as provided in this Code.

SECTION 23-87. GARAGES, FILLING STATIONS AND CAR WASHING FACILITIES.

All public garages and filling stations shall be so arranged and all gasoline pumps shall be so placed, as to permit all services to be rendered entirely within the lot lines. No gasoline or oil pump shall be placed within fifteen feet (15') of any residential district boundary line.

SECTION 23-88. PRIVATE OUTDOOR SWIMMING POOL/DECORATIVE POOL

(a) Permit Required. A private outdoor swimming pool accessory to a residential use, which is designed to contain a water depth of twenty-four inches (24") or more shall not be located, constructed or maintained on any lot or land area, except in conformity with the requirements of these regulations. A permit shall be required to locate, construct or maintain a private outdoor swimming pool.

(b) Location. Such pool shall be located in a rear yard only. Said pool shall be not less than fifteen feet (15') from side and rear lot lines.

(c) Water Service Restrictions. If the water for such pool, hot tub or spa is supplied from a private well, there shall be no cross-connection with any public or community water supply system. If the water for such pool, hot tub or spa is supplied from the public water supply system, the inlet shall be above the overflow level of said pool with sufficient air gap.

(d) Enclosure Required. Such pool shall be enclosed by a fence, or other enclosure, no less than six feet (6') in height, equipped with self-locking gates.

(e) Drainage Requirements. No permit shall be granted for the installation or construction of such swimming pool unless the building inspector has certified that the drainage of such swimming pool is adequate and will not interfere with the public water supply system, with existing sanitary facilities or with the public streets.

(f) Decorative Pools. A decorative pool shall be any body of water greater than two feet in depth with a maximum depth of six feet with is not allowed to be used for swimming or bathing purposes. Decorative pools shall be subject to the conditions below:

(1) Decorative pools shall comply with the Water Service Restrictions and Drainage Requirements contained in Section 23-32(c) and (e) of the City Code.

(2) The yard area containing a decorative pool shall be completely fenced with a containing type fence with a minimum height of 6 feet. Any gates on said fence shall be of a self latching type with latches being a minimum of 60 inches from ground level or shall be padlocked shut. The fence requirements of Section 23-27 of the City Code shall continue to apply.

(3) Decorative pools shall be of a step design to allow easy egress from the pool. The first step shall be not more than 15 inches below the surface of the water and not less than 36 inches wide. All successive steps shall be not more than 24 inches below the preceding step and shall be a minimum of 24 inches wide. In the case of a pool which doesn't exceed four feet in total depth, the maximum depth of the second step may be 33 inches below the initial step. All steps shall encompass the perimeter of the pool and shall be constructed of material suitable to provide solid footing to allow egress from the pool.

(g) Hot tub/spa: A hot tub/spa shall be any outdoor structure for human use designed to contain heated water in excess of 24 inches deep in an area of not more than 10 feet in diameter. All hot tubs/spas shall be covered when not in use suitable to prevent accidental entry.

SECTION 23-89. OFF-STREET PARKING REQUIREMENTS.

(a) Off-Street Parking Required. Off-street parking spaces for the storage or parking of passenger vehicles shall be provided pursuant to the provisions of this section.

(b) Individual Parking Spaces Required. Parking areas shall be marked off with parking spaces, each with a minimum width of nine feet (9') and a minimum length of twenty feet (20'), exclusive of driveways and turning areas.

(c) Design Standards.

(1) Driveway or curb cuts shall be in accordance with Sections 19-36 through 19-43 as the same may be amended from time to time.

(2) Parking areas shall be used for automobiles parking only, with no sales, storage, repair work, dismantling or servicing of any kind permitted.

(3) If lighting is provided, it shall be arranged to reflect away from the residential area and from any public street or highway.

(d) Specifications and Minimum Space Requirements.

(1) Each off-street parking area shall be:

(A) Provided with vehicular access to a street or alley.

(B) Surfaced with material which is equivalent to or better than the surfacing material of the abutting street or alley; provided, however, upon a showing of good cause and great financial hardship, the City Council may allow the temporary placement of gravel if such placement will not injure or damage the adjoining street, alley or property of others. Such temporary placement shall only be permitted on a year-to-year basis and the owner shall petition the Council for a continuance of such use no less than two (2) weeks and no more than one (1) month prior to the expiration of the temporary placement approval. Upon complaint by City employees, neighbors or any other affected person, the Council shall hold a hearing to consider whether or not to allow the temporary placement with or without modification.

(C) Properly drained; and

(D) Located on or adjacent to the building property.

(2) When a parking requirement is based on a gross floor area basis, fifteen percent (15%) of such gross floor area shall first (1st) be deducted in order to credit for non-productive portions of buildings.

(3) Off Street Parking Specifications:

(A) Class I - High traffic facilities including, but not limited to theaters, drive-ins, grocery stores, schools, professional offices, office buildings, bowling lanes, banks, hotels, general office buildings, libraries, retail shops, churches and funeral homes shall have the following minimum number of parking spaces:

0 - 5,000 sq. ft. of Gross Floor Area - 1 space per 250 sq. ft.

5,001 - 10,000 sq. ft. of Gross Floor Area - 1 space per 300 sq. ft.

Over 10,000 Sq. ft. of Gross Floor Area - 1 space per 350 sq. ft

(B) Class II - Low traffic facilities, including, but not limited to, research labs, industrial complexes, storage facilities, newspapers, part time business, shall have the following minimum number of parking spaces:

0 - 5,000 sq. ft. of Gross Floor Area - 1 space per 350 sq. ft.

5,001 - 10,000 sq. ft. of Gross Floor Area - 1 space per 400 sq. ft.

Over 10,000 sq. ft. of Gross Floor Area - 1 space per 450 sq. ft.

(C) Class III - Health care facilities, including, but not limited to hospitals, nursing homes and any other facilities required by Wyoming Statute Section 35-2-102 to be licensed by the State of Wyoming, shall have the following minimum number of parking spaces:

Less than 10,000 sq. ft. - Same requirements as Class I above

Over 10,000 sq. ft. of Gross Floor Area - 1 space per 450 sq. ft.

provided, further, for purposed of Class III structures over 10,000 sq. ft., forty percent (40%) of such gross floor area shall first (1st) be deducted in order to credit for non-productive portions of such building.

(D) For single and multiple family dwelling units, there shall be provided two (2) spaces per living unit.

(E) Off street employee parking shall be provided for all industrial and manufacturer facility at a rate of one (1) parking space for every two (2) employees.

(4) If a business, owner or developer, finds that it cannot comply with the above requirements, it may submit a fee in lieu of compliance in the amount of Five Hundred Dollars ($500.00) for every space it cannot provide. In no event will payment of the fee be accepted for more than thirty-five percent (35%) of the required spaces. The funds collected will be used by the City to maintain public parking areas.

(5) When parking requirements for any uses are not specifically defined in this ordinance, such parking requirements shall be determined by the city engineer and zoning board on comparable uses in compliance with this ordinance.

(6) When a structure has a change of use from one class to a different class, it shall comply with the above parking requirements for a new use class.

(7) For mixed uses, the total requirements shall be the sum of the requirements of the component uses computed separately.

(8) When the required parking area or number of parking spaces results in the requirement of a fractional space, any fraction under on-half (1/2) may be disregarded, and any fraction one-half (1/2) and over shall be construed as required a full space.

(9) A special parking district shall be developed along Pine Avenue from Garnet Street to Emerald Street, and along South Main and J.C. Penney Drive. Said parking district shall be exempt from the requirements herein set forth.

(10) It shall be unlawful to erect or construct any building or to use any land in violation of this ordinance. Any person who violates this ordinance shall be fined, upon conviction, of not more than the maximum amount allowable by law.

(11) In case any building is erected or constructed on land used in violation of this article, the city council may institute appropriate legal action or proceeding to prevent such unlawful erection or construction or to restrain, correct or abate such violation.

(e) Commercial Vehicle Parking Restrictions. Parking of commercial or service vehicles weighing in excess of one (1) ton rated cargo or towing capacity will not be permitted in R or M districts except when actively engaged in the ordinary course of business.

(f) Exceptions. The provisions of paragraphs (a) through (d) shall not apply to any building, structure or use lawfully in existence at the effective date of this ordinance, whether construed as a permitted or nonconforming use, or thereafter converted or changed without enlargement to a different lawful use.

SECTION 23-90. REQUIRED OFF-STREET TRUCK LOADING SPACES.

(a) Every building or structure, lot or land hereafter put into use for business or industrial purposes or for a hospital, which business requires space for loading and unloading of truck cargo, shall provide off-street loading spaces as follows:

1 space per 0 - 20,000 sq. ft. of Gross Floor Area.

2 spaces per 20,000 - 40,000 sq. ft. of Gross Floor Area.

3 spaces for over 40,000 sq. ft. of Gross Floor Area.

(b) All off-street loading spaces shall be a size sufficient to accommodate any and all size trucks making deliveries to the business.

SECTION 23-91. ACCESS DRIVEWAYS.

All access driveways for a public garage, public parking area, filling station, service station or car washing station, located on the same lot may be used for separate or combined entrance and exit. Every separate entrance or exit access driveway shall have a minimum unobstructed width of ten feet (10'). Every combined entrance and exit access driveway shall have a minimum total unobstructed width of twenty feet (20').

SECTION 23-92. SITE PLAN APPROVAL AS REQUIRED FOR PERMITTED USES.

Any permitted use or special permitted use unless otherwise excepted herein shall require site plan approval. Said site plan shall be submitted in adequate detail to permit the zoning officer to evaluate the plan to determine its conformance with these provisions. Building permits shall not be issued until said plan is certified as to conformance with this ordinance.

SECTION 23-93. DRAINAGE REQUIREMENTS.

(a) No building shall be erected, structurally altered or relocated on, or any zoning permit issued for a sit or land which is subject to periodic flooding unless adequate provision is made to ensure flooding will not affect or damage said improvements and access thereto.

(b) No building or structure, except a flood control facility, dam or irrigation structure, shall be erected or located in a flood plain. Uses permitted in a flood plain shall be limited to recreation and parking. No construction except for a flood control facility or dam or alteration of topography shall be made, which will obstruct or restrict the natural flood channel and cause other lands to be flooded.

(c) No building permit shall be issued for construction or use in any flood plain unless the construction complies with the National Flood Insurance Standards.

SECTION 23-94. SEWAGE SYSTEMS REQUIRED.

No building permit shall be issued for the erection, alteration or relocation of a building for human use or occupancy which will not be connected to a public or community sewage system, or will provide for a private or on-lot sewage system (septic tank) which meets the standards and requirements of the State of Wyoming Health Department. No certificate of occupancy shall be issued until these requirements are met.

SECTION 23-95. WATER SUPPLY REQUIRED.

No building permit shall be issued for the erection, alteration or relocation of a building for human use or occupancy which will not be adequately served by a water supply facility which meets the standards and requirements of the State of Wyoming Health Department.

SECTION 23-96. JUNK CARS, TRUCKS AND TRAILERS PROHIBITED.

Junk cars, trucks and trailers shall not be permitted to remain on any property for a period in excess of thirty (30) days except in I-2 districts in areas designated as junkyards. A car, truck or other vehicle is considered to be junk if it cannot move under its own power, or in the case of a trailer, if it cannot be pulled on a public highway.

ARTICLE V. NON-CONFORMING USES

SECTION 23-97. UNLAWFUL CONFORMING AND NONCONFORMING USES AND STRUCTURES.

An unlawful building or structure, or unlawful use of a building, structure, lot or land existing at the effective date of this ordinance shall not be deemed to be a nonconforming building, structure or use.

Any existing lawful use or structure that does not conform to the requirements of this ordinance on its effective date shall be deemed a nonconforming use or structure. Uses or structures resulting from special use permits shall be considered conforming uses and structures. Variances shall be deemed nonconforming uses or structures.

SECTION 23-98. RESTORATION AND ALTERATION.

(a) Restoration. If a building or structure used by a nonconforming use is damaged, to an extent no greater than fifty percent (50%) of its fair market value, it may be reconstructed, or used as before, provided that the floor area of such use, building or structure shall not exceed the floor area which existed prior to such damage, and that it be completed within one (1) year of such happening.

(b) Alteration. A nonconforming building or structure that is devoted to a conforming use may be reconstructed, structurally altered, restored or repaired in whole or in part, provided the degree of nonconformity is not increased.

SECTION 23-99. EXTENSION.

A nonconforming use shall not be enlarged or extended-without a special use permit.

SECTION 23-100. CHANGE OF USE.

A nonconforming use may be changed to a conforming use or changed to another, more restrictive, nonconforming use, provided it shall first be approved by the zoning board.

A nonconforming use of a building or land that has been changed to a more restricted classification shall not thereafter be changed to a use of a less restrictive classification.

A nonconforming use shall not be extended to displace a conforming use.

SECTION 23-101. TERMINATION.

A nonconforming use shall be deemed to have been terminated and shall not thereafter be reinstated:

(a) When it is changed to a conforming use;

(b) When it has been abandoned.

(c) The owner of a property which has had a nonconforming use abandoned may, within 30 days of the abandonment, apply to the Zoning Board for an extension of the abandonment period not to exceed six months. If the extension is not granted or, if granted, the nonconforming use remains abandoned after the extension the nonconforming use shall be deemed to have been terminated and shall not thereafter be reinstated.

SECTION 23-102. REPAIRS AND MAINTENANCE.

Normal maintenance and repairs 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.

ARTICLE VI. USE AND SPECIAL USE PERMITS

SECTION 23-103. USE AND SPECIAL USE PERMIT REQUIREMENTS.

Due to their unusual and unique features, permitted and special permitted uses shall be subject to the following requirements to ensure the best interests of the health, safety and welfare of the City of Kemmerer. Permitted and special permitted uses shall be permitted in districts where designated only after review (including site plan) and approval by the zoning board. Appeals of decision and conditions made by the zoning board may be taken to the city council pursuant to Section 23-108.

SECTION 23-104. PROCEDURE.

(a) Application for a permit or special permit use shall be submitted to the zoning board in writing. The application shall include applicable information as required in Section 23-104 and such other data, information and plans necessary for full evaluation by the board.

(b) A public hearing shall be held by the zoning board on a special use permit application. Said hearing must be held within thirty (30) days from the date the application has been filed. Notice of said hearing shall be given by at least one (1) publication in a newspaper of general circulation within the city at least ten (10) days prior to the hearing date. Said notice shall contain at least the following information:

(1) General location.

(2) Requested use.

(3) Time, place and date of hearing.

(4) Number to call to ask questions about the request.

(c) Action on application must be taken and a decision must be made by the zoning board within sixty-five (65) days from date of receipt of the application, unless continuation is agreed upon by the applicant. The zoning board shall make the following determinations prior to approval of a use or special use permit:

(1) The proposed use shall serve an obvious public need.

(2) The proposed use will not be detrimental to the surrounding area or to established uses.

(3) That adequate and safe access and circulation shall be provided.

(4) That any resulting commercial and truck traffic shall not use a residential street nor create a hazard to a developed residential area.

(5) That the applicant has taken adequate steps to minimize and control potential environmental problems which may be resulting from the proposed use.

(d) Records of all applications made and decisions rendered, together with all maps, drawings, descriptions of conditions applied shall be kept and maintained as described in Section 23-108. A copy of the decision rendered and conditions applied shall be transmitted to the applicant.

(e) Appeals of the zoning board action shall be made in writing to the city council. The council shall hold a hearing in the same manner as prescribed above for the zoning board on special use permits.

ARTICLE VII. PLANNED UNIT DEVELOPMENT

SECTION 23-105. PLANNED UNIT DEVELOPMENT ALLOWED.

Planned unit developments requiring deviations from the requirements of this ordinance are permitted, provided the design demonstrates the development will not adversely affect the health, safety, welfare, economy and environment of the city. Zoning board approval or denial shall be based on the information shown by a specific plan and written conditions incident thereto.

SECTION 23-106. REQUIREMENTS.

Planned unit developments in any district where permitted shall be subject to the following additional provisions:

(a) Minimum Area. The development area shall be not less than twenty (20) acres.

(b) Site Plan Required. A site development plan shall be submitted with the application and shall show the layout of roads, lots, parks and open space, location of buildings, developments immediately adjacent, provisions for drainage, water supply and sewage treatment, and other relevant information. Water supply and sewage treatment facilities shall meet State of Wyoming health standards.

(c) Minimum Lot Area. The minimum lot area and yard requirements of the specific zone district where located may be varied, provided:

(1) The gross dwelling unit density of the development does not exceed the density requirement of the district where located.

(d) Recreation Space Required. Open space for recreation shall be provided in an amount calculated as follows:

Gross density X 2 + 5 = % dedication required

(Example: 10 units per acre X 2 + 5 = 25 or 25% dedication.)

All areas designated as open space or park shall be dedicated in perpetuity to the public use, with adequate provisions for the control, construction and maintenance of the same. Lands proposed to be dedicated to public use cannot be considered as meeting these requirements unless accepted by legal action of the affected unit of government.

(e) Spacing Requirements. The minimum distance between principal structures, on the same lot, and perimeter development boundaries shall be no less than the height of the tallest structure as applicable. In no case shall the setback form the boundary be less than twenty-five feet (25').

ARTICLE VIII. ADMINISTRATION

DIVISION 1. ZONING BOARD

SECTION 23-107. ZONING BOARD ESTABLISHED.

A zoning board is hereby established. Said board shall consist of seven (7) members, each to be appointed by the city council. The first (1st) appointment may be for one (1), two (2) or three (3) years. The board shall elect a chairman from its membership, shall appoint a secretary, and shall prescribe rules for the conduct of its affairs. A quorum shall consist of three (3) members.

SECTION 23-108. POWERS AND DUTIES.

The zoning board shall have all powers and duties prescribed by law, and by this ordinance, which are more particularly specified but not limited as follows:

(a) Interpretation. Upon appeal from a decision by the city engineer or other administrative office, to decide any question involving the interpretation of any provision of this ordinance including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

(b) Permitted and Special Permitted Uses. To issue permits and special permits for any of the uses for which this ordinance requires the obtaining of such permits from the zoning board. In granting any permit, the board shall prescribe any conditions that it deems to be necessary to or desirable for the public interest. However, no such permit shall be granted by the zoning board unless it finds:

(1) That the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose of this ordinance. In determining its findings the board shall take into account the character and use of adjoining buildings and

those in the vicinity, the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.

(c) Variances.

(1) The zoning board shall have power to grant a variance from the strict application of the regulations of this ordinance where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the regulations of this ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property.

(2) Any variance granted by the zoning board pursuant to the provisions of this section, shall be construed to be nonconforming.

(3) Every variance granted by the zoning board shall be based upon and accompanied by a specific finding or findings, supported by evidence to the effect that the exceptional circumstances of the particular hardship in the way of carrying out the strict application of the regulations of this ordinance.

(d) Enforcement Responsibility.

(1) It shall be the responsibility of the zoning officer of the City of Kemmerer to administer the provisions of this ordinance. The zoning officer shall be appointed by the city administrator.

(2) The zoning officer (or his deputy) shall have the authority and responsibility to enter upon any public or private premises and make inspection thereof at any reasonable time, and for any proper purpose in enforcing this ordinance. Further, upon reasonable cause or question as to proper compliance, to revoke any permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this ordinance.

(e) Certificates of Occupancy. Upon written request by the owner or his authorized agent, the zoning officer shall issue a certificate of occupancy for any building or structure, lot or land, existing and in use at the effective date of this ordinance, provided that said zoning officer shall find that such building or structure, lot or land is in conformity with the applicable provisions of this ordinance. The zoning officer shall, by site inspection, determine that the provisions of the zoning ordinance have been met prior to issuing a certificate of occupancy.

(f) Records and Reports.

(1) The zoning board shall keep, file and maintain all records regarding application and all actions, notes and minutes of the zoning board related to this ordinance.

(g) Amendments to Zoning Map.

(1) Zoning Board May Amend. The zoning board may on its own initiative, and with approval of the City Council, amend the zoning map.

(2) Petition for Amendment.

(A) Any person, or his agents may file a petition with the zoning board seeking to re-zone any land to more or less restricted district designations, provided the land is adjacent to or directly across a street or alley from property which is already zoned in the same or less restricted zone as that to which the property is to be re-zoned.

(B) In the event a petition for amendment is denied, the petition shall not be eligible for reconsideration for one (1) year thereafter.

(C) Each petition hereunder shall be accompanied by a filing fee in the sum of Fifty dollars ($50.00), or such other amount as the city council shall from time to time approve by resolution.

(3) Publication and Hearing Required. No amendment to the zoning map shall be approved until after public hearing with thirty (30) days notice of the time, place and purpose published at least one (1) time in a newspaper of general circulation in the city.

(h) Appeals. Any person adversely affected by any order, ruling, act or decision of the zoning officer, within ten (10) days may appeal to the zoning board in accordance with the rules of the board. Any person adversely affected by any order, ruling, act or decision of the zoning board, within ten (10) days may appeal to the city council in accordance with the rules and regulations of the council and the city ordinances.

Upon appeal to the city council, the council shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within thirty (30) days after said hearing. Upon the hearing, any party may appear in person or by agent or by attorney.

DIVISION 2. HISTORIC PRESERVATION COMMISSION

SECTION 23-109. HISTORIC PRESERVATION COMMISSION ESTABLISHED.

A historic preservation commission is hereby established. Said board shall consist of five (5) members, each to be appointed by the city council. The first (1st) appointment may be for one (1), two (2) or three (3) years. The board shall elect a chairman from its membership, shall appoint a secretary, and shall prescribe rules for the conduct of its affairs. A quorum shall consist of three (3) members. Each member of the commission shall attend at least one informational or educational meeting sponsored by the Wyoming State Historic Preservation Office that pertains to the work and functions of the commission or to historic preservation

during the member's first year as a commission member.

SECTION 23-110. POWERS AND DUTIES

The Historic Preservation Commission, under the authority of the City Council, shall have powers to:

(a) Conduct cultural resource surveys of structures and areas for the purpose of determining those of architectural, historical, cultural and/or archaeological significance; to maintain and revise detailed listings of significant structures and districts.

(b) Propose to the zoning board and city council criteria for the evaluation and designation of districts, buildings, structures, sites or objects located within the City's jurisdiction. The criteria should be compatible with the U.S. Department of Interior's criteria for evaluation of potential entries to the National Register of Historic Places.

(c) Coordinate historic preservation efforts with the zoning board, and act as an advisory committee on historic preservation issues appropriate to local government agencies and the city council.

(d) Act as an advisory committee to residents and property holders on matters of historic preservation.

(e) Promote historic preservation awareness through a wide range of activities such as walking tours, educational seminars, and published materials.

(f) Retain assistance of staff members or consultants to carry out duties as listed.

(g) Request and receive any appropriate information, cooperation, assistance or studies from any government departments, boards, agencies, or commissions.

(h) The commission, with the assistance of the Wyoming State Historic Preservation Office, shall conduct a cultural resource inventory of neighborhoods, commercial and other areas, for the purpose of evaluating each area's potential for local designation. The Cultural Resource Inventory shall serve as the data base for preservation decisions and periodically to reflect new information. The inventory shall incorporate information about buildings, sites, structures, districts or objects enrolled in, or eligible for, locating in the National Register of Historical Places. A copy of the inventory shall be supplied to the Wyoming State Historic Preservation Officer. The inventory shall be accessible to the public unless access to archaeological or historic information must be restricted for protective purposes pursuant to the Wyoming Public Record Act.

(i) The commission may develop procedures to define and register places, sites, features, buildings, or districts of local significance, and provide to the City Council recommendations for the preservation thereof.

(j) The commission shall review any building demolition permit application prior to approval to verify eligibility for removal against any national, state, or local register of historic places.

(k) The commission shall review each pending National Register nomination that lies within the boundaries of the City; and comply with all "Rules and Regulations, Pertaining to the Certification of Local Governments," as written by the Wyoming State Historical Preservation Office and approved by the U.S. Department of Interior.

SECTION 23-111. LIABILITY FOR DAMAGES.

This ordinance shall not be construed to hold the City of Kemmerer responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect or by reason of issuing a certificate of occupancy, or in the administration and enforcement of this ordinance.

ARTICLE IX. MISCELLANEOUS

SECTION 23-112. RELATION TO OTHER ORDINANCES.

(a) Where this ordinance conflicts with or imposes a greater restriction than imposed or required by such other provisions of laws, ordinances, covenants or agreements, the provisions of this ordinance shall control.

(b) Where this ordinance conflicts with other ordinances or laws, or where this ordinance imposes greater standards and restrictions than other ordinances and laws, the provisions of this ordinance shall control.

(c) Where the provisions of any other law or ordinance or regulation impose a greater restriction than this ordinance, the provisions of such other law or ordinance or regulation shall control.

(d) No provisions contained in this ordinance shall be construed as justifying the encroachment of any building or structure within any street lines now or hereafter laid down or officially mapped.

SECTION 23-113. SEVERABILITY.

If any article, section, subsection, paragraph, clause, phrase or provision of this ordinance or the location of any district boundary shown on the zoning map that forms a part hereof shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance or zoning map as a whole or any part or provision hereof other than the part so adjudged to be invalid or unconstitutional.

SECTION 23-114. PERMIT PROCEDURE FOR GROUNDWATER WELLS.

(a) It shall be unlawful and a misdemeanor for any person acting for himself or acting as agent, servant, employee, subcontractor or independent contractor or any other person to commence to drill a water well or re-enter any abandoned water well in order to bring said abandoned water well into production within this city, or to work upon or assist in any way in the production or operation of any such water well, without a permit having first been issued by the authority of the city engineer in accordance with this ordinance. Any permit issued pursuant thereto shall be transferred on after obtaining the express written consent of the city council.

(b) Every application for a permit to drill a water well or to re-enter an abandoned water well shall be in writing, signed by the applicant or by some person duly authorized to sign same on his behalf. Such application shall contain the name and post office address of applicant or applicants, the nature of the proposed well or other means of obtaining underground water, the depth to the water table, if known, the size, type, description and estimated depth of the proposed well, a description of power, the estimated capacity in gallons per minute, the amount of water applied for, and such other information as the city engineer may require. the application shall be filed with the city engineer and be accompanied by a filing fee, the amount of which shall be determined by resolution of the city council and which may, from time to time, be adjusted by the city council.

(c) An application for a permit for a well shall be granted if the city engineer finds that the proposed means of diversion and construction are adequate. If the city engineer finds that to grant the application would not be in city's water interest, or would violate any city, state or federal rules or regulations, then he may deny the application subject to review at the next meeting of the city council. If the city engineer shall find that the proposed means of diversion or construction are inadequate, or if the application is otherwise defective, he may return the application for correction. If such correction is not made within ninety (90) days, the city engineer may cancel the application. The city engineer shall have the power to revoke any permit granted if he should determine that subsequent to drilling, violations of city, state or federal rules or regulations have occurred.

(d) In the event water is pumped for domestic purposes, the property owner shall, at his own expense, be permanently disconnected from the city's water system.

(e) Any resumption of city water services shall be at the sole expense of the property owner.

(f) Any violation of this ordinance shall be deemed a misdemeanor punishable by no more than ninety (90) days in jail and/or the maximum fine allowed by law, together with full restitution to the city and/or property owner for damaged property.

(g) This ordinance shall not apply to, and there is specifically exempted from the provisions hereof, any well that was in existence and operating at the time of passage of this ordinance.

ARTICLE X. FLOOD DAMAGE PREVENTION

SECTION 23-115. STATUTORY AUTHORIZATION.

The legislature of the State of Wyoming has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council of the City of Kemmerer, Wyoming does ordain as follows:

SECTION 23-116. FINDING OF FACT.

(a) The flood hazard areas of the City of Kemmerer are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other area. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

SECTION 23-117. STATE OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

(a) To protect human life and health;

(b) To minimize expenditure of public money for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(f) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

(g) To ensure that potential buyers are notified that property is in an area of special flood hazard; and

(h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 23-118. METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this ordinance includes methods and provisions for:

(a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood water;

(d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,

(e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood water or which may increase flood hazards in other areas.

SECTION 23-119. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Appeal means a request for a review of the Building Inspector's interpretation of any provision of this ordinance or a request for a variance.

Area of Special Flood Hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood means the flood having a one percent chance of being equalled or exceeded in any given year.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters and/or
(b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Emergency Management Agency that includes flood, profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation ofthe property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means a walled and roofed building or mobile home that is principally above ground.

Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(a) before the improvement or repair is started, or

(b) if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
(b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

SECTION 23-120. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Kemmerer.

SECTION 23-121. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The area of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Lincoln County, Wyoming", dated November 16, 2011 with an accompanying Flood Insurance Rate Map (FIRM) and any revisions thereto is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at Kemmerer City Hall.

SECTION 23-122. COMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 23-123. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and,

(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 23-124. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of City of Kemmerer, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

SECTION 23-125. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 23-128 Application for a Development Permit shall be made on forms furnished by the City of Kemmerer and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

(a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any structure has been floodproofed:

(c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 23-128 *SPECIFIC STANDARDS NONRESIDENTIAL CONSTRUCTION*; and,

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

SECTION 23-126. DESIGNATION OF THE BUILDING INSPECTOR.

The Building Inspector is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

SECTION 23-127. DUTIES AND RESPONSIBILITIES OF THE BUILDING INSPECTOR.

Duties of the Building Inspector shall include, but not limited to:

Permit Review

(a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

(b) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 23-128 (Floodways) are met.

Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 23-121, *BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD*, the Building Inspector shall obtain, review and reasonably utilize any base flood elevation data and floodway available from a federal, state or other source, in order to administer Sections 23-128, *SPECIFIC STANDARDS, Residential Construction*, and *SPECIFIC STANDARDS, Nonresidential Construction*.

Information to be Obtained and Maintained

(a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

(b) For all new or substantially improved floodproofed structures:

(1) verify and record the actual elevation (in relation to mean sea level)

(2) maintain the floodproofing certifications required in Section 23-125

(c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

Alteration of Watercourses

(a) Notify adjacent communities and the Wyoming Emergency Management Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Interpretation of FIRM Boundaries

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 23-127 *VARIANCE PROCEDURE*.

VARIANCE PROCEDURE:

(a) Appeal Board

(1) The Zoning Board as established by the City of Kemmerer shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(2) The Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Inspector in the enforcement or administration of this ordinance.

(3) Those aggrieved by the decision of the Zoning Board, or any taxpayer, may appeal such decision to the City Council and then to the Third Judicial Court [as provided by State of Wyoming statutes].

(4) In passing upon such applications, the Zoning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

(A) the danger that materials may be swept onto other lands to the injury of others;

(B) the danger to life and property due to flooding or erosion damage;

(C) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(D) the importance of the services provided by the proposed facility to the community;

(E) the necessity to the facility of a waterfront location, where applicable;

(F) the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;

(G) the compatibility of the proposed use with existing and anticipated development;

(H) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(I) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(J) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(K) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(5) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (A-K) in Section 23-127 *VARIANCE PROCEDURE (4)* have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(6) Upon consideration of the factors of Section 23-127 VARIANCE PROCEDURE (4) and the purposes of this ordinance, the Zoning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(7) The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(b) <u>Conditions for Variances</u>

(1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(2) Variances shall not be issued within any designation floodway if any increase in flood levels during the base flood discharge would result.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued upon:

(A) a showing of good and sufficient cause;

(B) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(C) a determination that failure to grant the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 23-127, or conflict with existing local laws or ordinances.

(5) Any applicant to whom a variance is granted shall be given written notice that the

structure will be permitted to be built with a lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation.

SECTION 23-128. PROVISIONS FOR FLOOD HAZARD REDUCTION.

GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

(a) Anchoring

(1) All new construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure.

(2) All manufactured homes must be elevated and anchored to resist floatation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirement for resisting wind forces. Specific requirements may be:

(A) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;

(B) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;

(C) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(D) any additions to the manufactured home be similarly anchored.

(b) Construction Materials and Methods

(1) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Utilities

(1) All new and replacement water supply system shall be designed to minimize or eliminate infiltration of flood waters into the system.

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) Subdivision Proposals

(1) All subdivisions proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 23-121 *BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD* or Section 23-127, *Use of Other Base Flood Data*, the following provisions are required:

(a) Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(b) Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall:

(1) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 23-127, *INFORMATION TO BE OBTAINED AND MAINTAINED*.

(c) Manufactured Homes

(1) Manufactured homes shall be anchored in accordance with Section 23-128.

(2) All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system.

FLOODWAYS

Located within areas of special flood hazard established in Section 23-121 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development including manufactured homes, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) If section 23-128 *FLOODWAYS* is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 23-128 *PROVISIONS FOR FLOOD HAZARD REDUCTION*.

ARTICLE XI. WIND ENERGY

23-129. PURPOSE.

It is the purpose of this section to promote the safe, effective and efficient use of small wind energy systems within the City of Kemmerer.

23-130. FINDINGS.

The City of Kemmerer finds that wind is a renewable alternative, nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional

energy sources.

23-131. DEFINITION OF TERMS.

Battery: A combination of one or more electrochemical Galvanic cells which store chemical energy that can be converted into electric potential energy.

Decibel: A logarithmic unit of measurement that expresses the magnitude of a physical quantity (usually power or intensity) relative to a specified or implied reference level.

Guy-wire: A tensioned cable designed to add stability to structures.

Inverter: A device that connects direct current (DC) to alternating current (AC).

Renewable Energy: Energy generated from natural resources such as sunlight, wind, rain, and geothermal heat.

Small Wind Energy Systems: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 25 kilowatts and which is intended to primarily reduce on-site consumption of utility power.

Tower Height: The height above grade of the fixed portion of the tower to the tip of the top blade.

Wind Farm: One or more wind turbines in the same location whose sole purpose is the production of electric power for off-site sale.

23-132. DESIGN STANDARDS.

Appearance: The wind generator and tower shall remain painted. The colors shall be white, off-white, gray, or neutral subdued tones, such as earth tones of green or brown. Towers shall not be finished in bright or vivid colors, nor shall the tower be used for advertising of any kind.

Battery Storage: The storage and containment of batteries shall meet EPA and DEQ requirements.

System Maintenance: The owner shall maintain the small wind energy system in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security measures. Inspections shall be required and documented every year by a Wyoming certified and licensed engineer or electrician. A copy of said inspection shall be given to the City Building Inspector.

Minimum Height: The minimum height for a wind powered generator shall not be less than 15 feet from ground to tip of bottom blade.

Noise: Small wind energy systems shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

Roof Mounted Towers: Roof mounted wind towers shall not exceed 10 feet above the peak of the roof.

Setback: All small wind generated systems shall be setback from the lot line 1.5 times the height of the tower. Setback shall be measured from lot line to closest protruding point of tower.

Exception: Roof mounted wind generating systems shall meet all required home setbacks for the zone in which they are erected.

Tower Height: For property sizes up to 5 acres the tower height shall not exceed 42 feet from ground to tip of the top blade. For property sizes above 5 acres the tower height shall not exceed 80 feet from ground to tip of the top blade. Roof mounted wind turbines shall not exceed 10 feet above the peak of the roof.

Wind Turbines: Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.

Roof Mounted Wind Turbines: With the installation of roof mounted wind turbines the roof shall maintain the required 40# snow load. Additional permits may be required if the structural integrity of the roof needs modification.

Compliance with International Building Codes: Building permit applications for renewable energy systems shall be accompanied by standard drawings showing compliance with the International Building Code. All submitted drawings shall be certified by a Wyoming licensed professional engineer.

Compliance with National Electric Code: Building permit applications for renewable energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. All installations shall be inspected by the State of Wyoming Electrical Inspector for compliance and a certificate of that inspection shall be provided to the City Building Inspector before the small wind energy system is put into operation.

Compliance with FAA Regulations: Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

Utility Notification: As part of the permit application no small wind energy system shall be allowed until written evidence has been given to the Building Inspector that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off grid systems shall be exempt from this requirement.

23-133. PERMIT PROCESS.

Permitted Use: Small wind energy systems shall be a permitted use in all zoning classifications where structures are allowed subject to certain requirements as set forth below:

(a) File an application with the Zoning Board

(b) Provide proof of ownership for property

(c) Site Plan

(d) Written evidence from the utility company for intent

Site Standards:

(a) In no case shall a land owner have more than 3 wind generating turbines on said accumulated property.

(b) All towers for wind generators shall be of monopole design. In no case shall guy wires be allowed for support.

(c) No accessories shall be attached to the monopole.

(d) No renewable energy systems shall be permitted if the sole purpose is to sell the power back to the power company.

23-134. ABANDONED ACCESSORIES.

(a) Any Small Wind Energy Conversion System that is not operated on a functional basis for a period of six (6) consecutive months shall be deemed abandoned. The City of Kemmerer may order the repair or removal of said Small Wind Energy Conversion System, in accordance with these provisions. The applicant, owner, or other person responsible for the facility shall repair or remove the same within thirty (30) days of receipt of notification by certified mail. If said facility is not either operational or removed after thirty (30) days from the date of notification, the City may remove the system at the owner's expense.

(b) The City shall attempt to notify any such applicant, owner, or other person responsible for the facility of such action at least forty-eight hours prior to entering the property. The City reserves the right to enter upon and disconnect, dismantle or otherwise remove any Small Wind Energy Conversion System, or hire someone to take such action, should it become an immediate hazard to the safety of persons or property due to emergency circumstances, as determined by the City Administrator or his designee, such as natural or man-made disasters or accidents, when the applicant, owner, or other person responsible for the facility is not available to immediately remedy the hazard. No advance notice is required if such emergency shall exist. The applicant, owner, or other person responsible for the facility shall reimburse the City for all costs incurred for action taken pursuant to this Section.

(c) Should the City utilize the services of an attorney under this section the City shall be entitled to collect or be reimbursed by the applicant, owner, or person responsible for the facility for all attorney‘s fees and costs incurred associated with enforcement action.

(d) Action under this Section, whether in a court of law or otherwise shall not be held to prevent a criminal prosecution as provided in Section 9 as a remedy under this Section is not exclusive.

23-135. SAVING CLAUSE.

Nothing in this chapter or in the Wind Energy code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

23-136. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance.

23-137. PENALTY.

(a) Any person who shall violate any provision of this chapter or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under or any certificate or permit issued hereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions as provided by Section 6 above.

ARTICLE XII. HOME OCCUPATIONS

SECTION 23-138. HOME OCCUPATION PERMIT

The City of Kemmerer permits certain businesses to be operated in the residential zone districts as long as the home occupation complies with the definitions and guidelines outlined herein. All home occupations shall be licensed in accordance with Chapter 23 of this code and provisions of this subchapter.

SECTION 23-139. PURPOSES

The purposes of this subchapter are to:

(a) Establish regulations for the establishment, maintenance and well being of home occupations in order to provide for the betterment of the community, residents, patrons, and neighboring citizens.

(b) Provide an opportunity for home occupations as an accessory use, when they are compatible with the neighborhoods in which they are located.

(c) Guide business activities, which are not compatible with neighborhoods to appropriate commercial and industrial zones.

(d) Promote peace, quiet, and domestic tranquility within all residential neighborhoods and protect residents from the adverse effects of business uses being conducted in residential areas, i.e. noise, nuisances, traffic, fire hazards, or other possible business impacts that are in excess of that customarily associated with the neighborhood.

(e) Provide an opportunity for a home occupation to engage in the business of childcare and other small businesses that are allowed by zoning within a residential neighborhood.

(f) Provide a means to enforce and regulate the businesses that are licensable through the authority of this chapter, and, if necessary, terminate home occupations if violation of the ordinances regulating home occupations occurs, as provided for herein.

SECTION 23-140. HOME OCCUPATION LICENSE

Only the owner or official representative of a business may apply for a home occupation permit and the applicant must be a resident of the home where the business will be conducted. The owner or official representative must show ownership by deed or right to occupy the premises and operate a business with a lease that specifically allows the premises to be used for that business. Home businesses can only be operated by the people living at the residence. No more than one full time or two part time person(s) from outside the residence may be officed or employed there.

SECTION 23-141. CATEGORIES AND REGULATIONS OF HOME OCCUPATIONS

Home occupations as defined in subsection 23-143 of this title, shall be classified as “permitted home occupations”, “permitted Home Day Care”, “prohibited home occupations” and “bed and breakfast homes.”

A completed application for a Home Occupation Permit, Home Occupation Day Care Permit or Bed and Breakfast Home shall be approved for a permitted home occupation upon the City staff’s verification of compliance with all applicable provisions of the Municipal Code. If the City staff concludes that approval of the home occupation permit may jeopardize the health, safety or welfare of the community, or does not meet the requirements of this code, they may

reject the application.

All decisions of City staff may be appealed to the Zoning Board. Any application opposed in writing or a staff recommendation to deny an application shall automatically be appealed to the Zoning Board at its next available regular meeting. A decision to approve a home occupation permit may be appealed by property owners, immediately adjacent to or across the street form the subject property within fourteen (14) calendar days of the date of the letter notifying them of approval of the new business. Any appeal from adjacent property owners must find that the approved home occupation permit may jeopardize the health, safety or welfare of the community, or does not meet the requirements of this Code. Prohibited home occupations listed in Chapter 23 under the residential zoning code are not allowed to operate in residential zones.

SECTION 23-142. STANDARDS FOR ALL HOME OCCUPATIONS

All home occupations must comply with the following standards at all times. The Day Care Home Occupation and Bed and Breakfast homes are regulated by subsections 23-144 and 23-145 of Chapter 23.

(a) Permitted or Conditional Use: Home Occupations must be a permitted or conditional use in the zone in which the home occupation is to be located and not be in conflict with the objectives and characteristics of the same zone.

(b) Home occupation applicants shall provide the notice materials and information for the property owners within three hundred (300) feet from any boundary of the property. It shall be the sole responsibility of the applicant to verify that mailing list and envelopes are complete and accurate.

(c) Accessory Use on the Property: The home occupation shall be clearly incidental and secondary to the primary residential use of the property and dwelling. Home Occupations must be conducted entirely within a dwelling by persons residing in the dwelling or in an accessory building, which use is clearly incidental and secondary to the residential use of the property and does not change the character thereof.

(d) The home occupation business shall be majority owned by one or more residents of the home for which a certificate of occupancy has been issued. If the owner of the home occupation moves from the approved location, the home occupation permit shall become null and void and the permittee must reapply.

(e) No more than one person full time or 2 persons part time from outside the current residence of the home may be employed on site.

(f) In the event covenants applicable to the property preclude home occupations, the covenants shall control. The applicant shall include a coy of the covenant applicable to their property in the application.

(g) A home occupation may include the sale of goods or merchandise directly from the home. They shall not involve the use of any yard space or activity outside of the

buildings not normally associated with the residential use. These sales activities may or may not be considered acceptable depending on traffic generated and parking issues that the business may create.

(h) Parking: All business related vehicles including trailers, which park at the location of the home occupation, must be legally parked, either in conventional parking spaces on the lot or adjacent to the frontage of the lot. No parking from the home occupation shall be permitted in front of adjacent lots unless approved by the City as part of a traffic circulation and safety plan.

(i) Pedestrian, vehicular, or delivery traffic generated by the home occupation will be evaluated with the intent to limit the size of the business to have low impacts on the residents in the neighborhood.

(j) Signs: Signs are limited to one non-animated sign not larger in area than 3 square feet. The sign shall not be directly or internally illuminated. A separate sign permit will be required and shall comply with Article XIII, Signs, of Chapter 23.

(k) External Appearance: Any exterior alterations to the residence to accommodate the home occupation shall maintain the character and appearance of the residential dwelling in which it is located. Furthermore, the business operation shall not negatively affect the physical appearance and other activities of the surrounding neighborhood and not depreciate surrounding property values.

(l) Storage Areas: Home occupations are not permitted to store materials or products outside of the dwelling unit, except in a City approved and permitted accessory building.

(m) Conformity with Safety Codes: No hazardous materials or equipment may be used in the home occupation, including, but not limited to, anything flammable or unsafe that is not customary to the home in which the occupation is located. There shall be complete conformity with fire, building, plumbing, electrical and all other city, county, state and federal codes.

(n) Neighborhood Disruptions Not Permitted: The home occupation shall not disrupt the peace, quiet and domestic tranquility of the neighborhood nor emit noise, odor, dust, fumes, vibration, smoke, electrical interference with the residential use of adjacent properties.

(o) Any business lighting shall be shielded and directed downward away from adjoining properties or contained within the building from which it emanates.

SECTION 23-143. HOME OCCUPATIONS

In addition to the standards previously set forth in this subchapter, all home occupation businesses (except day care see Section 23-144 and bed and breakfast see Section 23-145) must comply with the qualifications outlined below. If a business is unable to fully comply with these qualifications, the applicant may request a variance.

(a) Employees:

(1) One full time or full time equivalent non-resident may be employed, volunteer, or work at a designated workstation or area on the premises or inside the home where the home occupation business is located. No more than two (2) part time persons shall comprise the equivalent full time employee.

(2) In addition to the employees described in the above section a(1) of this section, any home occupation may utilize employees to work offsite. Such off site employee, volunteer, hiree, and any other persons engaged with the home occupation shall not come to the home for purposes related to the home occupation permit, except for incidental vehicle stops in accordance with the traffic and operational hours qualifications outlined below.

(A) Operational Hours: The home occupation shall not generate any traffic before 7 a.m. or after 8 p.m. (e.g. clients, patrons, employees, volunteers, students, pupils, etc).

(B) Traffic: Home occupations shall be limited to eight (8) business related vehicular stops per day. Vehicles for delivery or pick up of business related supplies or products (e.g. UPS package delivery vehicles) shall not exceed an average of two (2) per day.

(b) Areas and Property to be Used:

(1) The business activities in the dwelling shall not occupy more than five hundred (500) square feet or twenty five percent (25%) of the total floor area of such dwelling, whichever is less. For the purposes of this calculation, a garage, carport, patio, breeze way, or any accessory building is not considered to be part of the dwelling.

(2) Business activities in an accessory structure shall not exceed eight hundred (800) square feet or fifty percent (50%) of the accessory, structure floor area, whichever is more.

(c) Business Related Vehicles:

(1) Business related vehicles include those vehicles, including trailers, owned and operated by a resident of the dwelling, which is used for business related activities.

(2) No non-operable, non-licensed business vehicles may be stored on the residential property.

(3) There shall be no more than one (1) dedicated business related vehicle parked or being stored at the residence at any one time and one business related trailer.

(4) Business related vehicles shall not exceed eight (8) feet in height. Exception: Delivery or pick up vehicles, such as UPS, not owned or operated by the owner or employees of the permitted home occupation.

(5) Business related vehicles shall not exceed two (2) axles or twenty two feet in length individually. No vehicles having more than two axles shall travel to the residence for the purpose of delivery of merchandise, goods, or supplies for use in the home occupation.

(d) Expiration and Renewal of Permits: Any Home Occupation Permit granted shall be void if the use has not commenced operations within 180 days of Zoning Board approval. If the business is no longer valid in the State of Wyoming, then the permit is automatically void. All permits expire in two years and require re-approval by the Zoning Board.

(1) If at any time the home occupation is found to be in violation of this code, the permit can be revoked by the Zoning Board immediately.

(2) No Home Occupation permit can be transferred to a different home or to a different party. If one of these conditions occur, the business owner must apply for a new permit for the Home Occupation business.

(e) Business License: The Home Occupation business is required to obtain a business license from the City on an annual basis and pay the appropriate fee.

SECTION 23-144. PERMITTED HOME OCCUPATION DAY CARE

Home Occupation Day Care must comply with the requirements outlined in this section of the code. Day Care Home Occupations must be reviewed and granted a conditional use permit prior to the approval of Home Occupation permit or a business license.

(a) General conditions for all Home Occupation Day Care facilities:

(1) The conditional use permit, the home occupation permit and business license shall be maintained in good standing for the entire period that business is being conducted.

(2) Conditional use permits can be revoked based upon unresolved legitimate complaints as determined by the City Administrator or designee.

(b) All Home Occupation day care program must comply to the following conditions:

(1) All required State of Wyoming licensing procedures will be followed.

(2) Maximum Children Permitted: The following maximum numbers include the permittee's and any employee's children if they are under twelve (12) years of age and are under the care of the permittee at the time the home occupation is conducted:

(A) Daycare home occupations shall limit the number of children at the residence to the number of children allowed for one daycare provider and must follow all Wyoming State licensing requirements.

(B) Child group activities such as pre-school may not exceed the number allowed by Wyoming State licensing requirements for one daycare provider. A maximum of two (2) sessions per day may be permitted.

(3) Yard Requirements: All non-business related structures or on premises hazards are to be made inaccessible to the children attending the daycare facility.

(4) All outdoor play areas must be enclosed in the rear or side yard by a fence at least five (5) feet in height in accordance with the fence code in Article XV, Fencing. No outdoor play areas should be located in the front yard.

(5) Signs: Signs shall be limited to one non-lighted sign not larger in area than three by three (3x3) or nine square feet.

(6) Traffic:

(A) All on-street vehicular stops for the dropping off or picking up of children shall be done with the passenger side of the vehicle towards the residence.

(B) A traffic circulation and safety plan must be submitted to and reviewed/approved by the City prior to permit approval. This does not necessitate the hiring of a traffic engineer.

(C) The street must be of sufficient width to accommodate the increase average daily vehicular traffic (ADT) counts caused by the business and will be determined by the City's Community Development Department.

(D) The number of business related vehicle stops at the home per day shall not exceed thirty two (32) (e.g. dropping off and picking up a child would count as two vehicle stops).

(7) Location Requirements: No child oriented home occupation, which requires a conditional use permit, may be operated within hundred (100) feet, as measured from property line to property line on the same street, of another child oriented home occupation operating under a conditional use permit.

(8) Licensure: Copies of all licenses required by the state shall be provided to the City for verification of compliance with all state standards in order to receive a permanent business license at each application or renewal period.

(9) Any business lighting shall be shielded and directed downward away from adjoining properties or contained within the building from which it emanates.

SECTION 23-145. BED AND BREAKFAST HOMES

The City Administrator may grant a conditional use permit for a bed and breakfast home, if the following conditions are met:

(a) Any bed and breakfast homes must be reviewed by the City's staff to assure compliance with all building, zoning, fire, health, and other applicable ordinance prior to review by the Zoning Commission.

(b) Bed and breakfast homes are either a permitted or a conditional use within the zone.

(c) Bed and breakfast homes shall not have less than two (2) guestrooms nor more than eight (8).

(d) The applicant shall submit a plot plan showing the location of the bed and breakfast home, parking, required yards, and property lines at a scale of not less than one inch to twenty feet (1":20') to the Community Development Department.

(e) The bed and breakfast home must be and remains the primary residence of the owner or lessee (the lease must specifically allow the operation of a B & B) and must have a certificate of occupancy. If approved by the City staff, employees who are not family members may be hired; however, such employees shall not be allowed to reside at the residence. A notarized affidavit attesting that the owners or lessee will occupy said bed and breakfast home, except for bona fide temporary absences, shall be submitted to the Community Development Department and kept on record with the City. Failure to do so will result in the revocation of the permit to operate without further action by the City.

(f) Signs shall be limited to one non-lighted sign not larger in area than three by three (3 x 3) or nine square feet.

(g) Each bed and breakfast home must legally collect and pay all applicable taxes and obtains a City of Kemmerer business license on an annual basis.

(h) Abide with the State Health Department requirements.

(i) All applicable licenses and inspections are to be done by the appropriate governing agencies and officials, including, but not limited to, any remodeling or construction requiring a City of Kemmerer building permit, prior to approval of the business license.

(j) A business license must be obtained prior to opening.

(k) Any business lighting shall be shielded and directed downward away from adjoining properties or contained within the building from which it emanates.

SECTION 23-146. NOTIFICATION TO ADJACENT PROPERTY OWNERS

(a) When notice to adjacent property owners is required, applicants shall provide to the City with their application a notification packet containing the following materials and information:

(1) Home occupations, which are required to obtain a conditional use permit, shall provide the notice materials and information for property owners within three hundred (300) feet from any boundary of the property. It shall be the sole responsibility of the applicant to verify that the mailing list and two (2) sets of standard letter envelopes are complete and accurate;

(2) Bed and breakfast homes, which are required to obtain a conditional use permit shall provide the notice materials and information for property owners within three hundred (300) feet from any boundary of the property. It shall be the sole responsibility of the applicant to verify that the mailing list and two (2) sets of standard letter envelopes are complete and accurate;

(3) A mailing list, provided by the Community Development Staff for those property owners stipulated above.

(4) All information required herein and any and all maps and attachments.

(b) Notice Contents: The City shall prepare the notice which shall include at least the following information:

(1) The date of the notice;

(2) That the public has a right to comment and to express any comments or concerns regarding the proposal in writing to the Community Development Deaprtment. Any written comments must be received by the Community Development no later than fourteen (14) calendar days from the date posted on the notification letter

(3) The exact address of the property that is the subject of the proposal;

(4) A description of the proposal including copies of maps, plans or graphics;

(5) A description of the requirement for notification;

(6) The zoning of the property that is the subject of the proposal;

(7) A statement declaring that the hearing outlined in the notice is to be the only review of the proposal;

(8) Contact information for the applicant and the Community Development Department;

(c) Postings on Property: The City may require the Applicant provide a courtesy notice of the public hearing of an application by posting information on the subject property. This courtesy notice is not a legal requirement, and any defect in the courtesy notice shall not affect or invalidate any hearing or action by the Zoning Board or City Council.

ARTICLE XIII. SIGNS

SECTION 23-147. PURPOSE AND INTENT

The purpose of this Code is to promote the public health, safety and welfare of the City by establishing standards and criteria for the construction, installation, maintenance and operation of signs in the City. Specifically this Code is intended to:

(a) Recognize that signs are a necessary means of visual communication for the convenience of the public and provide definitions and reasonable expectations within the sign review/approval process to allow for unique circumstances and creativity.

(b) Recognize and ensure the right of those concerned to identify businesses, services and other activities by the use of signs, and limit signs to those which are accessory and incidental to the use on the premises where such signs are located.

(c) Provide a reasonable balance between the right of an individual to identify his or her business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.

(d) Protect the public from damage or injury caused by signs that are poorly designed or maintained and from distractions or hazards to pedestrians or motorists caused by the indiscriminate placement or use of signs.

(e) Ensure signs are well designed and contribute in a positive way to the City's visual environment, express local character, and help develop a distinctive image for the City.

(f) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Ensure signs are compatible and integrated with the building's architectural design and with other signs on the property.

(g) Ensure signs are appropriate for the type of street on which and zoning district in which they are located.

(h) Bring nonconforming signs into compliance with these regulations

SECTION 23-148. APPLICABILITY

(a) This Code shall apply to all signs in the City of Kemmerer, except as specifically stated otherwise.

(b) A sign may only be erected, established, created, painted, revised or maintained in conformance with the standards, criteria, procedures and other applicable requirements of this Code. Any sign not expressly allowed by this Code or not in conformance with its requirements is prohibited. On properties where mixed uses exist, residential uses shall comply with the sign regulations for residential lots, and non-residential uses shall comply with the appropriate sign regulations for the use in the mixed use neighborhood.

(c) Any signs installed prior to January 1, 2011shall remain so long as they are maintained and sightly and are advertising for the business at which they are located. However, if the business changes or the sign falls into disrepair, then compliance to this code is required.

(d) Unless otherwise expressly stated herein, all determinations made pursuant to this Code shall be made by the city administrator or that administrator's designee.

SECTION 23-149. GENERAL SIGN REGULATIONS

(a) All signs shall be constructed and maintained per the adopted sign code as updated and utilized by the City.

(b) Three flags may be allowed for either a commercial or residential use. Such flag(s), when fully extended, shall not encroach on the public right-of-way. Corporate banners or flags as well as banners or flags promoting a charitable organization or cause will be allowed but shall be counted as part of the allowable square footage for signs and must follow the permitting process. Flags for cancer awareness, domestic violence or other approved causes will be permitted.

(c) Changing or replacement of identical copy on any existing lawful sign shall not require a permit, provided the change does not alter the nature or intent of the sign or render the sign in violation of this Code.

(d) No sign shall be erected, moved, or changed in composition, size, color or printing, excluding normal maintenance of the existing sign, without first obtaining a building and/or sign permit from the City, unless excepted as herein provided.

(e) Sign regulations herein shall not apply to official, federal, state, county or city signs which are erected and intended for public information, direction, safety and control purposes.

(f) No sign shall be erected in public right-of-way unless otherwise permitted herein.

SECTION 23-150. SIGN PERMITS AND ADMINISTRATIONS

(a) Sign Permit Required. To ensure compliance with the regulations of this Code, a sign permit shall be required in order to erect, move, alter, reconstruct or repair any permanent or temporary sign, except signs that are exempt from permits in compliance with Section 23-152 (Exempt Signs). In multiple tenant buildings, a separate permit shall be required

for each business entity's sign(s) if they are constructing separate signs, if only one sign is used, only one permit is required. Separate building and electrical permits may be required for signs and will be determined on a case-by-case basis.

(b) Compliance. Signs shall come into compliance with this Code should one of the following occur:

(c) If a sign is damaged or in need of repair or maintenance is needed, the owner must do necessary improvements within sixty (60) days of city notification to owner.

(d) If the business to which a sign relates changes use or name, the sign shall be brought into compliance with this Code within sixty (60) days of that change.

(e) If a business closes for ninety (90) days or longer and is reopened, the existing signs shall be brought into compliance with this Code within sixty (60) days of reopening.

(f) Application for a Sign Permit

(1) Sign Permit Application Requirements. Applications for sign permits shall be made in writing on forms furnished by the City. The application shall contain:

(A) The location by street number or the legal description of the property where the proposed sign will be constructed. Proof of ownership of the land where the sign will be constructed or written permission or authority of the land owner to construct or erect that proposed sign at that location;

(B) Names and addresses of the owner, sign contractor and erectors;

(C) Legible site plans which include the specific location of the sign and setbacks to adjacent property lines and buildings;

(D) A detailed drawing indicating the dimensions, materials, and colors of the proposed sign structure. A certification by a registered professional structural engineer may be required by the City for a freestanding or projecting sign to determine the structural requirements for such a sign. A building permit may be required by the City for any necessary structural changes;

(E) A graphic drawing or photograph of the sign copy;

(F) A detailed description of lighting, if any, to be used;

(G) Proof of public liability insurance covering freestanding signs and projecting wall signs;

(H) If the sign is to be located off the premises advertised, a written lease or permission from the property owner of the site on which the sign will be located; and

(I) Sign permit fee as established by the current fee schedule shall be paid at the time the application is submitted.

(2) Sign Permit Application Certification of Completion. Within ten (10) business days of the date of application submission, the city administrator or that administrator's designee shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant in writing of any deficiencies.

(3) Staff Review and Approval: When the city administrator or that administrator's designee has determined the application to be complete, the city administrator or that administrator's designee shall review the sign permit in accordance with the established review criteria and approve, approve with conditions, or deny the sign permit. Upon the city administrator or administrator's designee's approval of the sign permit, the sign permit shall be issued to the applicant subject to the separate issuance of any building and/or electrical permit required for the erection and construction of the sign.

(4) Sign Permit Review Criteria. The following review criteria will be used by the City to evaluate all sign permit applications:

(A) Whether the sign meets the requirements of this Code;

(B) Whether the sign conforms to the requirements of all applicable codes;

(C) Whether the sign conforms to the size, height, material and location requirements of the Zoning Code for the zoning district in which it is located;

(D) Whether the sign would interfere with pedestrian or vehicular safety by blocking sight distance;

(E) Whether the sign would differ or distract from the architecture or character of the structure to which it is attached;

(F) Whether the sign would be located so as to have a negative impact on adjacent properties;

(G) Whether the sign would detract from the pedestrian quality of street or area; and

(H) Whether the sign would add to or result in an over-proliferation of signs on a particular property or area.

(5) Appeal of Sign Permit Denial or Approval with Conditions. Any appeal of the City's denial of a sign permit or approval with conditions shall be made to the Zoning Board and then subsequently to the City Council.

(6) Administrative Variance. Upon written request, the city administrator or that administrator's designee may grant an Administrative Variance from any dimensional regulation required in Section 23-158(d) and Section 23-159(d). The city administrator or that administrator's designee may approve, approve with conditions or deny any request for deviation from the dimensional requirements.

(7) Temporary Sign Permit. Upon written request, the city administrator or that administrator's designee may grant a temporary sign permit which shall be valid for no more than ten (10) days.

SECTION 23-151. ENFORCEMENT

(a) Discontinued Establishments. Whenever a business, industry, service or other use is discontinued, the sign(s) pertaining to the use shall be removed or obscured by the person or entity owning or having possession of the property within thirty (30) days after the discontinuance of such use or an extension of that time limit may be granted with prior written approval.

(b) Illegal Signs.

(1) Penalties. Illegal signs shall be subject to the legal remedies of the City Code.

(2) Removal of illegal signs. The City may cause the removal of any sign on public right-of-way, within the public right-of-way, on property that is otherwise abandoned or that is in place and not in compliance with the requirements of this Code.

(3) Removal of poorly maintained signs. The City may cause the removal of any sign that is poorly constructed or not maintained. Signs in violation of any other provision of this Code may also be removed by the City at the cost of the owner.

(4) Storage of removed signs. Signs removed in compliance with this Section shall be stored by the City for thirty (30) days, during which they may be recovered by the owner only upon payment to the City for costs of removal and storage. If not recovered within a thirty (30) day period, the sign and supporting structure shall be declared abandoned and title shall vest with the City. The costs of removal and storage (up to thirty days) may be billed to the owner. If not paid, the applicable costs may be imposed as a tax lien against the property.

SECTION 23-152. EXEMPT SIGNS

(a) The following types of signs are exempt from permit requirements of this Code and may be placed in any zoning district subject to the provisions of this Code. Such signs shall otherwise conform with all applicable requirements contained in this Code. All such signs shall be located outside of the public right-of-way. Signs shall not interfere with traffic signs or the sight distance triangle at intersections. All other signs shall be allowed only with a permit and upon proof of compliance with this Code.

(1) Signs not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public thoroughfare or right-of-way shall be exempt from the provisions of this Code, except that such signs shall be subject to the safety regulations and all applicable codes governing building construction in the City.

(2) Address. Signs not illuminated identifying the address and/or occupants of a dwelling unit or of an establishment that do not exceed two (2) square feet in area. Per the adopted fire code, address numerals shall be visible from the street fronting the property and the numerals shall be a minimum of six (6) inches tall on a contrasting background.

(3) Architectural features. Integral decorative or architectural features of buildings so long as such features do not contain letters, numbers, trademarks, logos, moving parts or lights.

(4) Art. Integral decorative or architectural features of buildings, or works of art; so long as such features or works do not contain letters, numbers, trademarks, logos, moving parts or lights.

(5) Banners. Banners are allowed without a permit or application so long as they comply with the requirements set forth below:

(A) The banner is displayed in conjunction with a grand opening celebration in conjunction with a special sale for a period not to exceed thirty (30) days;

(B) Banners may not be displayed at any establishment more than two (2) times per calendar year per;

(C) Banners must be securely attached to the wall of the establishment, freestanding signs or existing light poles located on the establishment's property;

(D) The banner shall consist of one single-sided banner per street frontage per establishment;

(E) No banner may be more than twenty-four (24) square feet in size; and

(F) Any banner in disrepair, tattered and/or torn shall be removed immediately.

(6) Building Identification, Historical Markers. Non-illuminated signs constructed of metal or masonry which are permanently affixed to buildings or structures for the purpose of identifying the name of a building, date of erection or other historical information as approved by the city administrator or that administrator's designee.

(7) Bulletin Board/Marquee Signs. Bulletin board and marquee signs securely attached to a building face and not exceeding fifteen (15) square feet in gross

surface area accessory to a church, school, public or nonprofit institution. Electronic signs are permitted by separate application.

(8) Decorations (Holiday). Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, state, local, or religious holiday or celebration. Such signs may be displayed for not more than sixty (60) days in conjunction with the national, state, local or religious holiday or celebration; and may be of any type, number, area, height, location, illumination or animation, so long as they do not advertise or identify a product or business and are located so as not to conflict with or visually distract from the public health, safety and welfare. Such signs shall be removed within fourteen (14) days following the holiday or celebration.

(9) Directional. On-premise directional and instructional signs not exceeding six (6) square feet in area each.

(10) Doors. Signs affixed to door surfaces which identify the name and/or address of an establishment.

(11) Farm Products. Temporary farm product signs provided that they meet the following requirements:

(A) Only one on-premise sign may be used. That sign shall be located off the street right-of-way and at least ten feet away from any side or back lot line. Such sign shall have a maximum area of nine (9) square feet and may not be illuminated.

(B) In addition to the on-premise sign, a maximum of two off-premise signs shall be permitted. Said off-premise signs may be no greater than four (4) square feet each and shall not be illuminated. No such sign shall be allowed in the street right-of-way or within ten feet of any side or back lot line.

(12) Garage, Estate, Yard Sale or Farm Auction. Signs advertising a private garage or yard sale on the lot on which the sign is located for a period not to exceed five (5) days (for auctions, sixty (60) days). Such signs shall include the address of the event and the date on which the sale or auction will take place. Signs shall be removed within forty-eight (48) hours of completion of the sale or auction.

(13) Hazards. Temporary or permanent signs erected by the City, public utility companies, oil and gas companies, construction companies, or other individuals or entities, to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

(14) Merchandise. Merchandise, pictures or models of products or services which are incorporated as an integral part of a window display and all window signs shall be limited to no more than forty (40%) percent of the total window area.

(15) Notice Boards. Notice boards for public or religious institutions and primarily intended for pedestrians.

(16) Oil and Gas Operations. Identification signs for any oil and gas operation.

(17) Political. Political signs displayed on private property in accordance with an official election or signs erected on behalf of candidates for public office provided:

(A) The total area of all such signs on a lot does not exceed sixteen (16) square feet.

(B) The signs are removed within seven (7) days after the election for which they were made.

(C) The property owner upon whose land the sign is placed shall give permission for the placement of said signs and will be responsible for violations and removal.

(D) No such sign shall be erected in public right-of-way or easements.

(18) Public Information. Signs which identify restrooms, public telephones or provide instructions as required by law or necessity, provided the sign does not exceed two square feet in area or as approved by the Administrator or the administrator's designee and is not illuminated, internally illuminated or indirectly illuminated. (This category shall be interpreted to include such signs as "no smoking," "restrooms," "no solicitors," "self-service," and similar informational signs.)

(19) Religious Symbols. Religious symbols located on a building or lot used for organized religious services.

(20) Regulatory Signs. Regulatory signs erected on private property, such as "no trespassing" and "beware of dog" signs, which do not exceed two (2) square feet per face or four (4) square feet in total surface area, limited to four (4) such signs per use or per building, whichever is the greater number.

(21) Special Events. Temporary special event signs and banners for religious, charitable, civic, fraternal or similar non-profit or not-for-profit organizations provided that:

(A) Signs shall be erected no sooner than thirty (30) days prior and removed no later than seven (7) days after the event.

(B) No such sign shall exceed thirty-two (32) square feet.

(C) No such sign shall be illuminated.

(D) All such signs shall be located off the street right-of-way, unless written

permission for such location by the City or the Wyoming Department of Transportation (WYDOT) is obtained prior to placement of the sign(s). In no case may any such sign impede the view or travel of any motorists or pedestrians or be attached to any structure within the right-of-way (government signs, telephone poles, etc.)

(22) Strings of Light Bulbs. Displays of string lights excluding holiday decorations, provided:

(A) They are decorative displays which only outline or highlight landscaping or architectural features of a building.

(B) They are steady burning bulb lights. No blinking, flashing, intermittent changes in intensity or rotation shall be permitted.

(C) They are no greater in intensity than five watts.

(D) They shall not be placed on or used to outline signs or sign supports.

(E) They shall not be assembled or arranged to convey messages, words, commercial advertisements, slogans and/or logos.

(F) They shall not create a safety hazard with respect to placement, location of electrical cords or connection to power supply.

(G) They shall be placed only on private property.

(H) They shall be maintained and repaired so that no individual light bulb is inoperative. In the event the bulbs are not maintained or repaired, the string lights may be removed at the expense of the owner after giving notice to the owner pursuant to this Code.

(23) Text. No permit shall be required for text or copy changes on conforming or legal nonconforming signs; provided that no structural changes are made to the sign, and provided that the name of the business to which the sign belongs is not changed.

(24) Traffic Control. Signs for the control of traffic or other regulatory purposes including signs for the control of parking on private property, and official messages erected by, or on the authority of, a public officer in the performance of his/her duty.

(25) Vacancy and No Vacancy. All "vacancy" and "no vacancy" signs, where they are not illuminated, internally illuminated, indirectly illuminated or directly illuminated signs; provided that the area of the sign does not exceed two and one-half square feet per face. Also, signs designed to indicate vacancy such as "yes," "no," or "sorry" shall also be exempt under the provision of this paragraph if they

meet the area and illumination requirements of this paragraph.

(26) Vehicular Signs. Signs displayed on trucks, buses, trailers or other vehicles which are being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business which are located on moving vans, delivery trucks, rental trucks and trailers and the like, shall be exempt from the provisions of this Code, provided that the primary purpose of such vehicles is not for the display of signs, and provided that they are parked or stored in areas appropriate to their use as vehicles in conjunction with the advertised business. Vehicle signs shall not be placed in the bed of a truck or on the roof of a vehicle in a manner which jeopardizes the health, safety and welfare of the community.

(27) Vending Machine Signs. A sign permit shall not be required for vending machine signs provided that the advertisement on the vending machine sign is limited to one of the products vended at that machine.

(28) Signs located inside buildings which are not placed there for the purpose of being visible to and read from the outside of the building and which are not legible from a distance of more than three (3) feet beyond the building in which such sign is located.

(29) Instructional signs on City property erected by the City.

SECTION 23-153. PROHIBITED SIGNS

(a) The following signs are inconsistent with the purposes and standards in this Code and are prohibited in all zoning districts.

(1) Flashing, rotating, blinking or moving signs, animated signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement.

(2) Any sign that is erected in such a location as to cause visual obstruction or interference with motor vehicle, bicycle, or pedestrian traffic and/or traffic-control devices including any sign that obstructs clear vision in any direction from any street intersection or driveway or is located within the sight distance triangle.

(3) Mechanical or electrical appurtenances, such as “revolving beacons,” that are designed to compel attention.

(4) Roof signs not acceptable without structural engineer design.

(5) Any sign other than traffic control signs erected, constructed, or maintained within, over or upon the right-of-way of any road or highway, except in the case of a sign for which a permit has been issued with the requirements of this Code.

(6) Any sign which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress or providing light or air.

(7) Any sign located in such a way as to deny visual access to any adjoining property owner's existing sign.

(8) Vehicle-mounted signs, including but not limited to, signs painted on or attached to semi-trailers or cargo containers when exhibited on private property adjacent to public right-of-way for the purpose of advertising a business, service, or product for sale or rent. Vehicle-mounted signs used in connection with a special event are exempted from the requirements of this section during the duration of the special event only. Upon the conclusion of the special event, such signs must be dismantled. For the purposes of this subsection, the term special event shall mean a parade, circus, fair, carnival, festival, farmers' market or other similar event of less than ten (10) days duration that is different in character from the customary or usual activities generally associated with the property upon which the special event is to occur.

(9) Portable signs except as allowed in each zone district by this Code.

(10) Rotating signs.

(11) Searchlights.

(12) Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.

(13) Any sign (together with its supporting structure) now or hereafter existing which, thirty (30) days or more after the premises have been vacated, advertises an activity, business, product or service no longer produced or conducted at the premises upon which such sign is located. If the sign or sign structure is covered or the identifying symbols or letters removed, an extension of time may be granted by the city administrator or that administrator's designee upon good cause for such extension being shown.

(14) Permanent freestanding signs on residential lots, except as provided in Section 23-159 (Residential Sign Requirements).

(15) Any sign or sign structure which:

(A) Is structurally unsafe;

(B) Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;

(C) Is not kept in good repair; or

(D) Is capable of causing electrical shocks to persons likely to come in contact with it.

(16) Any sign or sign structure which:

(A) In any other way obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official sign;

(B) Uses any words, phrases, symbols or characters implying the existence of danger when not true or;

(C) Creates in any other way an unsafe distraction for motor vehicle or bicycle operators; or

(D) Obstructs the view of motor vehicle or bicycle operators, pedestrian and horses entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.

SECTION 23-154. MEASUREMENT OF SIGN AREA AND HEIGHT

(a) Sign Surface Area. The area of a geometric shape enclosing any message, logo, symbol, name, photograph or display face shall be measured using standard mathematical formulas. Time and temperature devices shall not be included within the measurement of maximum sign area.

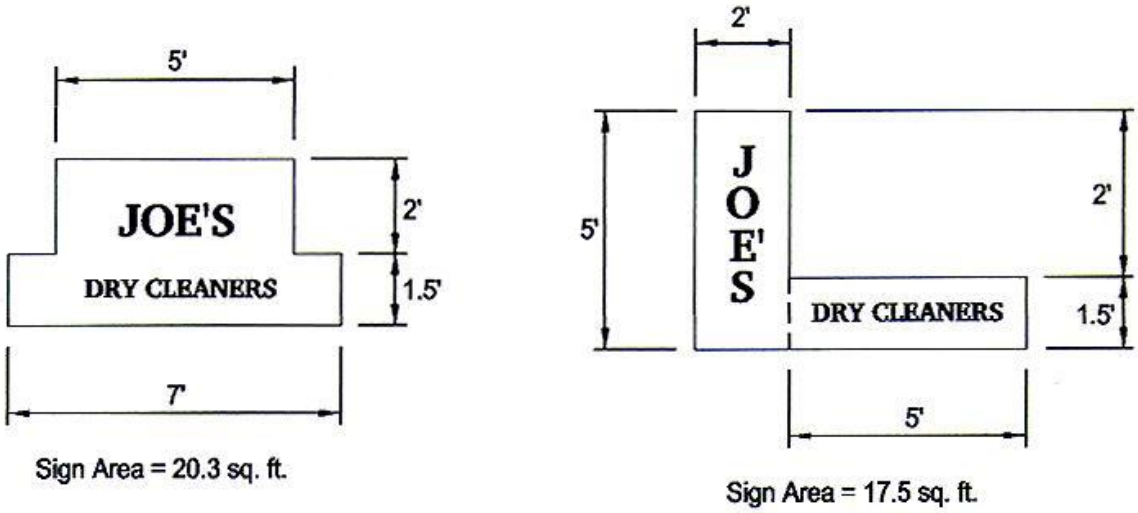

Figure 23-154a, Sign Area Measurement.

(b) Sign Support. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

(c) Back-to-Back (Double-Faced) Signs. Back-to-back signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two (2) feet at any point.

(d) Three-Dimensional Signs. Where a sign consists of one or more three-dimensional objects (i.e. balls, cubes, clusters of objects, sculpture), the sign area shall be measured as their maximum projection upon a vertical plane. Signs with three-dimensional objects that exceed a projection of six (6) inches from the sign face may be approved in compliance with Section 23-161 (Creative Signs).

(e) Roof and Wall Signs. If a sign is attached to a roof or wall, only that portion of the roof or wall onto which the sign face or letters project shall be calculated in the sign area.

(f) Sign Height. The height of a sign shall be measured from the highest point of a sign to the ground surface beneath it. When berms are used in conjunction with signage, the height of the sign shall be measured from the mean elevation of the fronting street.

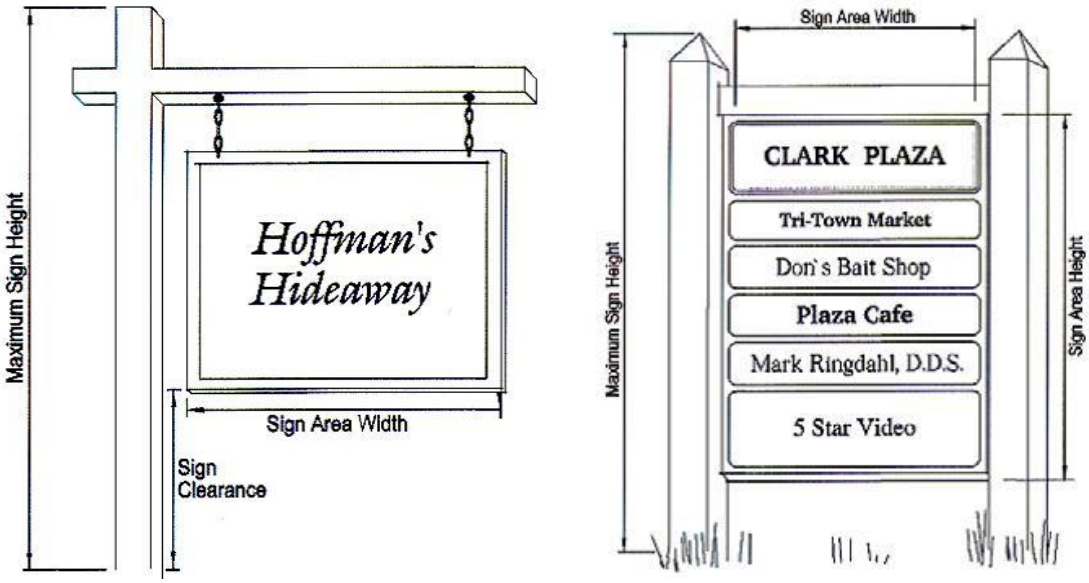

Figure 23-154b, Sign Measurement Details.

SECTION 23-155. SIGN DESIGN – GENERAL

(a) Design Compatibility.

(1) Creative Design Encouraged. Signs shall make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building. The City encourages imaginative and innovative sign design. The creative sign application procedure (Section 23-161) is specifically designed for artistic and unusual signs that might not fit the standard sign regulations and categories.

(2) Professional. Signs shall be made by a professional sign company or other qualified entity acceptable to the City.

(3) Proportionate Size and Scale. The scale of signs shall be appropriate for the building on which they are placed and the area in which they are located. Building signs shall be harmonious in scale and proportion with the building façade to which they are mounted.

(4) Sign Location and Placement.

(A) Visibility. Signs shall not visually overpower nor obscure architectural features

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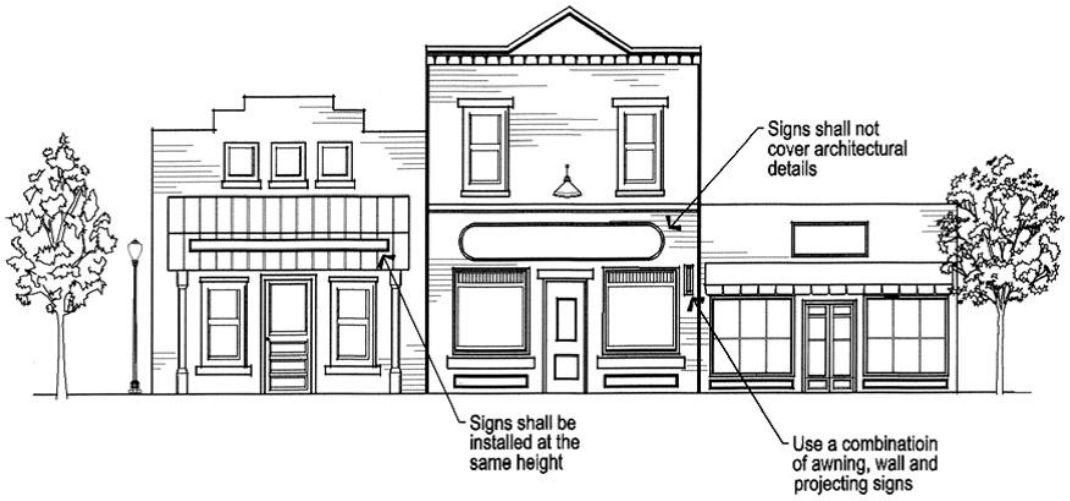

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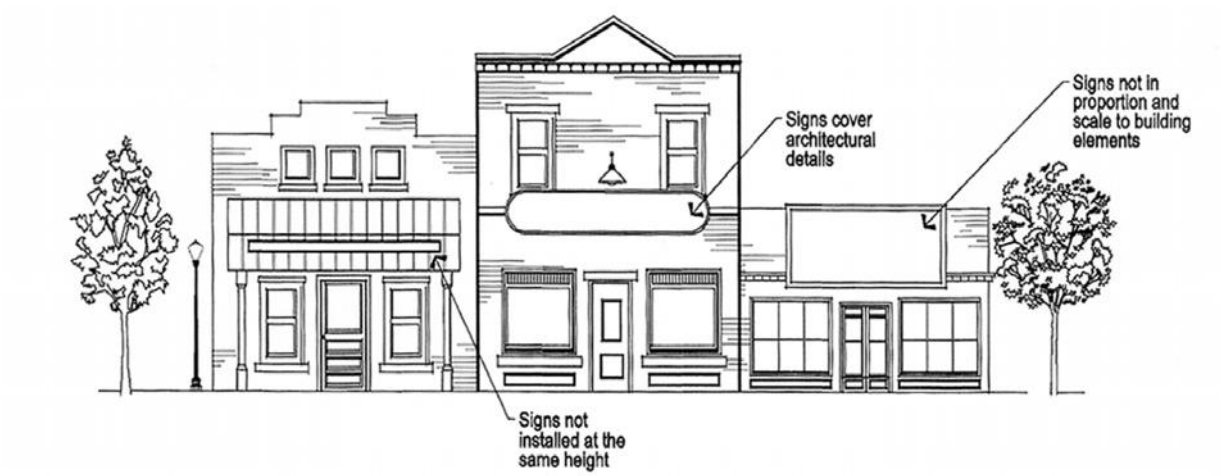


Figure 23-155a

(B) Integrate Signs with the Building and Landscaping. Carefully coordinate the sign with the architectural design, overall color scheme and landscaping. Signs shall be designed to complement or enhance the other signs for a building.

(C) Unified Sign Band. Whenever possible, signs located on buildings with the same blockface shall be placed at the same height, in order to create a unified sign band. Locate wall signs at the first floor level only for retail uses.

(D) Monument Signs. Locate monument signs in a planter setting within a landscaped area at the primary entries to the development/subdivision to provide an overall project identity. A maximum of one (1) monument sign per each side of a street for each entrance into a development/subdivision is permitted.

(E) Pedestrian-Oriented Signs. Pedestrian-oriented signs are encouraged. It is desirable to include a pedestrian-oriented sign as one of the permitted signs for a business. These signs are designed for and directed toward pedestrians so they can easily and comfortably read the sign as they stand adjacent to the business.

(F) Road Right-of-Way. No sign may be erected within the road right-of-way or near the intersection of any road(s) or driveways in such a manner as to obstruct free and clear vision of motorists, bicyclists or pedestrians or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Signs located at an intersection must be outside of the sight distance triangle.

(5) Landscaping. Freestanding signs shall be landscaped at their base in a way harmonious with the landscape concept for a whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer.

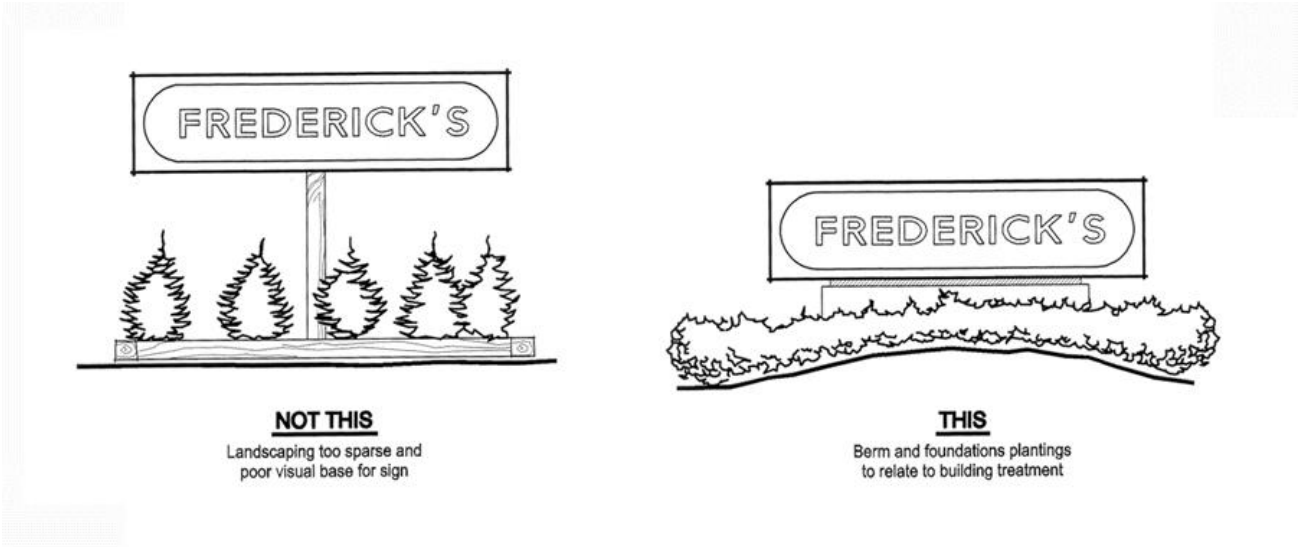


Figure 23-155b

(6) Reduce Sign Impact. When land uses of different character (i.e. residential adjacent to commercial) are adjoining or exist in close proximity, signs shall be designed, located and/or screened and/or buffered with landscaping so that they have little or no impact on adjacent residential neighborhoods. Small-scale signs are encouraged.

Figure 23-155c, Reduce Sign Impact

(b) Color.

(1) Select Color Carefully. Colors shall be selected to contribute to legibility and design integrity. Sign colors shall complement the colors used on the structures and the project as a whole. Colors or combinations of colors that are harsh and disrupt the visual harmony and order of the street are unacceptable.

(2) Use Contrasting Colors. Provide a substantial contrast between the color and the material of the background and the letters or symbols to make the sign easier to read during both the day and night. Light letters on a dark background or dark letters on a light background are most legible.

(3) Avoid Using Too Many Colors. Colors or color combinations that interfere with legibility of the sign copy or that interfere with viewer identification of other signs shall be avoided.

(c) Materials.

(1) Signs shall be constructed of durable, high quality architectural materials. The sign package must use materials, colors and designs that are compatible with the building façade. Sign materials must be of proven durability. Treated wood, painted metal, stone and brick are the preferred materials for signs.

(d) Legibility. Signs shall be adequately legible under the circumstances in which they are primarily seen. The legibility of signs is related to:

(1) The speed at which they are viewed;

(2) The context and surroundings in which they are seen; and

(3) The design, colors and contrast of the sign copy and sign face.

(4) The design of the sign including copy, lettering size and style, and colors shall logically relate to the average speed of the traffic which will see it. Signs shall legibly convey their messages without being distracting or unsafe to motorists reading them. Symbols and logos can be used in place of words whenever appropriate.

(e) Sign Illumination.

(1) Use illumination only if necessary.

(2) Sign illumination shall complement the design of the site.

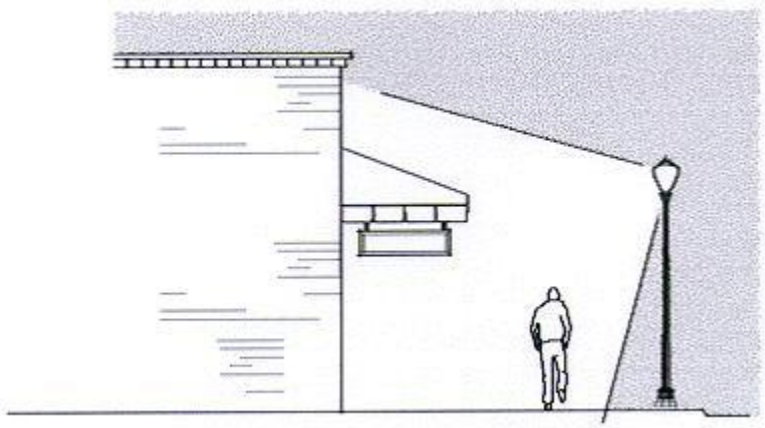


Figure 23-155d, Use of Existing Illumination

(3) Use a Direct Light Source. All lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign. When external light sources are directed at the sign surface, the light source must be concealed from pedestrians' and motorists' "lines of sight."

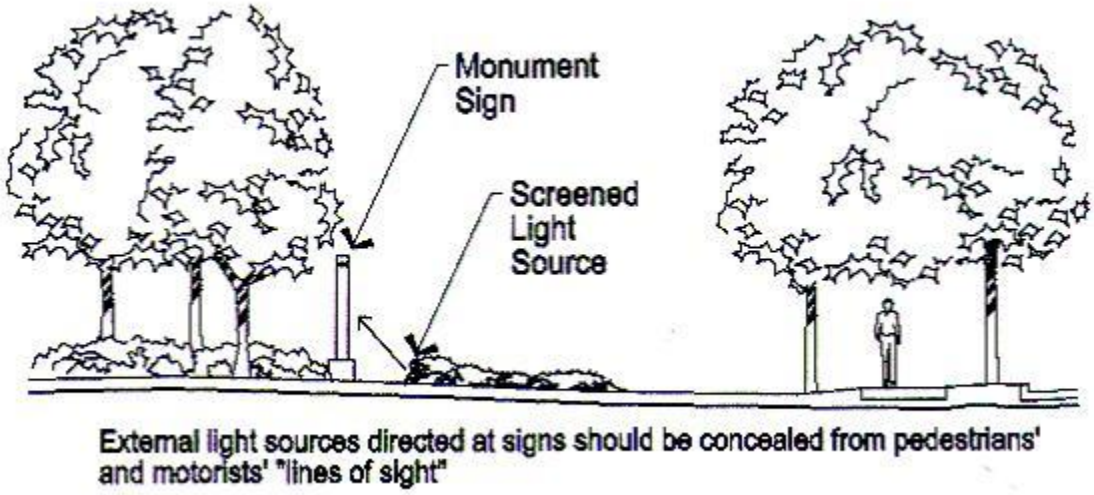


Figure 23-155e

(f) Signs must be illuminated in a way that does not cause glare onto the street and adjacent properties. Signs shall be lighted only to the minimum level for nighttime readability and should not be so bright as to overpower an area.

(g) All lighted signs shall meet all applicable electrical codes and the electrical components used shall bear the label of an approval agency. Additionally, electrical permits are required and shall be obtained for electrical signs.

(h) Flashing, moving, blinking, chasing or other animation effects shall be prohibited on all signs except time and temperature signs.

(i) Neon tubing is an acceptable method of sign illumination for window signs in commercial districts.

(j) The use of individually-cut, back-lit letter signs is encouraged.

(k) No commercial sign within five hundred (500) linear feet of a pre-existing residential structure, and visible from that structure, may be illuminated between the hours of 11:00 p.m. and 6:00 a.m. A residence shall be deemed "pre-existing" for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of this Code.

SECTION 23-156. SIGN INSTALLATION AND MAINTENANCE

(a) Installation.

(1) Where possible, signs shall be mounted so that the mounting brackets and associated mounting hardware are concealed.

(2) Projecting signs shall be mounted so they generally align with others in the block.

(3) All signs and all components thereof, including sign structures and sign faces, shall be kept neatly painted, in a good state of repair and in compliance with all building and electrical codes in force at the time of installation

(4) Owners of projecting signs extending over public right-of-way shall be required to maintain public liability insurance in $10,000 appropriate by the City, in which the City is named as an "other insured."

(b) Maintenance.

(1) The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including any illumination sources in neat and orderly condition, and in a good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign. The sign must also be in compliance with all building and electrical codes.

(2) The owner or any sign regulated by this Code shall be required to keep signs and supporting hardware, including temporary signs and time/temperature signs structurally safe, clean, free of visible defects and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

(3) The City may inspect any sign governed by this Code and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

(c) Sight Distance Triangle.

(1) Signs shall be located outside the sight distance triangle. If the proposed sign is going to be located near a driveway, access point, or intersection, the applicant must demonstrate that the sign does not hinder a driver's or pedestrian's visibility by showing the proposed sign location is outside of the sight distance triangle.

SECTION 23-157. STANDARDS FOR SPECIFIC TYPES OF SIGNS

(a) Awning Signs. An awning sign is a wall sign which is painted, printed, stitched, sewn or stained onto the exterior of an awning. An awning is a movable or permanent shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework. (ref. Figure 23-157a)

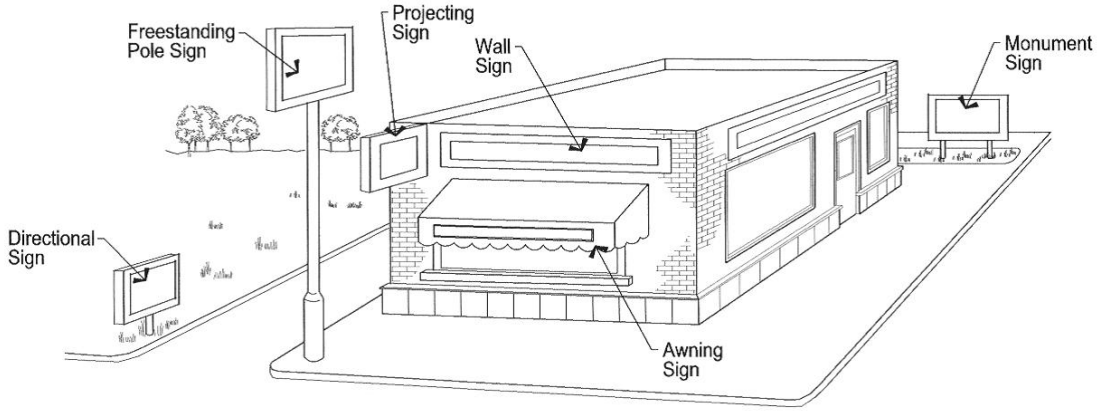


Figure 23-157a, Signs

(1) Location. Signs may be placed only on awnings that are located on first-and-second-story building frontages, including those fronting a parking lot or pedestrian way. No awning sign shall project beyond, above or below the face of an awning.

(2) Maximum Area and Height. Sign area shall comply with the requirements established for each zoning district and type of development. No structural element of an awning shall be located less than eight (8) feet above finished grade. Awnings on which awning signs are mounted may extend over a public right-of-way no more than seven (7) feet from the face of a supporting building. No awning, with or without signage, shall extend above the roof line of any building.

(3) Lighting. Awnings shall not be internally illuminated except as part of a creative sign. Lighting directed downwards that does not illuminate the awning is allowed.

(4) Required Maintenance. Awnings shall be regularly cleaned and kept free of dust, debris and visible defects.

(b) Canopy Signs. A canopy sign is a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns. (ref. Figure 23-157b)

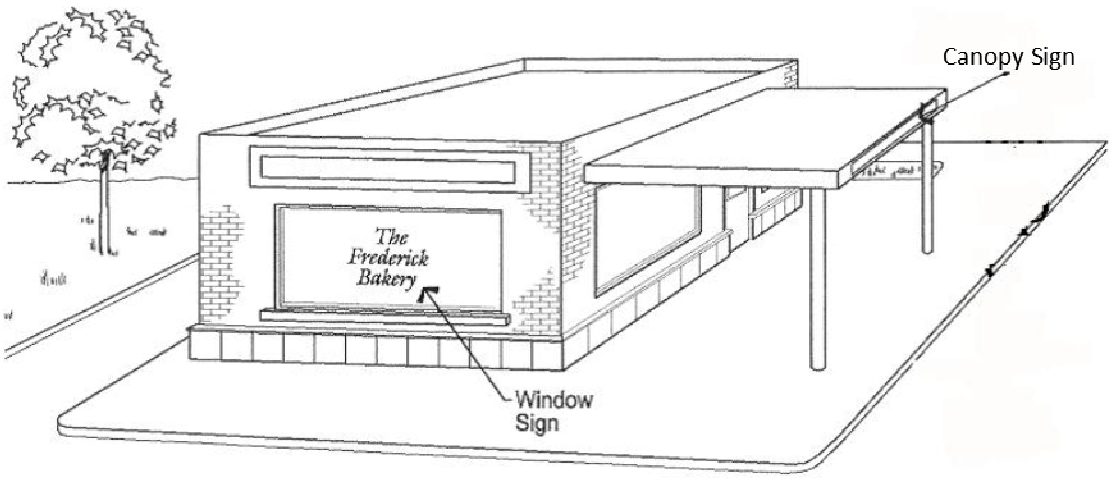


Figure 23-157b, Signs

(1) Maximum Area and Height. Sign area shall comply with the requirements established for each zoning district and type of development. No canopy, with or without signage, shall extend above the roof line of any building. No canopy sign shall project above the top of the canopy upon which it is mounted. However, such signs may project horizontally from the face of a canopy the distance necessary to accommodate the letter thickness and required electrical equipment, but not more than twelve inches (measured from the bottom of the sign). Under-canopy signs which are perpendicular to the face of the building shall be deemed to be projecting wall signs. Under-canopy signs which are parallel to the face of the building shall be a minimum of eight feet (8) above grade and shall be deemed to be flush wall signs.

(2) Required Maintenance. Canopies shall be regularly cleaned and kept free of dust, debris and visible defects.

(c) Freestanding Signs. A freestanding sign is a sign which is supported by one or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground and shall also include a monument sign and pole signs but does not include a sign attached to a structure.

(1) Location. The sign may be located only on a site frontage adjoining a public street. No freestanding sign in any zoning district can be erected closer than eight (8) feet from any curb line, nor closer than four (4) feet to any building. No freestanding signs in business and industrial districts may be located less than twenty-five (25) feet from any property line adjacent to a residential zoning district line.

(2) Maximum Area and Height. The sign shall comply with the height and area requirements established for each zoning district and type of development.

(3) Sign Mounting. The sign shall be mounted on one or more posts or have a solid monument-type base. Posts shall not have a diameter greater than twelve (12) inches.

(4) Pole Signs. Pole signs should not be so large as to obscure the patterns of front facades and yards. Pole signs that utilize more than one pole shall not be allowed.

(d) Monument Signs. A monument sign is a permanent sign where the entire bottom of the sign is affixed to the ground, not to a building.

(1) Location. The sign may be located only along a site frontage adjoining a public street.

(2) Maximum Area and Height. The sign shall comply with the height and area requirements established for each zoning district and type of development.

(3) Design. The design of a monument sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct visibility through the sight distance triangle. Monument signs shall contain only the name and address of the business or building which it identifies.

(4) Landscaping Requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one (1) face of the sign. For example, twenty (20) square feet of sign area equals forty (40) square feet of landscaped area. The Planning and Zoning Board may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

(e) Projecting Signs. A projecting sign is any sign supported by a building wall and projecting at least twelve (12) inches or more horizontally beyond the surface of the building to which the sign is attached.

(1) Location. Projecting signs shall be placed only on a ground floor façade, except for businesses located above the ground level with direct exterior pedestrian access. Mount projecting signs so they generally align with others in the block and fit with architectural detail of the structure. This helps to create a “canopy line” that gives scale to the sidewalk.

(2) Maximum Area and Height. Projecting signs shall not be higher than the wall from which the sign projects if attached to a single story building, or the height of the bottom of any second story window if attached to a multi-story building. Projecting signs must have eight (8) feet of vertical clearance, and may not extend more than four (4) feet from the building wall except where the sign is an integral part of an approved canopy or awning. The size of projecting signs is limited to three (3) feet wide and six (6) feet per face.

(3) Sign Structure. Sign supports and brackets shall be compatible with the design and scale of the sign.

(4) Quantity. The number of projecting signs is limited to one (1) per business. Projecting signs are not permitted in conjunction with wall-mounted or pole signs.

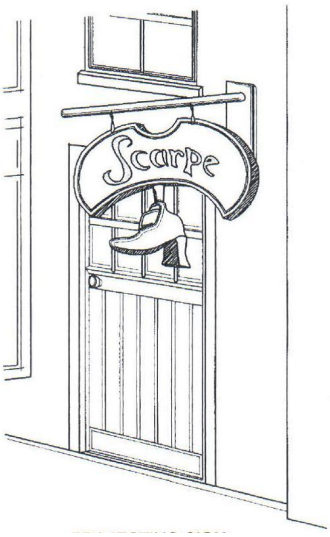


Figure 23-157c, Projecting Sign

(f) Standard Brand-Name Signs. A standard brand-name sign is any sign devoted to the advertising of any standard brand-name commodity or service which is not the principal commodity or service being sold or rendered on the premises, or are not a part of the name or business concern involved.

(1) Maximum area. Not more than twenty (20%) percent of the total allowable sign area for any permitted use shall be devoted to the advertising of any standard brand-name commodity or service.

(g) Time and/or Temperature Signs. A time and/or temperature sign is any sign that is capable of being viewed from any public right-of-way, parking area or neighboring property which reports time and/or temperature.

(1) Maximum Area. Time and/or temperature signs which do not exceed ten (10)

square feet shall not be required to be included in the allowable sign area permitted in Section 23-100 (Measurement of Sign Area and Height; Sign Setbacks); provided however, that any identification or advertising which is attached to or made part of the same sign structure shall be included in the allowable sign area for the premises.

(2) Design. The sign shall be designed in a manner that is compatible with other signs on the site and with the structure on which it is placed.

(3) Maintenance. It shall be the responsibility of the owner of such signs to maintain such signs and ensure that they are kept accurate. If these conditions are not met, the sign shall be repaired or removed at owner's expense per Section 23-151(b)(3).

(h) Wall Signs. A wall sign is any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.

(1) Location. The sign shall not be placed to obstruct any portion of a window, doorway or other architectural detail. Locate wall signs on buildings at the first floor level only for retail uses. No part of a wall sign shall be located more than twenty-five (25) feet above grade level or above the height of the building whichever is less.

(2) Maximum Area and Height. Wall signs shall not be higher than the eave line of the principal building. The sign shall comply with the height and area requirements established for each zoning district and type of development.

(3) Projection from Wall. No sign part, including cut-out letters may project from the surface upon which it is attached more than required for construction purposes and in no case more than twelve (12) inches.

(4) Design. Wall signs shall identify the individual business, building or building complex by name or trademark only.

(i) Window Signs. A window sign is a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way, placed at or below the second floor level.

(1) Maximum Area. When a sign is displayed in a window and is visible beyond the boundaries of the lot upon which the sign is displayed, the total area of such sign shall not exceed:

(A) Forty percent (40%) of the window or door area at the ground floor level; and

(B) Twenty-five percent (25%) of the total allowable sign area for the premises.

(2) Lighting. All illuminated window signs shall be included in the total allowable sign area for the premises. Temporary posters announcing or advertising events sponsored by non-commercial organizations shall be exempt from limitations for window signs.

SECTION 23-158. RETAIL, COMMERCIAL AND INDUSTRIAL SIGN REQUIREMENTS

(a) The following requirements pertain to signage associated with retail, commercial and industrial development and associated activities in the following zoning districts:

(1) C Commercial District

(2) CB Commercial Combining District

(3) CN Commercial Neighborhood District

(4) I-1 Light Industrial District

(5) I-2 Heavy Industrial District

(6) A Agricultural Combining District

(7) A-1 Agricultural Holding District

(b) Exempt signs. In addition to the types of signs found in Section 23-152 (Exempt Signs), the following types of signs are exempt as related to retail, commercial and industrial development within the zoning districts listed in this Section.

(1) Construction signs. Temporary construction signs provided that:

(A) Signs have a maximum area of sixty-four (64) square feet.

(B) Only one (1) such sign oriented per street frontage per premise shall be erected. Any two (2) such signs located on the same premise shall be located at least one hundred (100) feet apart measured using a straight line.

(C) Such signs shall not be illuminated.

(D) Such signs shall only appear at the construction site.

(E) Such signs shall be removed upon issuance of a Certificate of Occupancy.

(2) Sale, Lease, Rent (onsite). Temporary signs used to offer for sale, lease or rent of the land or the buildings upon which the sign is located provided:

(A) One (1) sign per street frontage advertising real estate ("for sale," "for rent," "for lease" or "for development") not greater than sixty-four (64) square feet may be located on the property being advertised so long as said sign is located behind the street right-of-way line. If property so advertised lies on a corner lot or double frontage lot, two signs are allowed so long as the two (2) signs are at least one hundred (100) feet apart as measured by the shortest straight line.

(B) Such signs shall not be illuminated.

(C) All such signs shall be removed within seven (7) days after the real estate closing or lease transaction.

(c) Prohibited Signs. In addition to the types of signs found in Section 23-153 (Prohibited Signs), the following types of signs are prohibited as related to retail, commercial and industrial development within the zoning districts listed in this Section.

(1) Off-premise advertising signs

(2) Any sign not pertinent and clearly incidental to the permitted use on the property where located except as otherwise provided in this Code.

(d) Permitted Signs and Allowed Dimensions. The following types of signs are allowed with a permit as related to retail, commercial and industrial development within the zoning districts listed within this Section, all signs must meet the allowed number and dimensions listed. Measurements of signs shall be calculated per Section 23-154 (Measurement of Sign Area and Height).

Type of Sign	**Number of Signs**	**Maximum Area (sq. ft.)**	**Maximum Height of Freestanding Signs (feet)**	**Comments**
Identification Sign	Project Entry Monument Sign – 1 per entrance	48 per face	Height – 8' Width – 6'	May not be placed in the sight distance triangle. Direct illumination only.
	Wall Sign or Projecting Sign - 1 per individual tenant building frontage	1 for first 100 lineal feet of building frontage plus 1 for each 2 lineal feet thereafter of building frontage up to 200 max		Sum of all Wall Signs on a given wall shall not exceed 5% of the wall area. May not have both a Canopy or Awning Sign and a Wall Sign on the same frontage. Cannot be 25' above grade level or higher than the eave line of the principal building; first floor level only for retail uses.

	Number of Signs	Maximum Area (sq. ft.)	Maximum Height of Freestanding Signs (feet)	Comments
	Canopy or Awning Sign - 1 per individual building tenant	10 if main sign, 4 if auxiliary sign	Min. 8' above grade	Allowed in place of a Wall Sign. May not have both a Canopy or Awning and a Wall Sign on the same frontage.
	Window Sign - 1 per business	40% of window or door area		May be placed on window or door, but not both. Cannot exceed 25% of the total sign area for the premise.
Information Signs	5			Permitted at rear and loading door entrances

In addition, all signs shall be installed and maintained per Section 23-156 (Sign Installation and Maintenance) and shall meet the standards of Section 23-157 (Standards for Specific Types of Signs).

(e) A-Frame Signs and Footed Vertical Signs. A Frame Signs are freestanding signs that are no taller than four (4) feet and no wider than three (3) feet, with one (1) or two (2) message-bearing sides that are hinged or attached at the top. A-Frame Signs have the general appearance when viewed from the side of a capital "A." Footed Vertical Signs are freestanding signs with braces (feet) at the bottom to hold them upright, that are no taller than four (4) feet and no wider than three (3) feet, with one (1) or two (2) message-bearing sides that are not hinged or attached at the top, and when viewed from the side appear as a "2" and from the front as a rectangle. A-Frame Signs must be placed on sidewalks against the building of the business they advertise if there is no private property between the building and the street surface, or they may be placed on private property. Footed Vertical Signs must be placed on private property and not on sidewalks. Such signs shall be constructed of at least one-quarter-inch plywood, or of metal equivalent in strength. Such signs shall be neat, attractive and visually appealing, so that they are an asset of the business, adjacent land uses and the community at large. A-Frame and Footed Vertical Signs shall meet the following requirements.

(1) Only one (1) A-Frame or Footed Vertical Sign shall be allowed per building regardless of the number of businesses at that location.

(2) There shall be at least ten (10) feet between either type sign at one (1) building and either type of sign at the next building.

(3) Placement of either type sign shall allow a minimum of six (6) feet of unobstructed pedestrian walkway and shall be safely placed so as not to interfere with pedestrian traffic or access to parked vehicles, or block the view of vehicular traffic in the sight distance triangle at an intersection.

(4) Either type sign shall be constructed, or adapted, to prevent being blown by the wind from their placement, or into persons, vehicles or other buildings.

(5) A-Frame and Footed Vertical Signs require a sign permit pursuant to Section 23-150 (Sign Permits and Administration) and shall be allowed in the following zoning districts only:

(A) C Commercial District

(B) CB Commercial Combining District

(C) CN Commercial Neighborhood District

SECTION 23-159. RESIDENTIAL SIGN REQUIREMENTS

(a) The following requirements pertain to signage associated with residential development and associated activities allowed in the following zoning districts

(1) R, Ra, Rb, Rc Single Family Residential

(2) M-1, M-2, M-3 Multi-Family Housing

(3) CB Commercial Combined District

(4) A Agricultural Combining District

(5) A-1 Agricultural Holding District

(b) Exempt Signs. In addition to the types of signs found in Section 23-152 (Exempt Signs), the following types of signs are exempt as related to residential development within the zoning districts listed in this Section.

(1) Construction Signs. Temporary construction signs provided that:

(A) Signs in conjunction with any residential use on an individual lot shall not exceed eight (8) square feet each.

(B) Such signs shall not be illuminated.

(C) Such signs shall only appear at the construction site.

(D) Such signs shall be removed upon issuance of a Certificate of Occupancy or project completion; whichever occurs first.

(2) Sale, Lease, Rent (onsite). Temporary signs used to offer for sale, lease or rent of the land or the buildings upon which the sign is located provided:

(A) One (1) sign per street frontage advertising real estate ("for sale," "for rent," "for lease" or "for development") not greater than eight (8) square feet may be located on the property being advertised so long as said sign is located behind the street right-of-way line. If property so advertised lies on a corner lot or double frontage lot, two signs are allowed so long as the two signs are at least one hundred (100) feet apart as measured by the shortest straight line.

(B) Such signs shall not be illuminated.

(C) All such signs shall be removed within seven (7) days after the real estate closing or lease transaction.

(c) Prohibited Signs. In addition to the types of signs found in Section 23-153 (Prohibited Signs) the following types of signs are prohibited as related to residential development within the zoning districts listed in this Section.

(1) Off-premise advertising signs except as provided by the City. The City will erect and maintain off-premise signage along major thoroughfares within the City to advertise various residential developments within the City. These signs shall be the only off-premise advertising signs allowed within the City.

(A) The off-premise signs will be monuments erected and maintained by the City and shall be of uniform design and dimensions.

(B) The signs will include the City of Kemmerer logo and the various development names.

(C) No logos will be allowed and the name of all subdivisions will be the same size and font.

(D) Placement on these monuments will be on a first come, first serve basis and the subdivision name will be removed within thirty (30) days of issuance of the last Certificate of Occupancy in the subdivision.

(2) Any sign not pertinent and clearly incidental to the permitted use on the property where located except as otherwise provided in this Code.

(3) Signs advertising a business that has completed work on the property for over thirty (30) days (i.e., roofing, drywall, landscaping, etc.). This excludes any signage necessary for public safety (i.e., pesticides in use)

(d) Permitted Signs and Allowed Dimensions. The following types of signs are allowed with a permit as related to residential development within the zoning districts listed within this section, all signs must meet the allowed number and dimensions listed. Measurements of signs shall be calculated per Section 23-154 (Measurement of Sign Area and Height).

Type of Sign	Number of Signs	Maximum Area (sq. ft.)	Maximum Height of Freestanding Signs (feet)	Comments
Identification Sign	1 per single family, duplex or mobile home	2		Wall Signs shall be no higher than the eave line of the principal building.
	1 per multi-family or triplex	16	Height – 6' Width – 4'	Wall Signs shall be no higher than the eave line of the principal building.
	1 per public or quasi-public use	32	Height – 8' Width – 6'	Wall Signs shall be no higher than the eave line of the principal building.
	1 per side of road per subdivision entrance (monument sign)	48 per side	Height – 8' Width – 6'	Direct illumination only; may not be illuminated between 12:00 a.m. and 5:00 a.m. if within 500 feet of existing residential.
Child Care Center	1	16	Height – 5"	Not illuminated. This is the only freestanding sign allowed in a residential district.

In addition, all signs shall be installed and maintained per Section 23-156 (Sign Installation and Maintenance) and shall meet the standards of Section 23-157 (Standards for Specific Types of Signs).

SECTION 23-160. DOWNTOWN CORE SIGN REQUIREMENTS

(a) The following requirements pertain to signage associated with all development allowed in the following zoning districts:

(1) B Main Street District

(b) Purpose and Intent. The intent of this section is to create a vibrant, sustainable, growing and pedestrian oriented downtown core in Kemmerer with retail, office, convenience, live-work and restaurant spaces along the main corridor. All signage shall be pedestrian scale and uniform throughout the core. They shall not hinder bicyclist, pedestrian or motorist traffic in any way and shall promote the health, safety and welfare of the community, both residents and visitors.

(c) Exempt Signs. In addition to the types of signs found in Section 23-152 (Exempt Signs) the following types of signs are exempt as related to all development within the zoning districts listed in this section.

(1) Construction Signs. Temporary construction signs provided that:

(A) Signs have a maximum area of sixty-four (64) square feet.

(B) Only one (1) such sign oriented per street frontage per premise shall be erected. Any two (2) such signs located on the same premise shall be located at least one hundred (100) feet apart measured using a straight line.

(C) Such signs shall not be illuminated.

(D) Such signs shall only appear at the construction site during the construction phase.

(E) Such signs shall be removed upon issuance of a Certificate of Occupancy or project completion; whichever occurs first.

(2) Sale, Lease, Rent (onsite). Temporary signs used to offer for sale, lease or rent of the land or the buildings upon which the sign is located proved:

(A) One (1) sign per street frontage advertising real estate ("for sale," "for rent," "for lease" or "for development") not greater than eight (8) square feet may be located on the property being advertised so long as said sign is located behind the street right-of-way line. If property so advertised lies on a corner lot or double frontage lot than a second street so long as the two (2) signs are at least one hundred (100) feet apart as measured by the shortest straight line.

(B) Such signs shall not be illuminated.

(C) All such signs shall be removed within seven (7) days after the real estate closing or lease transaction.

(d) Prohibited Signs. In addition to the types of signs found in Section 23-153 (Prohibited Signs), the following types of signs are prohibited as related to all development within the zoning districts listed in this Section.

(1) Any sign not pertinent and clearly incidental to the permitted use on the property where located except as otherwise provided in this Code.

(2) Pole Signs.

(e) Permitted Signs and Allowed Dimensions. The following types of signs are allowed with a permit as related to retail, commercial and industrial development within the zoning districts listed within this section, all signs must meet the allowed number and dimensions listed. Measurements of signs shall be calculated per Section 23-154 (Measurement of Sign Area and Height).

Type of Sign	Number of Signs	Maximum Area (sq. ft.)	Maximum Height of Freestanding Signs (feet)	Comments
Commercial / Retail Identification Sign	Wall/Projecting Sign - 1 per individual tenant	1 per 1 linear foot of building; 200 maximum		Maximum 5% of wall area. No higher than 25' above finished grade.
	Canopy/Awning Sign - 1 per individual tenant	10	At least 8' above grade	
	Window Signs	40% of window or door		In window or door, not in both.
	Informational Signs - 1	5	Height – 6' Width – 8'	Rear and loading door entrances.
	Monument Signs - 1	30	Height – 6' Width – 8'	Direct illuminating only; may not be illuminated between 12:00 a.m. and 5:00 p.m. if within 500 feet of existing residential; clear of sight distance triangle.
Residential Identification Signs	One for single-family, duplex or mobile homes	2		Below eave or 2nd floor window.
	One per public or quasi-public use	24	Height – 6' Width – 6'	

In addition, all signs shall be installed and maintained per Section 23-156 (Sign Installation and Maintenance) and shall meet the standards of Section 23-157 (Standards for Specific Types of Signs).

SECTION 23-161. CREATIVE SIGNS

(a) Purpose. This Section establishes standards and procedures for the design, review and approval of creative signs. The purposes of this creative sign program are to:

(1) Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness and spirit; and

(2) Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the City, while mitigating the impacts of large or unusually designed signs.

(b) Applicability. An applicant may request approval of a Sign Permit under the creative sigh program to authorize on-site signs that employ standards that differ from the other provisions of this Code but comply with the provisions of this Section.

(c) Approval Authority. A Sign Permit Application for a creative sign shall be subject to approval by the Planning and Zoning Board.

(d) Application Requirements. A Sign Permit Application for a creative sign shall include all information required by the City, and the filing fee based on the same fee schedule as a building permit.

(e) Design Criteria. In approving an application for a creative sign, the Planning and Zoning Board shall ensure that a proposed sign meets the following design criteria:

(1) Design Quality. The sign shall:

(A) Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;

(B) Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness and spirit; and

(C) Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale and proportion.

(2) Contextual Criteria. The sign shall contain at least one of the following elements:

(A) Classic historic design style.

(B) Creative image reflecting current or historic character of the City.

(C) Inventive representation of the use, name or logo on the structure or business.

(3) Architectural Criteria. The sign shall:

(A) Utilize and/or enhance the architectural elements of the building; and

(B) Be placed in a logical location in relation to the overall composition of the building's façade and not cover any key architectural features/details of the façade.

ARTICLE XIV. RE - VERY LOW DENSITY RESIDENTIAL – RE.

SECTION 23-162. PURPOSE.

The purpose of the RE, Very Low Density Residential Zone, is intended to accommodate large lot single family residential development with and adjacent to areas of similar development and allow for low intensity development within Kemmerer.

This zone is intended to be residential in nature although typical domesticated farm animals are allowed in permitted numbers.

SECTION 23-163. ALLOWED USES

(a) Dwelling, Single Family Detached;

(b) Bed & Breakfast Inn;

(c) Accessory Structures and Use with primary residence structure;

(d) Livestock; Domesticated farm animals of two (2) cow, sheep, goat, horse, donkey, mule or llama per five (5) acres with a maximum of twelve (12) animals total and Small Domesticated Animals; rabbits, hens; max four (4) per 5 acres up to eighteen (18) total small domesticated animals; no roosters, no peacock, with primary residence structure and occupancy;

(e) Agriculture Buildings and Uses Associated with Small Agriculture Operations with primary residence structure. Excludes Silos;

(f) Personal Nursery/Greenhouse;

(g) Household Pets with primary residence structure and occupancy.

SECTION 23-164. PERMITTED USES.

The following are permitted uses provided the parcel and building meet all other provisions of the Code and any other applicable ordinances of Kemmerer.

(a) Accessory Structures and Use without primary residence structure;

(b) Non-Commercial Agriculture with primary residence structure and occupancy;

(c) Agriculture Buildings and Uses Associated with Small Agriculture Operations without primary residence structure. Excludes Silos**;**

(d) Churches, Synagogues, Temples;

(e) Dwelling, Accessory (Mother-in-Law House);

(f) Educational Services;

(g) Public Parks;

(h) Public Uses;

(i) Recreation Facilities or Uses;

(j) Residential Care Facilities for Elderly, Juveniles, Handicapped or Persons Otherwise Requiring 24 Hour Supervision;

(k) Trails and Open Space.

SECTION 23-165. SPECIAL PERMITTED USES

(a) Cluster Subdivisions;

(b) Home Occupations; including daycare;

(c) Placement of livestock without a primary residence occupation;

(d) Placement of pigs, swine or other domesticated farm animal, not included in definition of "Livestock," with limits to be set by the zoning board but not to exceed those of Domesticated Farm Animal limits as set above;

(e) Roosters, peafowl or gamebirds with limits to be set by the zoning board but not to exceed those of Small Domesticates Animal limits as set above.

SECTION 23-166. ONE DWELLING PER LOT.

No more than one (1) single family dwelling may be placed on a lot or parcel in this residential zone.

SECTION 23-167. MINIMUM LOT STANDARDS.

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards:

(a) Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

(b) Density one (1) lot per five (5) acres.

(c) Lot size. Minimum lot size of 5 acres and a maximum of 50 acres except for a cluster type subdivision of an approved Master Planned Development

(d) Each residential lot or parcel of land located in a zoning district shall abut along the right of way any line of a public street for a minimum distance of one hundred (100) feet or be accessed by a private dwelling road or lane, except for cluster type subdivisions.

(e) A livestock fence is required to be placed around any area in which any livestock is placed on the property.

SECTION 23-168. SETBACK REQUIRMENTS – PRIMARY DWELLINGS.

The following yard setback requirements shall apply to all dwelling and primary buildings on residential lots:

(a) Front Yard Setback. The minimum front yard setback for all residential dwellings shall be one hundred (100) feet.

(b) Side Yard Setback/Back Yard Setback. The minimum side yard and back yard setback shall be thirty (30) feet, whether on a corner lot or another adjoining lot.

(c) Easement. No dwelling or main building shall be located within a platted easement area of any kind.

(d) Height and Building Locates. No lot or parcel of land in the residential zones shall have a building intended for human habitation which exceeds a height of thirty five (35) feet.

SECTION 23-169. SETBACK REQUIRMENTS – ACCESSORY STRUCTURE.

(a) Front Setback. No accessory buildings are allowed in front of the residential dwelling, in the front setback.

(b) Side & Back Setback. An accessory building allowed by this Code shall be located no closer than twenty (20) feet from the property line. No accessory buildings are allowed in the front of the residential dwelling, in the front setback, or in the required side yard setback of a corner lot on the side facing the street.

(c) Height Restriction. Any accessory building greater than twenty (20) feet in height shall maintain the setbacks required for a primary dwelling.

(d) Housing/Shelter of Animals. Accessory buildings used for the housing or shelter of animals shall be located at a minimum distance of fifty (50) feet from any adjacent dwelling on same lot.

(1) All pens, corrals, barns, coops, stables and other similar enclosing structures to house animals or fowl shall be located no less than one hundred fifty (150) feet from a public street and no less than one hundred (100) feet from property line.

(e) Easements. No permanent accessory building shall be located within a platted easement area of any kind.

SECTION 23-170. REQUIREMENTS FOR ACCESSORY USES.

(a) Private swimming pools, tennis courts, and similar uses shall be allowed in a back yard provided they are located at least twenty (20) feet from any dwelling on an adjoining lot and at least six (6) feet from any property line.

(b) Detached garages and other accessory buildings sixteen (16) feet or less in height as hereinafter provided. Such structures shall not cover over fifty (50) percent of the back yard area or be located closer than twenty (20) feet from the property line or within a public utility easement if noted on a subdivision plat.

(c) Hard surfaced parking areas are allowed, provided the parking area does not cover over fifty (50%) percent of the back yard area or is closer than twenty (20) feet from the property line.

(d) Hot tubs, decks or similar uses twelve (12) inches or less above grade shall be allowed in a back yard provided they are located at least fifteen (15) feet from a dwelling on an adjoining lot and twenty (20) feet from the property line.

(e) Circular driveways shall be permitted in required front yard areas of residential lots leading to and from a garage or carport on the property subject to the following conditions:

(1) Such drives shall be constructed of one or more of the following: concrete, asphalt, gravel, cobblestone, or other available/viable options, creative designs are encouraged.

(2) Such drives shall not be over sixteen (16) feet in width.

(3) Circular driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time.

(f) Accessory driveway leading to a garage or parking area;

(1) no portion of a required front yard setback shall be hard surfaced or graveled so as to encourage or make possible the parking of automobiles, except for Approved Accessory Driveways;

(2) approved Accessory Driveways; only those that provide a primary entrance and/or exit to parking areas for accessory use;

(3) curb cuts may be allowed for approved driveways.

SECTION 23-171. ACCESSORY DWELLINGS.

The intent and purpose of this provision is to encourage accessory dwellings as an affordable housing opportunity while protecting the existing quality of life in the residential zones throughout the community.

Any request for an accessory dwelling such as basement, attic or garage apartments within residential dwellings must be reviewed and approved by the Staff and/or Zoning Board.

The limit is one (1) accessory dwelling per single family detached dwelling. Accessory dwellings are permitted uses in all zones; however, the following criteria must be established prior to approval or issuance of a Building Permit.

(a) Size. The maximum size of an accessory dwelling shall not exceed two thousand (2,000) gross square feet as measured from exterior wall to exterior wall, or two-thirds (2/3) the size of the primary dwelling, whichever is less. The square foot amount of the accessory dwelling shall be included in the total building square footage calculations for all structures.

(b) Parking. One (1) on-site parking space shall be provided in addition to the underlying parking requirements for a household unit.

(c) Building and Fire Code. The accessory dwelling and associated improvements shall meet Building Code regulations as well as any Fire Codes in effect.

SECTION 23-172. HEIGHT REQUIREMENTS AND PROVISIONS.

The total height of a building or structure shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point of

(a) A flat roof

(b) The ridge of a hip or gable roof

(c) The deck line of a mansard roof.

In no case shall a mansard roof or the parapet wall of a flat roof extend more than eighteen (18) inches above the maximum height limitation in the zone.

Roofs not fitting clearly any of the above three classifications shall be classified by the Staff in accordance with the roof it most closely resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration.

To allow for roof pitches and provide usable space within the structure, the following exceptions apply:

(a) Antennas, chimneys, flues, vents, or similar structures may extend up to eight (8) feet above the specified maximum height limit for the zone.

(b) Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.

(c) Church spires, bell towers, and like architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as part of the site plan review and approval.

SECTION 23-173. ACCESS.

No more than three (3) dwellings may be constructed on a private road, or a road with only one point of ingress or egress.

(a) All private roads must be constructed in such a manner that emergency service vehicles can operate properly upon them and include pull-outs and turnarounds as required.

(b) Additionally, the City and the Fire Department must be given the authority and ability to use the private road at any time for public safety purposes, including keys to any locked gates.

SECTION 23-174. TRASH, WASTE STORAGE AND ABANDONED VEHICLES.

No trash, used materials, wrecked, non-operational or abandoned vehicles or equipment shall be placed or stored within a public right-of-way, on any public sidewalk or in any required yard setback areas.

All such materials must be screened from public streets and adjacent property or stored within an enclosed building. All storage areas within a side yard and back yard shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear of the main building if possible.

No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet health regulations or are accessible to the public.

SECTION 23-175. OFF-STREET PARKING AND LOADING.

Generally, each residential dwelling is required to provide off-street parking for at least two (2) automobiles per unit.

Boats, trailers, campers, motor homes, four-wheelers, snowmobiles or any other motorized equipment may not be stored in the front yard setback, the side yard setback of a corner lot, or in the street in front of a lot, for excess of twenty four (24) hours. A vehicle owned by a guest of the resident may be stored in a required front yard setback or side yard setback of a corner lot for up to seven (7) consecutive days per calendar quarter.

No trucks, motor vehicles, commercial trailers, construction vehicles and similar equipment having a registered weight equal to or exceeding twelve thousand (12,000) pounds, shall be stored or parked in the front, or side yard of any residential lot or parcel.

SECTION 23-176. SIGNS.

The signs permitted in this Zone shall be those allowed in residential zones by Article XIII, Signs, of this Code.

SECTION 23-177. WATER/SEWER REQUIREMENTS.

These lots should connect to Joint Powers Board water and sewer if a main line is within 500'.

SECTION 23-178. GAS AND POWER REQUIREMENTS.

Any new construction shall be connected to franchised gas and/or if a main line is within 500' of residence.

ARTICLE XV. FENCING

SECTION 23-179. PURPOSE.

This section has been provided to create minimum and maximum perimeter fencing standards for residential and commercial areas within the City of Kemmerer. The City of Kemmerer is a "fence in" municipality.

SECTION 23-180. EFFECT OF SECTION ON COVENANTS, AGREEMENTS, ETC.

This section shall not nullify the more restrictive provisions of covenants, agreements, ordinances, or laws but shall prevail not withstanding such provisions which are less restrictive.

SECTION 23-181. PERMITS.

(a) Prior to installation, a fence permit shall be obtained from the City.

(b) All installation of new or changed fencing, permanent or temporary, requires a permit from the City.

(c) All installation of temporary construction fencing (orange fence) does not require a permit.

(d) Replacement of existing fence with no changes to height and/or location of the fence does not require a permit.

(e) No fence, wall or obstruction shall be placed in any public right-of-way.

SECTION 23-182. RESIDENTIAL.

(a) Prohibited Fence Types. Wood Slabs, Tin and Corrugated Tin Fencing, Sheep Fence, Chicken Wire, Barbed Wire, Electric Fence, Smooth Wire and Razor Wire, unless otherwise specifically allowed in relevant code.

(b) Side Yards and Back Yards. In any required side or back yard on lots, the height of fences shall not exceed six (6) feet, unless otherwise allowed herein.

(c) Front Yards. Fences in front yards shall not exceed four (4) feet.

(d) Corner Lots. In addition to the other provisions contained in this section, fences located on corner lots shall be subject to the following provisions:

(1) Any fence, wall, and/or hedge on the front yard setback shall not exceed four (4) feet if open construction.

(2) In the side yard setback that fronts on a street, height up to six (6) feet shall be allowed beyond sixty (60) feet from the intersection measured from the intersecting extended curb lines. Height within the sixty (60) foot area shall conform to the requirements of a front yard setback.

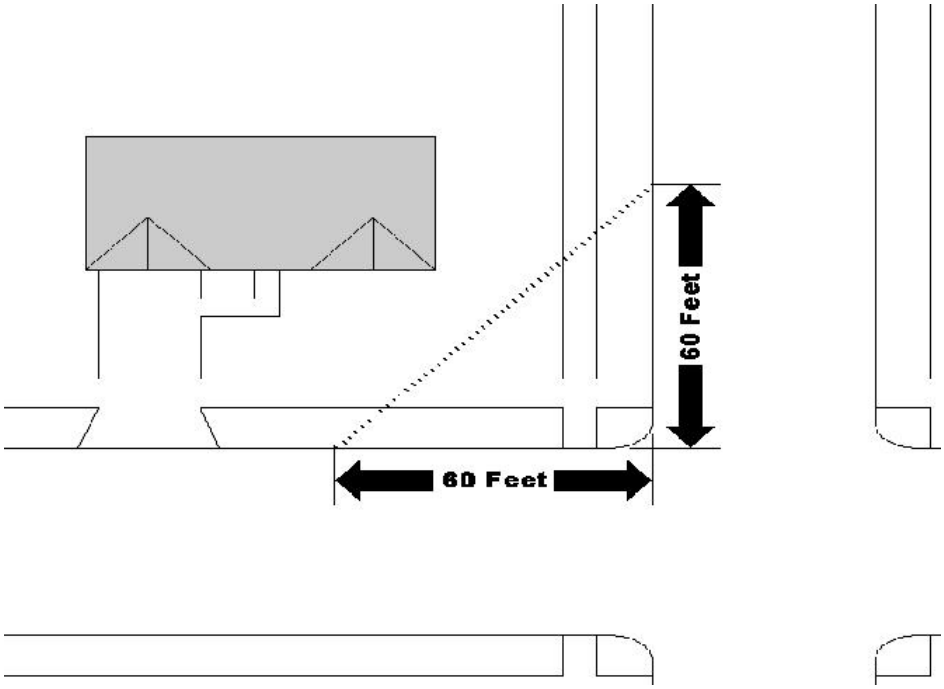


Figure 23-182a. Illustration of a Common Sixty (60) Foot Sight Visibility Triangle.

(e) A clear view zone shall be maintained free of fencing, except a see through fence or a view obscuring fence no higher than four (4) feet in height when a driveway exists on the adjacent lot within ten (10) feet of the shared property line. The clear view zone refers to the portion of the corner lot lying within a triangular area formed by measuring back ten (10) feet from the point where the interior property line shared with the adjacent lot meets the property line along the public right-of-way.

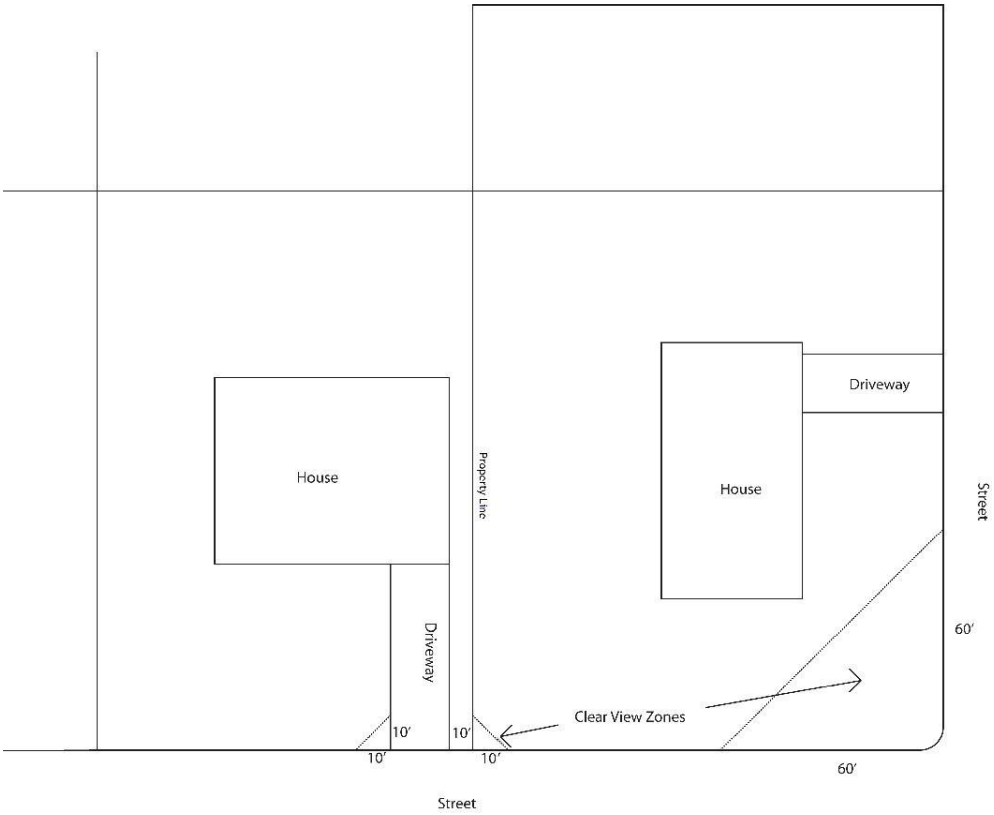


Figure 23-182b.

Heights on the back yard setback and interior side yard setback shall not exceed six (6) feet.

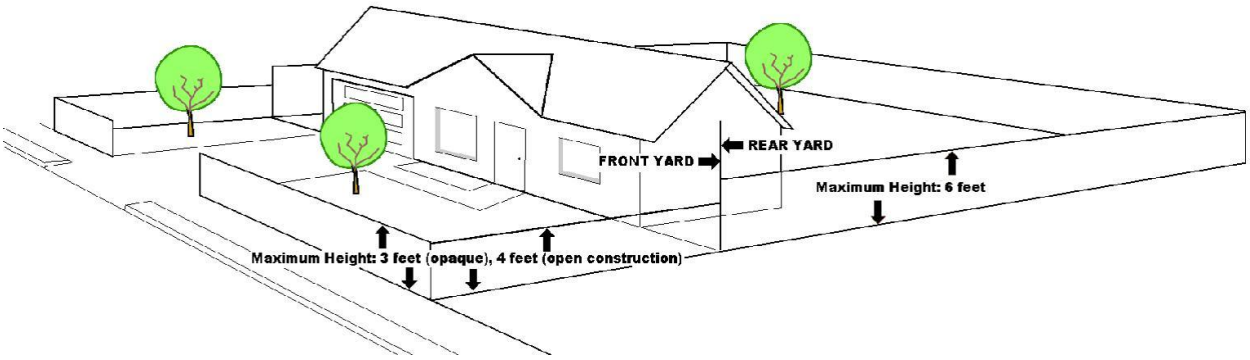


Figure 23-183c. Interior Lot Fence Height Restrictions.

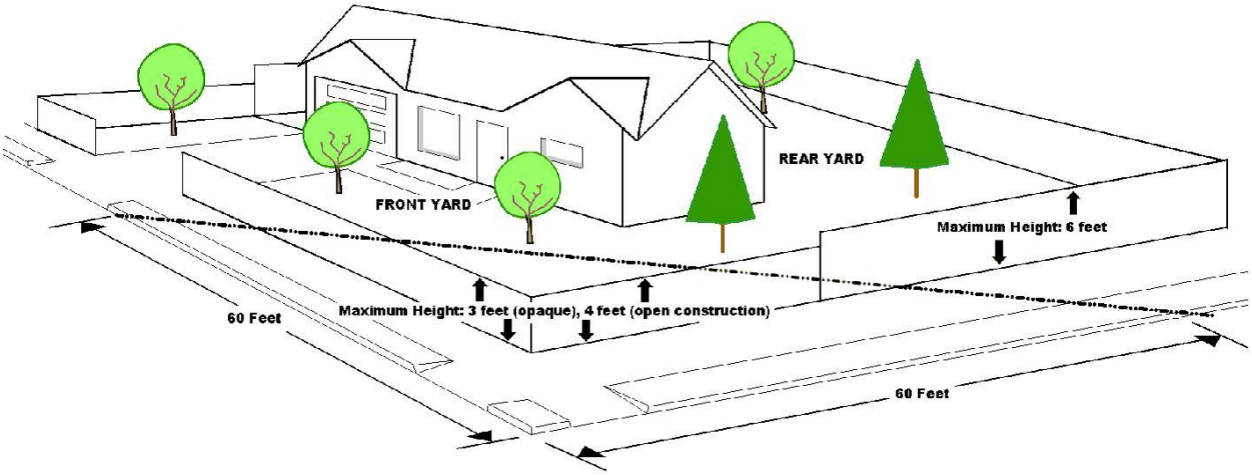


Figure 23-182d. Corner Lot Fence Height Restrictions.

(a) Fences on Slopes. Fences on slopes may be a maximum of seven (7) feet if the average height of such fence is no greater than six (6) feet, unless otherwise allowed herein (see Figure 23-182e).

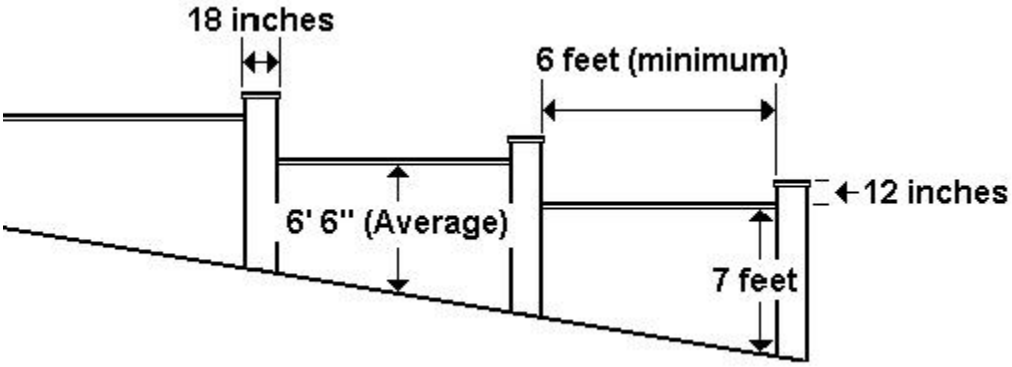


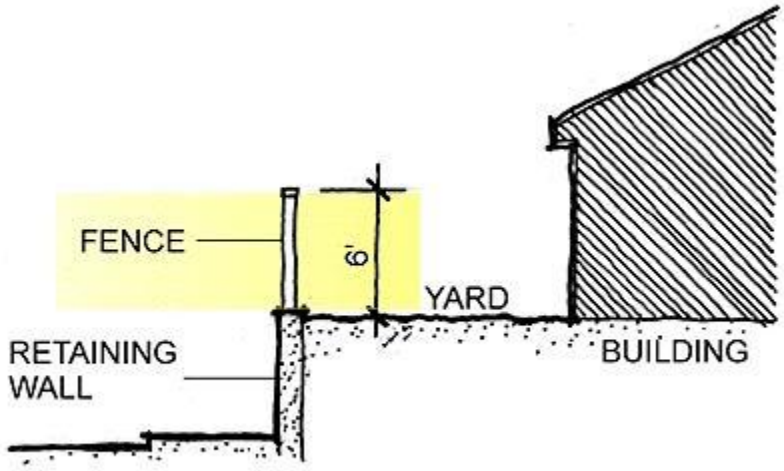
Figure 23-182e.

(b) Fence Posts, Gate Posts, Pillars, and Support Columns. Such structures may extend twelve (12) inches above the maximum fence height when separated by at least six (6) linear feet of fencing (see Figure 23-182e). Gate posts may be as close as three (3) feet of each other with no more than one gate per fence frontage. Structures may not exceed eighteen (18) inches in diameter or width.

(c) Measurement of Fence Height.

(1) The height of a fence shall be measured from the highest grade.

(2) The combined height of a fence and retaining wall shall not exceed eleven (11) feet (see Figure 23-182f).



Measurement of Height (Fences)

Figure 23-182f.

(d) Maintenance. All fencing must be maintained and must be constructed of City approved fence material.

(e) Any fence built on a utility easement may be removed for the utility access at the homeowners expense.

SECTION 23-183. INDUSTRIAL.

(a) Prohibited Fence Types. Wood Slabs, Tin and Corrugated Tin Fencing and Sheep Fence.

(b) Buildings in allowed uses may or may not have a fence.

(c) The following uses must have solid or opaque fencing:

(1) Junk Yards

(2) Stock Yards

(3) Salvage Yards

(4) Kennels

(5) Sanitary Transfer Station

(d) Front Yard Fencing.

(1) If a fence is desired between a building and the front property line a pillar fence is required. The fence may be a maximum of eight (8) feet in height and located immediately behind the front landscape area required by the zoning ordinance for the particular project.

(2) Corner Lots. All developments located on corner lots shall be considered to have two frontages. The above fencing restriction shall apply to both frontages with the exception that fences may not encroach into the required sight visibility triangle at the intersection of two streets. Sight visibility triangles are determined by engineering standards as contained in the AASHTO publications. In many cases, a sixty (60) foot sight visibility triangle is sufficient. Sight visibility triangles will increase significantly if the location is on or near the inside of a horizontal curve. Fences in the sight visibility triangle shall be no more than three (3) feet in height above the top of curb. In most cases, said sight visibility triangle shall be measured from the intersection of the extended curb lines back sixty (60) feet in both directions.

(3) Side and Back Property Lines. Fences alongside or back property lines shall not exceed six (6) feet in height measured from the highest elevation on either side of the fence unless otherwise approved by the city during site plan review up to a maximum of eight (8) feet measured from the highest elevation on either side of the fence. If zoning allows for outside storage then the following requirements must be followed:

(A) Trash and Recycling Areas – solid fencing required.

(B) Equipment and Material – solid fencing required.

(C) Products for Re-sale – must be fenced; solid fencing not required.

(D) Temporary Fencing. Fencing may be allowed on a temporary basis for the purpose of securing property prior to and during development and for special events.

(E) Maintenance. All fencing must be maintained and must be constructed of City approved fence material.

SECTION 23-184. VACANT LOTS.

For the purpose of this section, it shall be presumed that a vacant lot shall contain a minimum front, side, and back yard that are otherwise required by ordinance. In any required side and rear yard on vacant lots, the maximum height of fences or other similar structures shall be six (6) feet.

SECTION 23-185. BARBED WIRE.

Fences containing strands of barbed wire or other similar fencing designed to prevent intrusions are prohibited unless specifically approved by the city for public safety, health, or welfare. Such fences are allowed if it is part of a livestock fence or public utility stations.

SECTION 23-186. RETAINING WALLS.

Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall shall not exceed five (5) feet. For cuts/fills to be retained that exceed five (5) feet, retaining walls shall be stepped and separated horizontally by a minimum of five (5) feet. The uppermost retaining wall may be topped by a fence, wall, or hedge of the height that would otherwise be permitted at the location if no retaining wall existed. The Zoning Board may grant a special exception to this criteria where it can be shown that this provision would cause an unreasonable hardship to the property, e.g., where the stepping would eliminate the side or back yard leaving the property owner with a strip of unusable yard space (less than five (5) feet), or where it may be practical due to adjoining uses). Note: Retaining walls over three (3) feet will require a separate building permit to review the structural requirements.

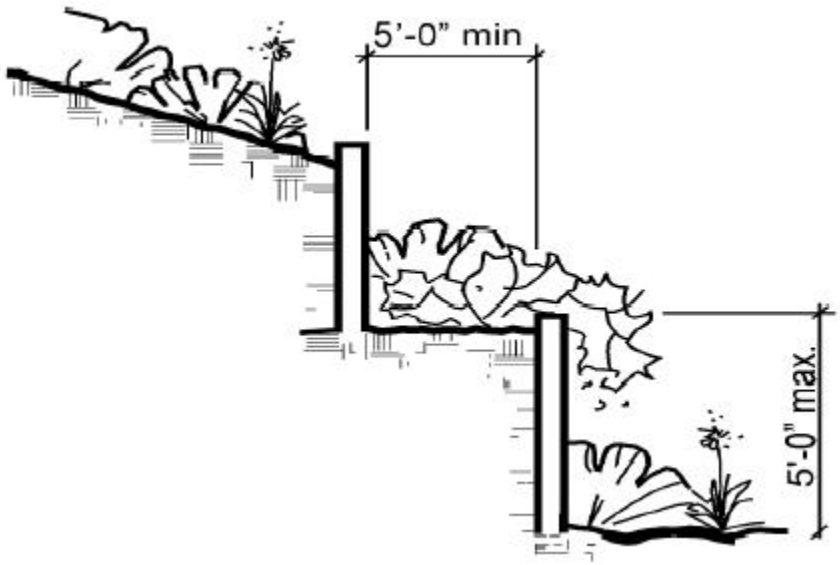


Figure 23-186a. Proper Retaining Wall Installation.

SECTION 23-187. WALLS ALONG ARTERIAL HIGHWAYS

Whenever any person, firm, or corporation as a sub-divider develops or builds upon any property in the City of Kemmerer that is part of a recorded subdivision approved by the Zoning Board after the effective date of this Code or in any previously approved subdivision, and which abuts any arterial street as defined and provided herein, the said person, firm, or corporation shall construct and install at their own expense, a fence or wall as provided hereafter along the back property line of lots abutting said arterial. These fences/walls can be utilized for any requirement of a sound wall.

(a) An arterial highway is any public road having a right-of-way, developed or undeveloped, of eighty-four (84) feet or more, including but not limited to the following roads; outside residential and downtown zone areas:

(1) US Highway 30;

(2) US Highway 189;

(3) Canyon Road.

(b) The said fence or wall shall be approved by the Zoning Board after review by the city, only upon satisfaction of the following criteria:

(1) Durable or useful life of a least 20 years duration;

(2) Wind load of at least 80 miles per hour; and

(3) Maintenance free for at least 5 years duration.

(c) In addition to the above requirements, the following shall be satisfied:

(1) The fence shall be interrupted approximately every twenty (20) to thirty (30) feet by pilasters, columns, jogs in the fence, or other variation in the construction so as to provide a visual breaking point in construction.

(2) Acceptable construction materials shall not include chain link, chain link with slats, picket, or wood fencing.

(3) Anti-graffiti coating shall be required as approved by the city.

(4) Specific structural design shall be reviewed and approved by a licensed engineer.

(d) A barrier wall, six (6) feet in height (measured from the highest elevation on either side of the wall) except where soil retention is required, may be up to eight (8) feet in height (retaining wall and barrier wall combined). All such walls shall meet design specifications adopted by the Zoning Board.

(e) An additional landscaped buffer, including sprinkling and water connections, may be required by the Zoning Board between the sidewalk and barrier wall where it is impractical for the barrier wall to abut the sidewalk. The specific width of the buffer and landscaping specifications shall be determined by the Zoning Board, upon recommendation by the city, at the time of final subdivision review.

SECTION 23-188. SWIMMING POOLS AND GARDEN PONDS

Any pool or garden pond over 24” in depth shall be enclosed by a fence, or other enclosure, no less than six feet (6’) in height, equipped with self-locking gates.

SECTION 23-189. EXCEPTIONS.

The provisions of this section shall not apply to certain other fences such as sports court fences, tennis court backstops, or patio enclosures in the front, side, or back yards if approved by the city. During the review of such request, the city need only determine if in its opinion:

(a) The proposed fence does not create a hazard for the subject property or adjacent properties.

(b) The proposed fence does not create a violation of other ordinances.