

Ordinance No. 2, 2013

An ordinance repealing Ordinance No. 2, 2003, Ordinance 3, 1996, Ordinance 1, 1986, Ordinance 4, 1970, Ordinance 38 - Zoning, and adopting the City of Sundance Zoning Code

Be it ordained by the City Council of the City of Sundance, Crook County, Wyoming that Ordinance No. 1, 1994 - Zoning, is hereby repealed and Ordinance #2, 2013 – City of Sundance Zoning Code is hereby adopted as follows:

CITY OF SUNDANCE ZONING CODE

CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Zoning Code* of the City of Sundance, Wyoming, hereinafter referred to as “this code.”

101.2 Authority/Intent. This zoning ordinance is adopted pursuant to the authority conferred by Wyoming State Statutes 2010, Sections 15-1-601 et seq., as amended. The purpose of this code is to safeguard the health, safety and general welfare of the inhabitants of the City of Sundance by controlling the design, location, use or occupancy of all buildings and structures through the regulated and orderly development of land and land uses within this jurisdiction.

101.3 Scope. The provisions of this code shall apply to the construction, addition, alteration, moving, repair and use of any building, structure, parcel of land or sign within a jurisdiction, unless specifically mentioned in this code.

Where, in any specific case, different sections of this code specify different requirements, the more restrictive shall govern. Where this chapter imposes a greater restriction upon land or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this code shall control. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

In fulfilling these purposes, this ordinance is intended to benefit the public as a whole and not any specific person or class of persons. If any portion of this code is held invalid for any reason, the remaining herein shall not be affected.

101.4 Official Zoning Map. The City council shall adopt an official zoning map for all areas included within the jurisdiction. The city is divided into zoning districts as shown on the official zoning map, which, together with all explanatory matter thereon, is adopted and declared to be a part of this code. No changes of any nature shall be made

in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this code.

SECTION 102 FEES

102.1 Fees. A fee for services shall be charged. All fees shall be set by the town council and schedules shall be available at the office of the City Clerk.

SECTION 103 EXISTING BUILDINGS AND USES

103.1 General. Lawfully established buildings, structures and uses in existence at the time of the adoption of this code shall be permitted to have their existing use or occupancy continued, provided such continued use is not declared unsafe by a proper authority.

103.2 Additions, alterations or repairs. Additions, alterations or repairs shall be permitted to be made to any building or use without requiring the existing building or use to comply with the requirements of this code, provided that no alterations, repairs or enlargement shall be made in a nonconforming building which would increase the degree of nonconformity with the location and density regulations of this code.

103.3 Maintenance. All buildings or uses, both existing and new, and all parts thereof, shall be maintained. The owner or designated agent shall be responsible for the maintenance of buildings and parcels of land. To determine compliance with this section, the code official shall be permitted to cause any structure or use to be inspected.

103.4 Extension. A nonconforming use shall not be extended or enlarged by more than its total floor area

existing at the time of adoption of this code. The extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of this code shall not be deemed the extension of such nonconforming use.

103.5 Abandonments. A nonconforming use shall be considered abandoned:

- When the nonconforming use has been discontinued for one (1) year;
- When it has been replaced by a conforming use.
- Manufactured Home - Once a manufactured home is moved, the zoning reverts to conforming use.

103.6 Moved and temporary buildings, structures and uses. Buildings or structures moved into or within the jurisdictions shall comply with the provisions of this code for new buildings and structures. Temporary buildings, structures and uses such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public shall be permitted to be erected, provided a special approval is received from the code official for a limited period of time. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

103.7 Illegal uses. Uses that were illegally established prior to the adoption of this code shall remain illegal.

SECTION 104 DUTIES AND POWERS OF THE ZONING CODE OFFICIAL

104.1 General. This code shall be enforced by the mayor or his/her designees. There is created the position of zoning code official. The zoning code official shall be appointed by the mayor with the consent of the city council. The zoning code official shall enforce the zoning code as directed by the city council.

104.2 Designees. The code official may appoint such number of technical officers and other employees as shall be authorized from time to time. The code official shall be permitted to designate such employees as may be necessary to carry out the functions of this code.

104.3 Reviews and approvals. The code official shall be authorized to review applications for zone change, make recommendations, interpret, enforce all zoning codes and issue notices of violation and cease and desist orders.

104.4 Comprehensive plan. The code official shall assist the planning & zoning commission in the development and implementation of the comprehensive plan.

104.5 Administrative reviews and permits. Administrative reviews and permits shall be in accordance with Sections 104.5.1 through 104.5.5.

104.5.1 Building Permits.

No structure shall be placed upon or moved onto land, erected, constructed, reconstructed, converted, demolished, enlarged or structurally altered, nor shall any work be started upon same, until a building permit has been issued

establishing compliance with the development requirements of this code.

No substantial change shall be made in the use of any land or structure or part of a structure until a building permit has been issued establishing that such change in use is a permitted use within the zoning district where the land or structure is located.

104.5.2 Review of building permits. All applications for building permits and amendments thereto shall be submitted to the code official for review and to ensure compliance with the requirements of the Sundance Municipal Code, including building, fire, mechanical, plumbing and electrical codes; sign codes; parking requirements; landscaping and zoning codes. Each application shall include a set of building plans and all data necessary to show that the requirements of this code are met.

104.5.3 Site plan reviews. The code official shall receive all applications for site plan review and review for completeness and prepare submittals for review by the city council. Written applications on approved forms shall be filed with the code official and shall be accompanied by two copies of a site plan drawn to scale, or an electronic copy meeting city specifications, and including the following information:

1. Street address, lot and block number;
2. The actual shape and dimensions of the lot;
3. The exact location, size and height of any building or structure to be erected or altered, the existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate;
4. When no buildings are involved, the location of the present use and proposed use to be made of the lot;
5. Dimensions of yards, driveways and parking spaces, existing and proposed;
6. Landscaping, existing and proposed, including direction of surface drainage;
7. Signs, existing and proposed;
8. Right-of-way and name(s) of adjacent street(s); and
9. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this code.

104.5.4 Conditional-use permits and variances. The code official shall receive all applications for conditional uses and variances or other plans as shall be permitted or approved as required by this code, review for completeness and prepare submittals for review by the city council.

104.5.5 Amendments. All requests for amendments or changes to the comprehensive plan or this code or map shall be submitted to the code official for processing.

104.6 Interpretations. The interpretation and application of the provisions of this code shall be by the code official. An appeal of an interpretation by the code official shall be submitted to the planning & zoning commission, who, unless otherwise provided, is authorized to interpret the code. Uses are permitted within the various zones as described in this code and as otherwise provided herein. It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. Mixed uses/sites or any use not specifically mentioned or about which there is any question shall be administratively classified by comparison with other uses identified in the districts described in this code. If the proposed use resembles identified uses in terms of intensity and character, and is consistent with the purpose of this code and the individual district's classification, it shall be considered as a permitted/non-permitted use within a general district classification, subject to the regulations for the use it most nearly resembles. If a use does not resemble other identified allowable uses within a district, it may be permitted as determined by the hearing body in public hearing as an amendment to this code pursuant to Section 108.3.

104.7 Liability. The code official, or designee, charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties described in this code, shall not be personally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the code official or employee because such act or omission performed by the code official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the enforcement agency shall be defended by the jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the jurisdiction.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency or its jurisdiction be held as assuming any such liability by reason of the reviews or permits issued under this code.

104.8 Cooperation of other officials and officers. The code official shall be authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

**SECTION 105
PLANNING & ZONING COMMISSION**

105.1 General. This section addresses the duties and responsibilities of the planning & zoning commission,

hereafter referred to as "the commission," and other officials and agencies, with respect to the administration of this code.

105.2 Establishment of the commission. The establishment of the commission shall be in accordance with the policies and procedures as set forth in Wyoming State Statute 15-1-502, et. seq. as amended. The mayor, with the consent of the city council, may appoint a planning commission consisting of not less than three (3) nor more than seven (7) members. The city council may itself act as the planning commission.

105.3 Terms, criteria for members. Members of the commission shall be residents of the jurisdiction served. Each member shall be appointed for a term of three (3) years. The terms of office for the commission members shall be staggered at intervals so as to provide continuity in policy and personnel. Vacancies shall be filled by appointment by the city council for the unexpired term of any member whose term becomes vacant. Any member of the planning commission may be removed for cause by the town council upon written notice of charges.

105.4 Compensation. Compensation of members shall be set by the city council.

105.5 Chairperson election and rules adoption. The commission shall elect from its membership a chairperson, vice chairperson, and secretary from among its members. It shall also establish and adopt rules for its organization and transaction of business and shall keep a public record of its proceedings.

105.6 Meetings. The planning commission shall meet as deemed necessary to conduct the business of the planning commission and to conduct scheduled public hearings. All meetings shall be open to the public and public notices of all meetings shall be made prior to the meetings.

105.7 Duties and powers. The duties of the planning commission shall include, but not be limited to:

- The development of a master comprehensive plan for the physical development of the city;
- The review of all petitions for rezoning, proposed annexation and subdivisions, plats, conditional use permits and development plans; the holding of public hearings where required; and the making of recommendations to the city council based on adherence to the adopted comprehensive plan.
- The commission shall make periodic reports and recommendations to the city council.

**SECTION 106
COMPREHENSIVE PLAN**

106.1 Duty, authority. Pursuant to Wyoming State Statute 15-1-503, as amended, it shall be the duty of the

commission, after holding public hearings, to create and recommend to the city council a comprehensive master plan for the physical development of the municipality. The plan shall be made for the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will best promote the general welfare as well as efficiency and economy in the process of development.

106.2 Comprehensive Plan Contents. The comprehensive master plan (land use plan), with the accompanying maps, plats, charts and descriptive and explanatory matter shall show the:

1. Commission's recommendations for the development and may include the general location, character and extent of streets, bridges, viaducts, parks, waterways and waterfront developments, playgrounds, airports and other public ways, grounds, places and spaces;
2. General location of public buildings and other public property;
3. General location and extent of public utilities, whether publicly or privately owned, for water, light, power, heat, sanitation, transportation, communication and other purposes;
4. Acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any public ways, grounds, places, spaces, buildings, properties, utilities or terminals;
5. Zoning plan for the regulation of the height, area, bulk, location and use of private and public structures and premises, and of population density;
6. General location, character, layout and extent of community centers and neighborhood units; and
7. General character, extent and layout of the replanning of blighted districts and slum areas.

The commission may amend, extend or add to the plan or carry any part or subject matter into greater detail. The commission shall be permitted also to recommend amendments to the comprehensive plan regarding the administration or maintenance of this code.

SECTION 107 BOARD OF ADJUSTMENT

107.1 General. This section addresses the duties and responsibilities of a board of adjustment, hereafter referred to as "the board," and other officials and agencies, with respect to the administration of this code.

107.2 Appointment; composition; terms; removal; vacancies. The mayor, with the consent of the city council, may appoint a board of adjustment consisting of

not less than five (5) nor more than seven (7) members. The mayor, with the consent of the city council, may appoint the city planning commission as the board of adjustment and/or city/town council may itself act as the board of adjustment.

107.3 Meetings; procedures; records. The Board of Adjustments shall conduct its proceedings in compliance with Wyoming State Statute 15-1-605 through 15-1-611, as amended. Board meetings shall be held upon receipt of a request for a variance to this zoning code and at such other times as the board determines. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All board meetings are open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question or if the member was absent or failed to vote. The board shall also keep records of its examinations and other official actions. All minutes are public records and shall be filed in the city's office.

107.4 Appeals - forms and procedure. Every appeal shall be made to the board of adjustments on forms which may be secured at the office of the city clerk. The procedure of appeals shall be as follows:

1. A written appeal shall be filed with the board of adjustments by the party feeling aggrieved by any order or decision of the administrative authority, upon forms prepared and supplied by the town clerk. The appeal shall be accompanied by accurate plans and specifications of the proposed work showing the plot of land to be built upon, together with the placement of the proposed building and all other existing or proposed structures, and accompanied by a fee of **\$0.00**.
2. A public notice of each hearing shall be made at least twenty (20) days before the date set for the meeting. Twenty (20) days notice of the hearing of an appeal shall be sent by registered mail to the appellant and all directly affected property owners within 140 feet.

107.5 Board of adjustment; powers and duties; vote required. The board shall:

1. Hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to this code and all matters referred to it or upon which it is required to pass under any such code.
2. Fix a reasonable time for hearing an appeal, give public notice, adequate notice to the parties in interest and decide the appeal within a reasonable time. Any party may appear in person at a hearing or by agent or attorney.
3. Vary or adjust the strict application of any of the requirements of any ordinance adopted pursuant to this code in the case of any physical condition

applying to a lot or building if the strict application would deprive the owner of the reasonable use of the land or building involved. No adjustment in the strict application of any provision of an ordinance may be granted unless:

- a. There are special circumstances or conditions, fully described in the board's findings, which are peculiar to the land or building for which the adjustment is sought and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of the ordinance;
 - b. For reasons fully set forth in the board's findings, the circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land or building, the granting of the adjustment is necessary for the reasonable use thereof and the adjustment as granted is the minimum adjustment that will accomplish this purpose; and
 - c. The granting of the adjustment is in harmony with the general purposes and intent of the ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
4. Grant exceptions and variances upon request after a showing that an illegal construction or a nonconforming building or use existed for a period of at least five (5) years in violation of local ordinance and the city has not taken steps toward enforcement;
 5. Reverse or affirm wholly or partly the order, requirement, decision or determination as necessary, but no power exercised under this paragraph shall exceed the power or authority vested in the administrative officer from whom the appeal is taken.
 6. The concurring vote of a majority of the board is necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the application on any matter upon which it is required to pass under any ordinance or to effect any variation in the ordinance.

107.6 Appeals - final disposition. The final disposition of any appeal to the board of adjustment shall be in the form of a resolution which shall affirm, modify, or reverse the refusal of a permit, or any order, or decision of the administrative authority. The board shall set out in the

resolution the condition or conditions upon which the permit may be issued.

107.7 Board of adjustments; review of decisions. The decision of the board may be reviewed by the district court pursuant to Rule 12 of the Wyoming Rules of Appellate Procedure.

107.8 Action to prevent violations authorized. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure or land is used in violation of this code or of any ordinance or other regulation made under its authority, the proper authorities of the city, in addition to other remedies prescribed by ordinance, may institute any appropriate action to prevent:

1. The violation;
2. The occupancy of the building, structure or land; or
3. Any illegal act, conduct, business or use in or about the premises.

SECTION 108 AMENDMENTS AND ZONE CHANGES

108.1 Initiation of changes. The town council may, from time to time, after receiving a report by the planning and zoning commission and after public hearings required by law, amend, supplement, or change zoning regulations, restrictions, districts, or designations.

1. Any amendment, supplement or change may be initiated by the town staff, by the commission, by the town council or by petition of affected persons as provided in this section.
2. Any person, firm, corporation, partnership or other entity may propose a zone change for a single parcel or contiguous parcels and shall initiate such proceeding by filing with the town clerk a proper and complete application for such change in such form as may be prescribed by the town and the payment of the prescribed fee.

108.2 Application for zone change. The application for a zoning change shall include the following:

1. The applicant's name, address and interest in the request, and the name and address of every person represented by the applicant. In addition, the applicant shall file an affidavit, signed by the owners, to attest that he is authorized and empowered to act for them in such proceedings;
2. The proposed zoning change, including a sufficiently accurate map that describes the area affected; and
3. A verified list of the names and addresses of the record owners of all properties lying within the proposed change area, and of all properties any part of which is within one hundred forty (140) feet of the proposed zone change, excluding the width of any intervening street or alley.

108.3 Fees. Fees are for the purpose of covering expenses, administrative and other, involved in a zone change. An application fee in the amount of \$0.00 shall be submitted with the application.

108.4 City council action. Upon receipt of the application for a rezone, the city council shall hold a public hearing after giving at least fifteen (15) days' notice by advertising in the official city newspaper and mailing, by first class mail, notice to those property owners. The city council must approve or disapprove all proposed zoning amendments or changes within ninety (90) days after the city council has held its required public hearing.

**SECTION 109
VIOLATIONS**

109.1 Unlawful acts. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or land or cause or permit the same to be done in violation of this code. When any building or parcel of land regulated by this code is being used contrary to this code, the code official shall be permitted to order such use discontinued and the structure, parcel of land, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the code official after receipt of such notice to make the structure, parcel of land, or portion thereof, comply with the requirements of this code. Any person who willfully violates any provision of this chapter shall be deemed guilty of a misdemeanor and shall be fined not more than \$750.00 and costs. Each calendar day in which the violation continues shall be deemed a separate offense.

**SECTION 110
PERMITS AND APPROVALS**

110.1 General. All departments, officials and employees which are charged with the duty or authority to issue permits or approvals shall issue no permit or approval for uses or purposes where the same would be in conflict with this code. Any permit or approval, if issued in conflict with this code, shall be null and void.

110.2 Expiration or cancellation. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated. A building permit issued in accordance with the provisions of this code shall remain valid and active as long as the conditions under which such certificate was issued remain unchanged.

Failure to comply fully with the terms of any permit, license or approval shall be permitted to be grounds for cancellation or revocation. Action to cancel any license, permit or approval shall be permitted to be taken on proper grounds by the code official. Cancellation of a permit or approval by the commission or board shall be permitted to be appealed in the same manner as its original action.

110.3 Validity of licenses, permits and approvals. For the issuance of any license, permit or approval for which the commission or board is responsible, the code official shall require that the development or use in question proceed only in accordance with the terms of such license, permit or approval, including any requirements or conditions established as a condition of issuance. Except as specifically provided for in this code and conditions of approval, the securing of one required review or approval shall not exempt the recipient from the necessity of securing any other required review or approval.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. For the purpose of this chapter, certain terms and words shall have the following definitions: words used in the present tense shall also include the future; words or phrases used in the plural shall also include the singular; the word "building" includes "structure" and "structure" includes "building"; the words "used" or "occupied" include within their meaning "intended, arranged or designed to be used or occupied"; the word "person" includes "corporation," "partnership" or other legal entity.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code* or the *International Mechanical Code*, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 202 GENERAL DEFINITIONS

**Sign definitions are found in Section 1002.1*

ACCESSORY BUILDING. a subordinate detached building customarily incidental to the primary structure and located on the same lot with the primary structure.

ACCESSORY LIVING QUARTERS. An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise used as a separate sleeping unit.

ACCESSORY USE. A use conducted on the same lot as the primary use of the structure to which it is related; a use that is clearly incidental to, and customarily found in connection with, such primary use.

AGRICULTURE. The tilling of the soil, raising of crops, farm animals, livestock, horticulture, gardening, beekeeping and aquaculture, but not including any agricultural industry or business such as animal hospitals, commercial feed lots or similar uses.

ALLEY. Any public way, not less than twenty (20) feet in width which has been dedicated to the public for public use; which is used as a means of access to the rear of residences and business establishments, and generally

affords only secondary means of access to the property abutting along its length.

ALTERATION. Any change, addition or modification in construction, occupancy or use.

APARTMENT. A room or suite of rooms in an apartment house intended or designed for use as a residence and including kitchen facilities.

APARTMENT HOUSE. A residential building designed or used for three (3) or more dwelling units.

AUTOMOTIVE REPAIR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including brake, muffler, tire repair and change, lubrication, tune ups, transmission work, paint, body and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.

AUTOMOTIVE SERVICE MOTOR FUEL DISPENSING FACILITY. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted also to include a free-standing automatic car wash. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.

BASEMENT. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

BED AND BREAKFAST AND/OR BOARDING HOUSE. A dwelling containing a single dwelling unit and not more than 10 sleeping units, where lodging is provided with or without meals, for compensation for more than one week.

BOARD OF ADJUSTMENT. The board of adjustment of the City of Sundance.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, MAIN. A building in which the principal use of the site is conducted.

BUILDING, TEMPORARY. A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

BUILDING CODE. The *International Building Code* promulgated by the International Code Council, as adopted by the municipality.

BUILDING HEIGHT. The vertical distance above the average existing grade measured to the highest point of the

building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

BUILDING LINE. A line formed by the outer face of the closing wall of a building or portion thereof and the surface of the ground, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

BUILDING PERMIT. A written certificate issued by the zoning officer that the plans for a proposed use are in conformance with the provisions of the zoning ordinance.

BUILDING, NONCONFORMING. A building existing at the time of the adoption of the ordinance codified in this code, which fails to comply with the regulations of the district in which the building is located.

BUILDING SITE. A parcel of land occupied by one building and its accessory buildings, or by a group of buildings, together with such open spaces as are required under the provisions of the respective district.

BUSINESS. An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

CAMPING FACILITIES. A parcel of land offered to the traveling public for the purpose of overnight parking spaces for recreational vehicles, trailer campers, and/or tent sites.

CANOPY. A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

CHURCH. A building together with its accessory buildings and uses where persons regularly assemble for religious worship, which is maintained and controlled by a religious body organized to hold public worship.

COMMERCIAL, HEAVY. An establishment or business that generally uses open sales yards, outside equipment storage or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumber yards, construction specialty services, heavy equipment suppliers or building contractors.

COMMERCIAL, LIGHT. An establishment or business that generally has retail or wholesale sales, office uses, or services, which do not generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services or restaurants.

COMMERCIAL CENTER, COMMUNITY. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A community commercial center shall provide for the sale of general merchandise, and may include a variety store, discount store or supermarket.

COMMERCIAL CENTER, CONVENIENCE. A completely planned and designed commercial development

providing for the sale of general merchandise and/or convenience goods and services. A convenience commercial center shall provide a small cluster of convenience shops or services.

COMMERCIAL RETAIL SALES AND SERVICES.

Establishments that engage in the sale of general retail goods and accessory services. Businesses within this definition include those that conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor "sidewalk" promotions); businesses specializing in the sale of either general merchandise or convenience goods.

COMPREHENSIVE PLAN. Any document or portion of any document duly adopted by the town which is intended to guide the growth and development of the area.

CONDITIONAL USE. A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

CONDITIONAL USE PERMIT. Written authorization which allows a landowner to use his or her property in a manner compatible with the zoning district in which it is located; provided, that he or she demonstrates compliance with all standards and criteria enumerated in this chapter and specified by the town planning commission and the town.

CONDOMINIUM. A single-dwelling unit in a multi-unit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

CONGREGATE RESIDENCE. Any building or portion thereof that contains facilities for living, sleeping and sanitation as required by this code, and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence shall be permitted to be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses.

COURT. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

DAY CARE, FAMILY. The keeping for part-time care and/or instruction, whether or not for compensation, of six or less children at any one time within a dwelling, not including members of the family residing on the premises.

DAY CARE CENTER. An establishment for the care and/or instruction, whether or not for compensation, of seven or more persons at any one time. Child nurseries, preschools and adult care facilities are included in this definition.

DECK. An open, uncovered, elevated porch extending from a building, most often composed of wood or synthetic wood substitute.

DENSITY. The number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

DETACHED BUILDING. A building having no structural connection with another building.

DEVELOPMENT. 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.

DISTRICT OR ZONE. a section or sections of the town for which uniform regulations governing the use of building, size of yards, open space and densities of use are prescribed.

DRIVEWAY. A private access road, the use of that is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

DWELLING DUPLEX. A building designed or arranged to be occupied by two families living independently, with the structure having only two dwelling units

DWELLING, MULTIPLE UNIT. A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums, or offered for rent.

DWELLING, SINGLE FAMILY. A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family.

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

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

FACE OF BUILDING, PRIMARY. The wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

FAMILY. Any individual, or two (2) or more persons related by blood or marriage, or a group of not more than four (4) persons who need not be related by blood or marriage, living together as a single housekeeping unit.

FARM ANIMALS. Animals other than household pets that shall be kept and maintained for commercial production and sale and/or family food production, education or recreation. Farm animals are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep and goats; or small animals, e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and pigeons.

FENCE. Any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure.

FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry

land areas from the unusual and rapid accumulation or runoff of surface water from any source.

FLOOD HAZARD BOUNDARY MAP FHBM). An official map issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A (one hundred (100) year floodplain as indicated on reference map).

FLOODWAY OR FLOODPLAIN REGULATIONS. 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 (1) foot.

FLOOR AREA, GROSS. The total number of square feet of floor space within the exterior walls of a building.

FLOOR AREA, NET. The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

FRONTAGE. The width of a lot or parcel abutting a public right-of-way measured at the front property line.

GARAGE, ATTACHED. A building which has a roof or wall, or a major portion of a roof or wall in common with a dwelling structure. Where a garage is attached to a dwelling in this manner, it shall be subject to all yard requirements of the main building.

GRADE (Adjacent Ground Elevation). The lowest point of elevation of the existing surface of the ground, within the area between the building and a line 5 feet (1524 mm) from the building.

GROUP CARE FACILITY. A facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol; this does not include day care centers, family day care homes, foster homes, schools, hospitals, jails or prisons.

HABITABLE SPACE (Room). Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

HOME OCCUPATION. Any commercial or nonresidential use conducted entirely within a dwelling and carried on by the occupants thereof and a maximum of one (1) outside employee. The home occupation shall remain only incidental and secondary to the use of the dwelling and shall occupy no more than thirty (30) percent or not more than two hundred fifty (250) square feet of the dwelling, whichever is larger.

HOSPITAL. An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

HOUSEHOLD PETS. Dogs, cats, rabbits, birds, etc., for family use only (noncommercial) with cages, pens, etc.

INDUSTRIAL OR RESEARCH PARK. A tract of land developed according to a master site plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to ensure a harmonious integration into the neighborhood.

JURISDICTION. As used in this code, jurisdiction is the City of Sundance, Wyoming.

KITCHEN. Any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

LAND USE MAP. The designation of allowed uses on a map adopted by the city.

LANDSCAPING. The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features and contouring of the earth.

LIVESTOCK. Includes, but is not limited to, horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and any other hoofed animals.

LOT. A legally plotted subdivision of a block.

LOT, CORNER. A lot situated at the intersection of two (2) or more streets with the orientation of the front door of the building generally describing the front yard.

LOT COVERAGE. The total area of a lot covered by the principal and accessory buildings, as designated in each zoning district.

LOT WIDTH. The width of a lot along a line parallel to the street frontage.

MANUFACTURING, HEAVY. All types of manufacturing not included in the definitions of light manufacturing and medium manufacturing.

MANUFACTURING, LIGHT. The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

MANUFACTURING, MEDIUM. The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles.

MEDICAL FACILITIES. Convalescent, rest, or nursing home, or any health facility where persons are housed, provided with meals and continued nursing care for compensation.

MOBILE OR MANUFACTURED HOME. A structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) square feet or more, and

which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The term "manufactured home" shall include any structure that meets all the requirements of this section, and is certified to have been manufactured in accordance with the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacturing is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home

MOBILE HOME PARK. An area providing the required utilities and rental space for two (2) or more mobile home or manufactured home units. A development consisting of individual ownership of adjacent mobile home lots is not considered to be a mobile home park.

MODULAR HOME. A transportable structure, designed to be used with a permanent foundation as a dwelling unit when connected to public utility facilities and which is built in a factory in accordance with the building standards of the city.

MORTUARY, FUNERAL HOME. An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.

MOTEL, HOTEL. Any building or group of buildings, whether detached or in connected units, containing six or more sleeping units intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

NONCONFORMING USE. A building, structure or use of land existing at the time of the enactment of the ordinance codified in this chapter or the time of designation of the zoning classification of that district and which does not conform to the regulations of the district in which it is located.

OPEN SPACE. Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

PARK. A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

PARKING LOT. An open area, other than a street, designed or used for the parking of motor vehicles.

PARKING SPACE. a space located off any public right-of-way which is at least **ten (10) feet by eighteen (18) feet** in size for parking of any motor vehicle, with adequate

maneuvering space and with access to public rights of way.

PATIO. An outdoor living space, often paved, adjoining a house and used for dining, entertaining or relaxation. Patios may or may not have covered roofs.

PERMANENT FOUNDATION. A site-built foundation, constructed of durable materials; i.e., mortared masonry, treated wood or other approved materials, in accordance with applicable building standards adopted by the town.

PERSON. Any natural person, firm, partnership, corporation or other business entity.

PLANNING COMMISSION. The entity created by the city as provided in Wyoming State Statute 15-1-502.

PLOT PLAN. A plot of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

PRIMARY STRUCTURE. The principal building on a lot, designated to function as a permitted use as specified for the district in which it is located.

PROPERTY LINES. The legal boundaries of any particularly described parcel of land.

PUBLIC IMPROVEMENT. Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

PUBLIC SERVICES. Any government or quasi-government owned and operated building or establishment such as a post office, fire station, courthouse, police station, etc.

PUBLIC UTILITY. Any person, firm, corporation, municipal department or board duly authorized to furnish and maintain systems for the supply of electricity, natural gas, communications, transportation, water or sewer, or any other energy producing source within the town serving or supplying the public.

PUBLIC RIGHT-OF-WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use. A public right-of-way grants passage to all and is not part of the adjacent private property. Although a portion of right-of-way may be undeveloped, residents should not assume they own the land up to the street improvements. Only the town may build, or allow others to build, structures such as streets, sidewalks, driveway approaches, curb, gutter, utilities in the town right-of-way. No person or outside agency may construct or place structures or objects in, or otherwise block access to, the town right-of-way, without an agreement from the town.

RECREATIONAL FACILITY. a structure and grounds for public or commercial sports and athletic activities such

as an athletic club, swimming pool facility, playground, tennis courts, etc.

RECREATIONAL VEHICLE. A motorized, vehicular, portable structure designed primarily as a dwelling for travel, recreation or vacation uses.

RECYCLING FACILITY. Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metals, paper, rags, tires and bottles, and other such materials.

RELIGIOUS, CULTURAL AND FRATERNAL ACTIVITY. A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

RENOVATION. Interior or exterior remodeling of a structure, other than ordinary repair.

RESTAURANT. An establishment that sells prepared food for consumption. Restaurants shall be classified as follows:

- **Restaurant, fast food.** An establishment that sells food already prepared for consumption, packaged in paper, styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.
- **Restaurant, general.** An establishment that sells food for consumption on or off the premises.
- **Restaurant, take-out.** An establishment that sells food only for consumption off the premises.

SCHOOL. A place for systematic instruction in any branch or branches of knowledge. For this chapter, it specifically means public or parochial schools, elementary, junior high and high schools and private schools with equivalent curriculum, and colleges.

SETBACK. The minimum required distance between the property line and the building line.

SIGN. An advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service, including the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

SITE PLAN. A plan that outlines the use and development of any tract of land.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STORY. That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. A story with more than one-half (½) of its height below the level

of the building grade shall be termed a "basement." A basement is not to be counted as a story unless the ceiling height exceeds four (4) feet above the average finished grade.

STREET. A public thoroughfare which is in a public right-of-way and which has been dedicated or deeded to the public use and accepted by the city and which affords principle means of access to abutting property.

STREET, PRIVATE. A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

SUBDIVISION. The division of a tract, lot or parcel of land into three (3) or more lots, plats, sites or other divisions of land.

TOWNHOUSE. An attached single-family dwelling unit(s) having zero lot lines between units.

TRAVEL TRAILER AND RECREATIONAL VEHICLE PARK. Any area or tract of land rented or offered for rent to one (1) or more persons or users for temporary parking or placement of travel trailer or recreational vehicle.

USE. The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

USE, CHANGE OF. The change within the classified use of a structure or premise.

USE, PERMITTED. A use which is allowed in any given zone or district.

USE, PRINCIPAL. A use that fulfills a primary function of a household, establishment, institution or other entity.

USE, TEMPORARY. A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

VARIANCE. A deviation from the height, bulk, setback, parking or other dimensional requirements established by

this code, granted by the Board of Adjustment pursuant to this code.

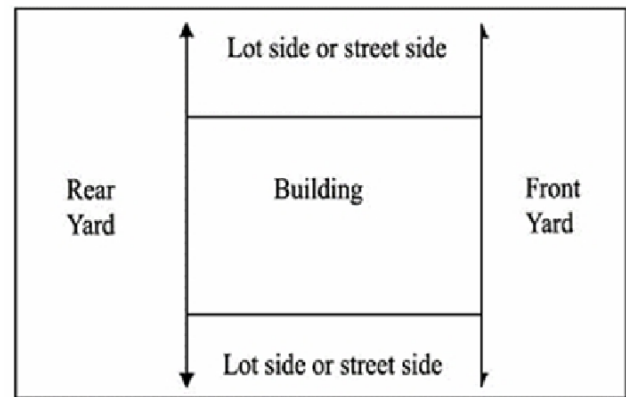
WAREHOUSE, WHOLESALE OR STORAGE. A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

YARD. An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures, except as otherwise provided in this code.

YARD, FRONT. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front line of the building.

YARD, REAR. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear line of the main building and the rear line of the lot extending the full width of the lot.

YARD, SIDE. An open, unoccupied space on the same lot with the building and between the building line and the side lot line.



ZONE. A land area shown or described in the land use zoning map to which uniform regulations apply.

ZONE CHANGE. The Municipal act of removing one or more parcels of land from one zone and placing them in another zone on the land use zoning map.

CHAPTER 3 USE DISTRICTS

SECTION 301 DISTRICT CLASSIFICATIONS

301.1 Classification. In order to classify, regulate and restrict the locations of uses and locations of buildings designated for specific areas; and to regulate and determine the areas of yards, courts and other open spaces within or surrounding such buildings, property is hereby classified into districts as prescribed in this chapter.

SECTION 302 MINIMUM AREAS FOR ZONING DISTRICTS

302.1 Minimum areas. When a nonresidential district is directly across the street from or abuts the district with the same or less restrictive classification, the area of the land directly across the street or abutting the property may be included in the calculations in meeting the minimum district size requirements.

SECTION 303 ZONING MAP

303.1 General. The boundaries of each zoning district are to be indicated upon the official zoning map as approved by the city council. Said map and subsequent amendments thereto shall be considered as a part of this code.

SECTION 304

ANNEXED TERRITORY

304.1 Classification. Any territory hereafter annexed shall automatically, upon such annexation, be zoned by the Planning & Zoning Commission and be subject to all conditions and regulations applicable to property in such district.

SECTION 305 CONDITIONAL USES

305.1 General. The principal objective of this zoning code is to provide for an orderly arrangement of compatible buildings and land uses, and for the property location of all types of uses required for the social and economic welfare of the community. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various use districts established by this code. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions established by the city council. These conditional uses require particular considerations as to their proper location to adjacent, established or intended uses, or to the planned growth of the community. The conditions controlling the locations and operation of such special uses are established by the applicable sections of this code.

**CHAPTER 4
AGRICULTURAL, GREENSPACE DISTRICTS**

**SECTION 401
AGRICULTURAL DISTRICT DEFINED**

401.1 Agricultural (A) district. The agricultural district is intended primarily for application to rural areas of the town, which are primarily characterized by extensive or intensive agricultural uses of land. It is also the intent to provide within this district an adequate amount of space for livestock or poultry, as is essential to meet appropriate health standards.

Allowable agricultural (A) district uses shall be:

- The keeping and raising of farm animals, and the cultivation of gardens, orchards and crops; except that commercial livestock auction yards and barns and commercial feedlots shall not be allowed in this district;
- Low-density residences
- Home occupations
- Accessory uses normally appurtenant to the permitted uses and structures.

401.2 Permitted Conditional Uses - A district.

- Bulk grain storage
- Guest ranches; recreational facilities
- Public and private recreational facilities
- Commercial kennels
- Public and quasi-public uses of an educational, administrative or religious type
- Any other similar use which conforms to the general purpose and intent of the A agricultural district and which will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district

SECTION 402

TABLE 403.1 AGRICULTURAL (A) AND GREENSPACE DISTRICT BULK REGULATIONS (in feet, unless noted otherwise)

DISTRICT DIVISION	MINIMUM LOT AREA (acres)	MAXIMUM DENSITY (units/acre)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM BUILDING HEIGHT
			Minimum lot width	Minimum lot depth	Minimum front yard	Minimum side yard	Minimum rear yard	
A	20	1 dwelling unit/20 acres; bldg. area not to exceed 25% of lot	300	600	50	25	25	35 feet
GS	None	None	None	None	None	None	None	50 feet

GREENSPACE DISTRICT

402.1 Greenspace District. The greenspace district (GS) is intended to promote open vegetated areas that can be maintained as agricultural land; natural habitat for wildlife and to protect the scenic qualities of certain appropriate areas. The district is further intended to be applied to areas which are undevelopable due to flood hazards, geological hazards or other constraints.

Permitted uses in the greenspace district include:

- Agriculture;
- Low density residential;
- Parks;
- Recreational areas;
- Natural vegetation; cemeteries;
- Open space and structures consistent with permitted uses.

402.2 Permitted conditional uses - GS district.

Permitted conditional uses include any other similar use which conforms to the general purpose and intent of the greenspace district and which will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district.

**SECTION 403
BULK REGULATIONS**

403.1 General. The minimum area, setbacks, density and maximum height shall be as prescribed in Table 403.1.

CHAPTER 5 RESIDENTIAL DISTRICTS

SECTION 501 LOW DENSITY RESIDENTIAL DISTRICT

501.1 Low Density Residential (LDR) District. The low density residential district is intended to provide for low-density residential development and to provide for such community facilities and services as will serve the area residents while protecting the residential character and quality of the area.

Allowable low density residential district uses shall be:

- Single-family residences, including double-wide manufactured houses which are constructed **fifteen (15)** years from the application or newer
- Townhouses, duplexes, condominiums;
- Accessory living quarters;
- Family day care;
- Public schools,
- Home occupations; and,
- Public facilities compatible with a residential environment, and accessory buildings.

Off-street parking: one space per lot measuring 10 feet by 18 feet.

501.2 Permitted Conditional Uses - LDR district.

- Churches;
- Parks and recreational facilities;
- Bed and breakfast and boardinghouse facilities;
- Government facilities;
- Day care centers;
- Any other similar use which conforms to the general purpose and intent of the LDR district and which will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district.

SECTION 502 HIGH DENSITY RESIDENTIAL DISTRICT

502.1 High Density Residential (HDR) District. The high density residential district is intended to provide for the development of a more diversified style of housing, to include single-wide manufactured or mobile homes and multi-family dwellings. The district should provide a variety of housing types to serve the housing needs of the

area residents, including nonretail office and professional service space.

Allowable high density residential uses shall include:

- Any use permitted in the low density residential district;
- Double-wide manufactured or mobile homes meeting the requirements of Section 202 (definitions) **fifteen (15)** years from the date of application or newer;
- Multi-family apartments;
- Bed and breakfast or boardinghouses;
- Churches;
- Religious, cultural and fraternal organizations;
- Parks and recreational facilities.

502.2 Single Wide Manufactured Mobile Homes.

- All property owners within 300 feet of the proposed site must be supplied with a mobile home consent form prior to consideration by city officials.

Off-street parking: one space per unit measuring 10 feet by 18 feet.

502.3 Permitted Conditional Uses - HDR district.

- Recreational facilities
- Government facilities
- Day care centers
- Professional business offices
- Personal service facilities
- Clinics, hospitals and related health care facilities.
- Any other similar use which conforms to the general purpose and intent of the HDR district and which will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district.

SECTION 503 MOBILE HOME AND TRAVEL TRAILER PARK DISTRICT

503.1 Mobile Home and Travel Trailer Park (MHP) District. The mobile home and travel trailer park district is intended to provide for rental space in mobile home parks and recreational vehicle parks.

Permitted uses include:

- Mobile home park;
- Travel trailer and recreational vehicle park;
- One single-family residence for the owner or manager of the park which may include office space for use in connection with the park operation; social and recreational center; coin-operated laundry in conjunction with the park;
- Snack bar and/or a food store within the park at least one hundred (100) feet from any boundary and operated in conjunction with the park;
- Single-family residence, provided the dwelling meets the required setbacks and minimum lot area listed in this section for single-family residential use.

Manufactured homes in parks must be skirted within 90 days of their placement and cannot be skirted with straw or hay bales.

Parking: adequate all-weather, off-street parking, one space per lot measuring 10 feet by 18 feet.

Each park must provide an internal lighted recreation area of at least 100 square feet for each unit space.

**SECTION 504
BULK REGULATIONS**

504.1 General. The minimum area, setbacks, density and maximum height shall be as prescribed in Table 504.1.

504.2 Each parcel of property shall be provided with water and sanitary sewer connections to town water and sewer facilities. Furthermore connections shall not cross adjacent properties.

TABLE 504.1 RESIDENTIAL DISTRICT BULK REGULATIONS (in feet, unless noted otherwise)

DISTRICT	MINIMUM LOT AREA/SITE (square feet)	MAXIMUM DENSITY (buildable area)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM BUILDING HEIGHT
			Minimum lot width	Minimum lot depth	Minimum front and street side yard	Minimum side yard	Minimum rear yard	
Low Density Residential	6,500 for single-family; 3,000 for duplex/townhouse	Not to exceed 50% of lot including all structures	50 18 for townhouses	100	25 10	5	5	35
High Density Residential	5,000 - SF/duplex 3,000 - townhouse 6,000 - multi-family	Not to exceed 60% of lot including structures	50; 18 for townhouse	100	25 10	5	5	50
Mobile Home & Travel Trailer Park	Minimum unit space - 3,500 sf	1	35	100	Yard setback for park exterior: 20' from any ROW	10	10	35

Accessory towers, satellite dishes and similar structures shall be permitted to exceed the maximum height when approved by the town council.

CHAPTER 6 GENERAL BUSINESS, AND HIGHWAY BUSINESS DISTRICTS

SECTION 601 GENERAL BUSINESS DISTRICT

601.1 General Business District (GB). The general business district is intended to provide a focal area for the community's business, government services and cultural activities. It is intended to describe attached, multi-story level structures with up to total lot coverage. Businesses in this area depend primarily on on-street parking and pedestrian circulation.

Permitted uses include:

- All uses allowed in the High Density Residential District;
- Retail businesses with inside storage only;
- Recreational facilities;
- Public utility offices;
- Government facilities;
- Day care centers;
- Light commercial and commercial retail;
- Personal service facilities (barber shops, beauty shops, etc.);
- Clinics, hospitals and related health care facilities;
- Restaurants, bars, liquor stores;
- Hotels and motels;
- Financial institutions;
- Gasoline service stations (incidental repair only);
- Uses customarily accessory to those listed.

601.2 Permitted Conditional Uses.

- Mini-warehouse for storage provided all storage shall be in an enclosed building;
- Veterinary hospitals, clinics or kennels provided there are no outside holding pen facilities, any such veterinary hospital, clinic or kennel shall be adequately soundproofed and buildings where animals are kept shall be properly ventilated to prevent noxious odors from contaminating surrounding air;
- Light manufacturing or industrial uses incidental to retail sales or wholesaling from the premises, including artisan craft production (such as consumer ceramics, custom woodworking or other production activities directly associated with retail sales), provided that not more than twenty-five (25) percent of the floor area occupied by such business is used for manufacturing, processing, assembling, treatment, installation and repair of products, and provided

further that no operations are carried on which will be detrimental to the health, safety and welfare of the surrounding area (dust, noise, fumes, etc.), as determined by the town;

- Any other similar use which conforms to the general purpose and intent of the general business district and which will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district.

SECTION 602 HIGHWAY BUSINESS DISTRICT

602.1 Highway Business District (HB). The highway business district is intended to provide for businesses and services designed to serve a mobile public and require access by vehicular traffic.

Uses permitted in the highway business district include:

- Any use allowed in the general business district;
- Car washes;
- Light manufacturing or industrial uses incidental to retail sales or wholesaling from the premises, including artisan craft production (such as consumer ceramics, custom woodworking or other production activities directly associated with retail or wholesale sales),
- Convenience and neighborhood commercial centers,
- Automotive sales and repair;
- Heavy commercial;
- Religious, cultural and fraternal institutions;
- Self-storage warehouses;
- Major automotive repair, regional commercial centers (including wholesale and retail sales);
- Storage yards, and provided further that no operations are carried on which will be detrimental to the health, safety and welfare of the surrounding area (dust, noise, fumes, etc.), as determined by the town.

602.2 Permitted Conditional Uses.

- Light manufacturing or processing; provided, no operations are carried on which will be detrimental to the health, safety and welfare of the surrounding area (dust, noise, fumes, etc.);
- Travel trailer parks;

- Any other similar use which conforms to the general purpose and intent of the highway business district and which will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district.

**SECTION 603
BULK REGULATIONS**

603.1 General. The minimum area, setbacks, density and maximum height shall be as prescribed in Table 632.1.

TABLE 603.1 GENERAL BUSINESS (GB) AND HIGHWAY BUSINESS (HB) BULK REGULATIONS (in feet, unless noted otherwise)

DISTRICT	MINIMUM LOT AREA (square feet)	MAXIMUM DENSITY (units/acre)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM BUILDING HEIGHT
			Minimum lot width	Minimum lot depth	Minimum front and street side yard	Minimum Lot side yard	Minimum rear yard	
General Business	Not Applicable	Not Applicable	None	None	None	None	None	50
Highway Business	6,000	NA	30	70	10	5	30	50

Accessory towers, satellite disks and similar structures shall be permitted to exceed the listed heights when approved by the town council

CHAPTER 7 INDUSTRIAL DISTRICTS

SECTION 701 PLANNED LIGHT INDUSTRIAL DISTRICT (PLI)

701.1 Planned Light Industrial (PLI) districts. The planned light industrial district is intended to provide for the community's needs for wholesale trade, manufacturing; assembly, storage and warehousing, trucking and transportation terminals, light manufacturing and similar activities in a planned manner.

Permitted uses in the planned light industrial district include:

- Any use permitted in the downtown or general business district;
- Light manufacturing or processing which does not emit smoke, dust or excessive noise beyond the property line;
- Mobile home and trailer sales;
- Travel trailer parks;
- Warehousing and material storage yards;
- Accessory uses which are clearly incidental to the use of the principal buildings within the district.

701.2 Permitted Conditional Uses.

Permitted conditional uses include any other similar use which conforms to the general purpose and intent of the planned light industrial district and which will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district.

A development in this district shall be reviewed for approval using the following criteria:

- Compatibility of the use with the surrounding area. The city council shall determine if a proposed use is compatible with the surrounding area. Additional buffering in excess of the minimum required in this zoning district may be used to make a development compatible with the surrounding area. Compatibility shall be determined based on, but limited to, the following criteria: architecture/design; noise; traffic generator; parking; landscaping; lighting; screening.
- All uses proposed in this district shall not negatively impact on surrounding vistas, as determined by a public hearing process.

- Developers of the proposed uses shall demonstrate adequate and acceptable protection and disposal of hazardous materials;
- All proposed uses shall demonstrate that odors, dust, smoke, glare and other by-products of uses in this district shall not have any adverse impact on adjacent surrounding areas.

701.3 Uses Prohibited.

Uses prohibited in the planned light industrial district include: wrecking and salvage yards other than in completely enclosed structures; aboveground bulk liquid or gaseous petroleum storage tanks; foundries; rendering plants; hazardous material manufacturing; explosives and toxic materials; residential uses except caretaker residence.

SECTION 702 INDUSTRIAL DISTRICT (I)

702.1 Industrial District (I). The I industrial district is intended to provide for the community's needs for wholesale trade, storage and warehousing, trucking and transportation terminals, light and heavy manufacturing and similar activities.

Permitted uses in the industrial district include:

- Heavy commercial;
- Heavy manufacturing,, processing, fabrication or warehousing;
- Wrecking or salvage yards;
- Veterinary hospitals or kennels;
- Building material sales yard; contractor yards;
- Wholesale trade.

702.2 Permitted Conditional Uses

- Bulk petroleum products, manufacture or storage;
- Explosives and toxic materials; manufacture or storage;
- Any other similar use which conforms to the general purpose and intent of the I industrial district and which will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district.

SECTION 703 BULK REGULATIONS

703.1 General. The minimum area, setbacks, density and maximum height shall be as prescribed in Table 703.1.

TABLE 703.1 PLANNED LIGHT INDUSTRIAL (PLI) & INDUSTRIAL (I) DISTRICT BULK REGULATIONS (in feet, unless noted otherwise)

DISTRICT	MINIMUM LOT AREA (square feet)	MAXIMUM DENSITY (units/acre)	LOT DIMENSIONS		SETBACK REQUIREMENTS			MAXIMUM BUILDING HEIGHT ^a
			Minimum lot width	Minimum lot depth	Minimum front or street side yard	Minimum Lot side yard	Minimum rear yard	
PLI	None	None	None	75	25	15	15	50
I	None	None	None	100	20	15	15	60

Accessory towers, satellite dishes and similar structures shall be permitted to exceed the maximum height when approved by the town council.

CHAPTER 8 GENERAL CONDITIONS

SECTION 8 OFF-STREET PARKING

801.1 General. The purpose of this section is to protect the health, safety and welfare of the inhabitants of the town from undesirable conditions caused by traffic congestion by providing for a comprehensive plan relating to off-street parking and loading areas.

In any permitted use of land covered by this code, adequate off-street parking shall be provided for any new construction or substantial alteration, extension or change in use of an existing building. Off-street parking space shall be provided for the use of the occupants of such building and for customers, invitees or other persons who may use, visit or enter such building for any purpose, on the basis of the following minimum requirements:

- Central Business District shall be exempted from off-street parking requirements.

TABLE 801.2.1 OFF-STREET PARKING SCHEDULE

USE	NUMBER OF PARKING SPACES REQUIRED
Assembly	1 per 300 gross square feet
Dwelling unit	2 per dwelling unit
Hospitals and similar institutions	1 per 2 patient beds
Hotel/motel	1 per sleeping unit plus 1 per 500 square feet of common area
Industry	1 per 500 square feet
Medical office	1 per 200 gross square feet
Office	1 per 300 gross square feet
Restaurant, bars and similar uses	1 per 100 gross square feet
Retail, professional office and similar uses	1 per 200 gross square feet
Public or private elementary school	1 per 60 gross square feet
Secondary high school, colleges	1 per every 2 students plus 1 for every 250 gross square feet of administrative space
Wholesale, industrial	1 per 500 gross square feet

801.2.1 Required number. The off-street parking spaces

required for each use permitted by this code shall not be less than that found in Table 801.2.1, provided that any fractional parking space is computed as a whole space.

801.2.2 Combination of uses. Where there is a combination of uses on a lot, the required number of parking spaces shall be the sum of that found for each use.

801.2.3 Location of lot. The off-street parking facilities shall be located in the same block as the structure such facilities are intended to serve; except that when the town finds that practical difficulties prevent the establishment of such facilities on the same block, all or part of such facilities may be located on a block or blocks adjacent to the block upon which the structure such facilities are intended to serve is located.

801.2.4 Accessible spaces. Accessible parking spaces shall be provided in accordance with ADA Accessibility Guidelines for Buildings and Facilities. Passenger loading districts shall be designed and constructed in accordance with ICC A117.1.

801.3.1 Parking space dimensions. An off-street space shall measure ten (10) feet by eighteen (18) feet together with adequate access to a public street. Parallel parking spaces shall be ten (10) feet by twenty-two (22).

801.4 Design of parking facilities. The design of parking facilities shall be in accordance with Sections 801.4.1 through 801.4.7.

801.4.1 Driveway width. Every parking facility shall be provided with one or more access driveways, the width of which shall be the following:

1. Private driveways at least 10 feet.
2. Commercial driveways:
 - 2.1. Twelve feet for one-way enter/exit.
 - 2.2. Twenty-four feet for two-way enter/exit.

801.4.2 Driveway and ramp slopes. The maximum slope of any driveway or ramp shall not exceed 20 percent. Transition slopes in driveways and ramps shall be provided in accordance with the standards set by the code official and the jurisdiction's engineer.

801.4.3 Stall access. Each required parking stall shall be individually and easily accessed. No automobile shall be required to back onto any public street or sidewalk to leave any parking stall when such stall serves more than two dwelling units or other than residential uses. All portions of a public lot or garage shall be accessible to other portions thereof without requiring the use of any public street.

801.4.4 Screening. A 3-foot-high buffer at the public way shall be provided for all parking areas of five or more parking spaces.

801.4.5 Striping. All parking stalls shall be striped.

Exception: A private garage or parking area for the exclusive use of a single-family dwelling.

801.4.6 Lighting. All lights illuminating a parking area shall be designed and located so as to reflect away from any street and adjacent property.

801.4.7 Surfacing. All off-street parking spaces shall be graded and graveled or graded and paved with concrete or asphalt, except for single-family homes, which may use compacted gravel or rock to eliminate dust. All off-street parking abutting a sidewalk shall be provided with a wheel guard or curb not less than six (6) inches in height, which shall be securely installed and maintained.

**SECTION 802
FENCE HEIGHTS**

802.1 General. Fence and retaining wall heights in required yards shall not exceed those found in Table 802.1.

TABLE 802.1 MAXIMUM FENCE HEIGHTS

YARDS	HEIGHT (feet)
Front	3.5
Rear	6.0
Side	
Lot side	6.0
Street side	3.5

**SECTION 803
LOCATION OF ACCESSORY BUILDINGS**

803.1 General. Accessory buildings shall:

- occupy the same lot as the main use or building;
- shall not exceed 18 feet in height;
- shall not exceed 1,000 square feet or 75% of the footprint of the primary structure, whichever is larger; and,
- shall be located in the rear or side yard if designated setbacks are met and the structures do not encroach into any recorded easements.

803.2 Separation from main building. All accessory buildings shall comply with International Residential Code requirements for separation from main buildings.

**SECTION 804
ALLOWABLE PROJECTIONS INTO YARDS**

804.1 General. Eaves, cornices, chimneys or other similar architectural features shall not be permitted to project into a required yard.

**SECTION 805
LANDSCAPING REQUIREMENTS**

805.1 General. Landscaping is required for all new buildings and additions over 500 square feet as defined in this section. Said landscaping shall be completed within 2 years from the date of occupancy of the building or the building permit will need to be renewed.

805.2 Front yards. Front yards required by this code shall be planted with grass or graveled, except for those areas occupied by access driveways, walls and structures.

805.3 Street-side side yards. All flanking street-side side yards shall be planted with grass or graveled, except for those areas occupied by utilities, access driveways, paved walks, walls and structures.

805.4 Maintenance. All live landscaping required by this code shall be properly maintained. All dead or dying landscaping shall be replaced immediately.

**SECTION 806
LOADING SPACES**

806.1 General. Loading spaces shall be provided on the same lot for every building in any Business or Industrial districts. No loading space is required if prevented by an existing lawful building.

806.2 Size. Each loading space shall have a clear height of 14 feet and shall be directly accessible through a usable door not less than 3 feet in width and 6 feet, 8 inches high. The minimum area of a loading space shall be 400 square feet and the minimum dimensions shall be 30 feet long and 10 feet wide.

**SECTION 807
PASSAGEWAYS**

807.1 Residential entrances. There shall be a passageway leading from the public way to the exterior entrance of each dwelling unit in every residential building of not less than 10 feet in width. The passageway shall be increased by 2 feet for each story over two.

807.2 Separation between buildings. There shall be at least 10 feet of clear space between every main building and accessory building on a lot. There shall be at least 20 feet of clear space between every residential building and another main building on the same lot.

807.3 Location of passageways. Passageways shall be permitted to be located in that space set aside for required yards. Passageways shall be open and unobstructed to the sky and shall be permitted to have such projections as allowed for yards, provided the users of said passageway have a clear walkway to the public way. Any space between buildings or passageways that has less width than that prescribed herein shall not be further reduced.

**SECTION 808
APPROVAL FOR AND AVAILABILITY OF
ESSENTIAL SERVICES**

808.1 General. All projects that require the additional use of new facilities or essential services, such as sewers,

storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. Non-availability of essential services shall be permitted to be grounds for denying permits for additional development until such services are available. The city is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the city agrees otherwise. All service extensions shall be designed and installed in full compliance with the city's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the city.

CHAPTER 9 SPECIAL REGULATIONS

SECTION 901 HOME OCCUPATIONS

901.1 General. Home occupations shall be permitted in all districts, provided the home occupation is clearly and obviously subordinate to the main use or dwelling unit for residential purposes. Home occupations shall be conducted wholly within the primary structure on the premises.

901.2 Conditions.

- The home occupation shall not exceed 30 percent of the floor area or more than 250 square feet of the primary structure, whichever is larger.
- Other than those related by blood, marriage or adoption, no more than one person may be employed in the home occupation.
- Inventory and supplies shall not occupy more than 50 percent of the area permitted to be used as a home occupation.
- There shall be no exterior display or storage of goods on said premises.
- Home occupations involving beauty shops or other personal service businesses shall require a conditional-use permit.
- Sales and services to patrons shall be arranged by appointment and scheduled so that not more than one patron vehicle is on the premises at the same time.
- Two additional parking spaces shall be provided on the premises, except only one need be provided if the home occupation does not have an employee. Said parking shall comply with the parking requirements in Chapter 8.

SECTION 902 ADULT USES

902.1 General. It is the purpose of this ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of Sundance and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the town, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment. Neither is it the intent nor effect of this

ordinance to condone or legitimize the distribution of obscene materials.

902.2 Definitions. The following words and terms shall, for the purpose of this chapter and as used elsewhere in this code, have the meaning shown herein.

ADULT ARCADE. Any place to which the public is permitted or invited wherein coin operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image-producing devise are maintained to show images to five or fewer persons per machine at anyone time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE. A commercial establishment that, devotes more than thirty percent of its stock-in-trade or of its interior floor space to; or more than thirty percent of its advertising expenditures to the promotion of the sale, rental or viewing, for any form of consideration any one or more of the following:

- Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video or DVD, reproductions, slides, or other visual representations that are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas;" or
- Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."
- A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental or material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being so categorized so long as the provisions of this section are otherwise met.

ADULT CABARET. A nightclub, bar, restaurant, cafe, or similar commercial establishment that regularly, commonly, habitually, or consistently features:

- Persons who appear in a state of nudity or semi-nudity; or
- Live performances that are distinguished or characterized by the exposure of "specified anatomical area" or by "specified sexual activities"; or
- Films, motions pictures, video cassettes, slides, photographic reproductions, or other image producing devices that are distinguished or characterized by the depiction or description of "specified sexual activities" or

"specified anatomical area"; or

- Persons who engage in "exotic" or erotic dancing or performances that are intended for the sexual or titillation of an audience or customers.

ADULT HOTEL OR MOTEL. A hotel, motel or similar commercial establishment which:

- Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical area;" has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions;
- Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

ADULT MOTION PICTURE THEATER. A commercial establishment where, for any form of consideration, films, motions pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT THEATER. A theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are distinguished or characterized by the exposure of "specified anatomical area" or by "specified sexual activities."

EMPLOYEE. A person who performs any service on the premises of a sexually oriented business on a full time, part time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not the said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.

ESCORT. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY. A person or business association who furnished, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

ESTABLISHMENT. Includes any of the following:

- The opening or commencement of any sexually oriented business as a new business;
- The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

- The additions of any sexually oriented business to any other existing sexually oriented business; or
- The relocation of any sexually oriented business; or
- A sexually oriented business or premises on which the sexually oriented business is located

MESSAGE PARLOR. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities", or where any person providing such treatment, manipulation, or service related thereto, exposes their "specified anatomical areas."

NUDE MODEL STUDIO. Any place where a person who appears in a state of nudity or displays "specified anatomical area" is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons for consideration.

NUDITY OR STATE OF NUDDITY. The appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than-a fully opaque covering; or a female breast with less than a fully opaque covering of a, " part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

PERSON. An individual, proprietorship, partnership, corporation, association or other legal entity.

SEMI-NUDE OR SEMI-NUDDITY. The appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

SEXUAL ENCOUNTER CENTER. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- Activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

A principal business purpose exists if the services offered are intended to generate business income.

SEXUAL ORIENTED BUSINESS. An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

SPECIFIED ANATOMICAL AREAS. Includes:

- The human male genitals in a discernibly turgid state, even if fully and opaquely covered;
- Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITIES. Includes any of the following:

- The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;
- Sex acts, normal or perverted, actuator simulated, including intercourse, oral copulation, or sodomy;
- Masturbation, actual or simulated; or
- Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

902.3 Classification:

Sexually oriented business uses are classified follows:

- Adult arcades;
- Adult bookstores, adult novelty store or adult video stores;
- Adult cabaret;
- Adult motels;
- Adult motion picture theaters;
- Massage parlor;
- Sexual encounter establishment; escort agency
- Escort agencies;
- Nude model studios.

902.4 Location of Sexually Oriented Businesses.

- A person commits a misdemeanor, if that person operates or causes to be operated a sexually oriented business in any zoning district other than the I Industrial District, as defined in Chapter 7 of this code.
- A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within 500 feet of:
 - Any religious institution;
 - Any school;
 - The boundary of any residential district;
 - A property line of a lot devoted to residential use; or
 - A boys' club, girls' club, or similar existing youth organization or day care facility.
- A person commits a misdemeanor if her operates or causes to be operated a sexually oriented business within 500 feet of another such business, which will include, any adult arcade, adult book store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor or any sexual encounter establishment.
- A person commits a misdemeanor if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business within the same building, structure, or portion thereof, or causes the substantial enlargement of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.

902.5 Non-Conforming Uses. Any business lawfully operating on the effective date of this ordinance that is in

violation of the requirements of this ordinance shall be deemed a non-conforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use.

902.6 Exemptions. It is a defense to prosecution under this ordinance that a person appearing in a state of nudity did so in a modeling class operated:

- By a proprietary school, licensed by the State of Wyoming, a college, junior college, or university supported entirely or partly by taxation;
- By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

Notwithstanding any other provisions in this ordinance, movies rated G, PG, PG-13, or R by the Motion Picture Association of America (MP AA), or live theatrical performances with serious artistic, social, or political value, that depict or describe specified anatomical areas or specified sexual activities, are expressly exempted from regulation under this ordinance.

902.7 Notices. Any notice required or permitted to be given by the city, division, department or other agency under this ordinance to an operator or owner of a sexually oriented business may be given either by personal delivery or certified mail.

902.8 Injunction. A person who operates or causes to be operated a sexually oriented business in violation of this ordinance, is subject to a suit for injunction as well as prosecution for criminal violations. Each day a sexually oriented business so operates is a separate offense or violation.

**SECTION 903
MOBILE HOME PARKS**

903.1 Location. Mobile home parks shall be permitted only in Mobile Home and Travel Trailer Park District and shall be in conformance with all rules and regulations of this code.

903.2 Design Standards. Proposed mobile home parks shall provide certification of compliance with resolutions, ordinances and regulations regarding mobile home park licensing and zoning, health, plumbing, electrical, building, fire prevention and all other applicable ordinances and regulations.

- A mobile home park shall contain no less than **forty thousand (40,000) square feet** , including

roads, playgrounds and service buildings, contiguous except for alleys or access roads.

- The mobile home park shall be located on a well drained site, properly graded to insure rapid drainage of the site upon which mobile home sites are to be provided and shall be above the regulatory flood protection elevation.
- No building or structure erected or stationed in the park shall have a height of greater than 35 feet and no permanent dwelling shall be located within the said mobile home park except the owner or caretakers permanent dwelling.
- Each mobile home park shall be permitted to display on each street frontage, one identifying sign of a maximum size of nine (9) square feet. Said sign shall contain thereon only the name and address of the mobile home park and may be lighted by indirect lighting only.
- Each mobile home space within said mobile home park shall be at least thirty-five (35) feet wide and each such space shall be clearly defined by permanent markers.
- Each mobile home space shall have a front yard setback of ten (10) feet from all streets or access roads within the mobile home park. Mobile homes shall be harbored on each space so that there be at least twenty (20) feet clearance between mobile homes or additions, provided, however, with respect to mobile homes parked end-to-end clearance shall not be less than ten (10) feet. No mobile home shall be parked closer than twenty (20) feet from any building within the mobile home park except a storage building not to exceed one hundred-twenty (120) square feet from the middle to back half of the lot no closer than five (5) feet to any mobile home.
- There shall be at least one (1) paved or well graded, off-street parking space for each trailer space.
- Each mobile home space shall abut upon a public street or private access road within the mobile home park. All access roads shall have a minimum of six (6) inches of compacted gravel or paving and a driving surface width of twenty-five (25) feet.
- Each mobile home space shall be provided with water and sanitary sewer connections to city water and sewer facilities.
- Mobile homes shall not be used for commercial, industrial or other than residential uses within mobile homes parks.
- Every mobile home in a mobile home park shall be skirted within ninety (90) days of the date of its siding in a mobile home park.

- An application for a mobile home park permit shall be as regulated hereunder and as in the building code of the Town of Sundance. The application for a permit shall be filed with the Sundance City Clerk, and issued upon approval of the Town Council. Each application shall be accompanied by two (2) copies of the plot plan drawn to scale. Such copies shall be reviewed and approved by the town council and the Planning Commission. The following information shall be shown:

- The location and the legal description of the proposed mobile home park,
- Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the mobile home park,
- The proposed use of the buildings shown on the site,
- The location and size of all mobile home spaces,
- The location of all points of entry and exit for motor vehicles and internal circulation patterns.
- The location of all landscaping to be provided,
- The location of all walls and fences and the indications of their height and the materials of their construction,
- The name and address of the applicants,
- Utility easements as may be necessary,
- A time schedule showing the times in which the proposed mobile home park shall be completed,
- Such other architectural and engineering data as may be required to permit the Planning Commission and the town council to determine if the provisions of this ordinance are being complied with.

SECTION 904 CAMPING FACILITIES

904.1 Location. Camping facilities shall be permitted only in a Mobile Home and Travel Trailer District, and shall be in conformance with all the rules and regulations of this code.

904.2 Design Standards. Proposed temporary camping facilities shall provide certification of compliance with all resolutions, ordinances and regulations regarding camping facilities licensing and zoning, health plumbing, electrical, building fire prevention and all other applicable ordinances and regulations.

- Every camping facility shall be located on a well drained site in an area free from marshes, swamps or other potential places for insects or rodents.
- Unless every trailer camper parked at a camping facility shall have self-contained toilet and bathing accommodations connected with municipal water and sewer facilities, such camping facility shall provide clean, wholesome communal toilets and bathing accommodations, in continuous working order, connected with municipal water and sewer facilities with separate accommodations for each of the sexes.
- Every structure at a camping facility shall be secured affixed to a permanent foundation.
- A well defined area shall be provided for every campsite in the camping facility.

- Every camping space shall abut upon continuous graveled or hard-surfaced driveway maintained in good condition, not less than twenty (20) feet wide, which is connected with a street or alley. No parking of any kind or other obstruction shall be permitted in such driveway.
- No camping vehicle shall be parked other than in a defined space.
- Every building site occupied by a camping facility must provide off-street parking facilities for at least one (1) motor vehicle per camper parked thereon. If a portion of a camping space is used for a motor vehicle parking no additional off-street parking facilities need be provided for the camper parked in that space.

CHAPTER 10 SIGN REGULATIONS

SECTION 1001 PURPOSE

1001.1 Purpose. The purpose of this chapter is to protect the safety and orderly development of the community through the regulation of signs and sign structures.

SECTION 1002 DEFINITIONS

1002.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

ABANDONED SIGN. A sign structure that has ceased to be used for the display of sign copy or as otherwise defined by Wyoming state law.

ANIMATED SIGN. A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of nonillumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.

2. Patterned illusionary movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

ARCHITECTURAL PROJECTION. Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning"; "Backlit awning"; and "Canopy, attached and freestanding."

AWNING. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

AWNING SIGN. A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."

BACKLIT AWNING. An awning with a translucent covering material and a source of illumination contained within its framework.

BANNER. A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN. A sign utilizing a banner as its display surface.

BILLBOARD. See "Off-premise sign" and "Outdoor advertising sign."

BUILDING ELEVATION. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

CANOPY (Attached). A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also "Marquee."

CANOPY (Free-standing). A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and/or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.

CANOPY SIGN. A sign affixed to the visible surface(s) of an attached or free-standing canopy. For reference, see Section 1003.

CHANGEABLE SIGN. A sign with the capability of content change by means of manual or remote input, including signs which are:

Electrically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center."

Manually activated. Changeable sign whose message copy or content can be changed manually.

COMBINATION SIGN. A sign that is supported partly by a pole and partly by a building structure.

COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

DEVELOPMENT COMPLEX SIGN. A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with Section 1009.2 of this chapter.

DIRECTIONAL SIGN. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DOUBLE-FACED SIGN. A sign with two faces, back to back.

ELECTRIC SIGN. Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE SIGN OR CENTER. An electrically activated changeable sign whose variable message capability can be electronically programmed.

EXTERIOR SIGN. Any sign placed outside a building.

FASCIA SIGN. See "Wall or fascia sign."

FLASHING SIGN. See "Animated sign, electrically activated."

FREE-STANDING SIGN. A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. For visual reference, see Section 1003.

FRONTAGE (Building). The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

FRONTAGE (Property). The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

GROUND SIGN. See "Free-standing sign."

HOURS OF OPERATION SIGN. A sign which displays hours of operation, including "open" & "closed" signs.

ILLUMINATED SIGN. A sign characterized by the use of artificial light, either projecting through its surface(s)

(internally illuminated); or reflecting off its surface(s) (externally illuminated).

INTERIOR SIGN. Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

MANSARD. An inclined decorative roof-like projection that is attached to an exterior building facade.

MARQUEE. See "Canopy (attached)."

MARQUEE SIGN. See "Canopy sign."

MENU BOARD. A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification.

MULTIPLE-FACED SIGN. A sign containing three or more faces.

NAME PLATE SIGN. A sign which identifies the name, occupation and/or professions of the occupants of the premises.

NONCONFORMING SIGN (LEGAL). Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size.

OFF-PREMISE SIGN. See "Outdoor advertising sign."

ON-PREMISE SIGN. A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

OUTDOOR ADVERTISING SIGN. A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

PARAPET. The extension of a building facade above the line of the structural roof.

POLE SIGN. See "Free-standing sign."

POLITICAL SIGN. A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

PORTABLE SIGN. Any sign not permanently attached to the ground or to a building or building surface.

PROJECTING SIGN. A sign other than a wall sign that is attached to or projects more than 6 inches (152.4 mm) from a building face or wall or from a structure whose primary purpose is other than the support of a sign. For visual reference, see Section 1003.

PUBLIC NECESSITY SIGN. A sign which informs the public of any danger or hazard existing on or adjacent to the premises.

PUBLIC PROPERTY SIGN. A sign which informs the public that a property is owned by the governmental entity.

REAL ESTATE SIGN. A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

REVOLVING SIGN. A sign that revolves 360 degrees (6.28 rad) about an axis. See also “Animated sign, mechanically activated.”

ROOF LINE. The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

ROOF SIGN. A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs, see Section 1003.

SIGN. Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

SIGN ALTERATION. Changes or rearrangement in structural parts of its design, whether by extending on a side, increasing sign area or height, or in moving from one location or position to another.

SIGN AREA. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

SIGN COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

SIGN FACE. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. See Section 1003.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.

3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

4. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN HEIGHT. The vertical distance measured from the ground plane to the top of the sign including the air space between the ground and the sign.

SIGN PLAN. A plan designed to show the relationship of signs for any single or cluster of buildings in any arrangement which constitutes a visual entity as a whole.

SIGN STRUCTURE. Any structure supporting a sign.

SOLICITATION SIGN. A sign used to advise solicitors they are not welcome on the property.

TEMPORARY SIGN. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

UNDER CANOPY SIGN OR UNDER MARQUEE SIGN.

A sign attached to the underside of a canopy or marquee.

V SIGN. Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a “V” shape with an interior angle between faces of not more than 90 (1.57 rad) degrees with the distance between the sign faces not exceeding 5 feet (1524 mm) at their closest point.

WALL OR FASCIA SIGN. A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 6 inches (152.4 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. For a visual reference and a comparison of differences between wall or fascia signs and roof signs, see Section 1003.

WINDOW SIGN. A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

**SECTION 1003
GENERAL SIGN TYPES**

1003.1 General. Sign types and the computation of sign area shall be as depicted in Figures 1003.1(1) through 1003.1(4).

**SECTION 1004
GENERAL PROVISIONS**

1004.1 Conformance to codes. Any sign hereafter erected shall conform to the provisions of this ordinance and the provisions of the *International Building Code* and of any other ordinance or regulation within this jurisdiction.

1004.2 Signs in rights-of-way. No temporary or permanent sign other than an official traffic sign or similar sign shall be erected within 2 feet (610 mm) of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the code official.

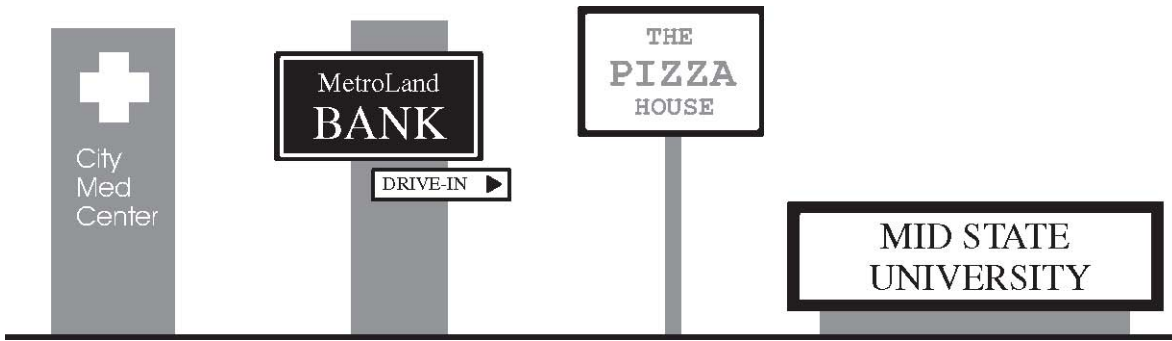
1004.3 Projections over public ways. Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet (2438 mm) from grade level to the bottom of the sign.

Signs, architectural projections or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.

1004.4 Traffic visibility. No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

1004.5 Computation of frontage. If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.

1004.6 Animation and changeable messages. Animated signs, except as prohibited in Section 1006, are permitted in commercial and industrial districts only. Changeable signs, manually activated, are permitted for nonresidential uses in all districts. Changeable signs, electrically activated, are permitted in all nonresidential districts.

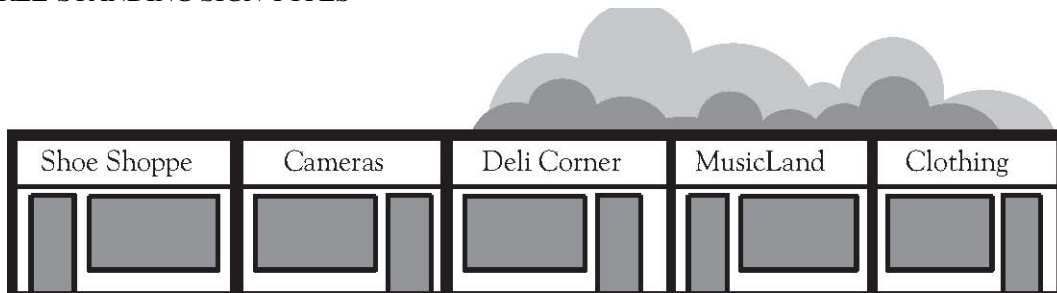


MONUMENT OR BLADE
COMMON FREE-STANDING SIGN TYPES

PYLON

POLE

GROUND OR LOW PROFILE



WALL OR FASCIA SIGNS ON STOREFRONTS



ROOF SIGN



CANOPY SIGN

PROJECTING SIGN
ON FREE-STANDING CANOPY



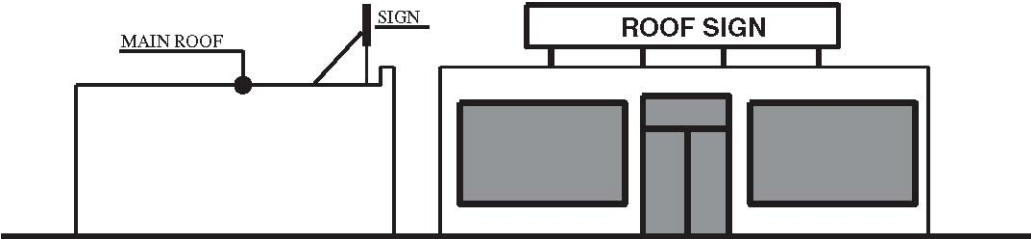
PROJECTING
SIGN

FIGURE 1003.1(1) GENERAL SIGN TYPES

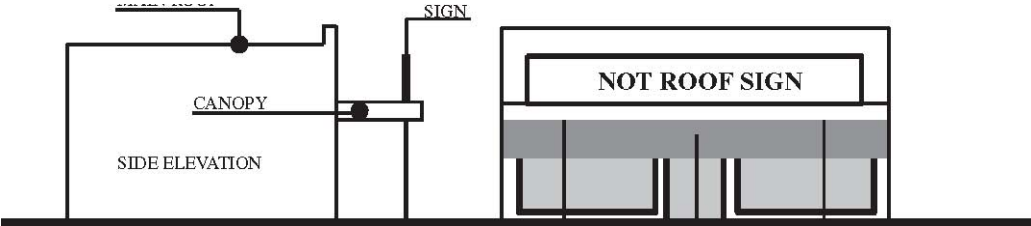
SLOPE ROOF MOUNT



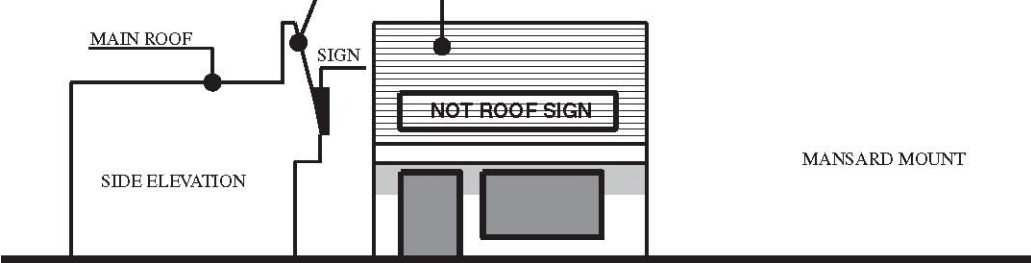
FLAT ROOF MOUNT



CANOPY MOUNT



MANSARD MOUNT



PENT EAVE MOUNT

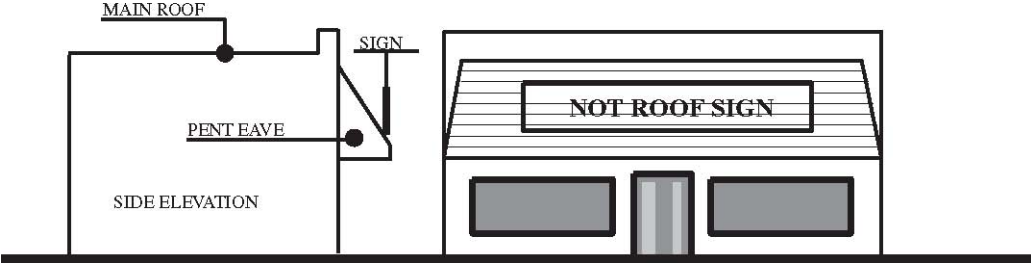
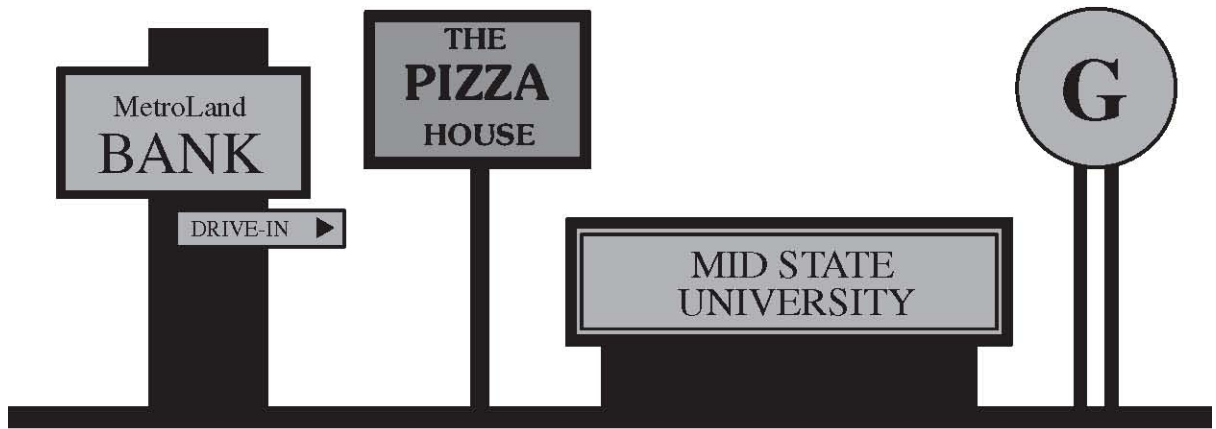
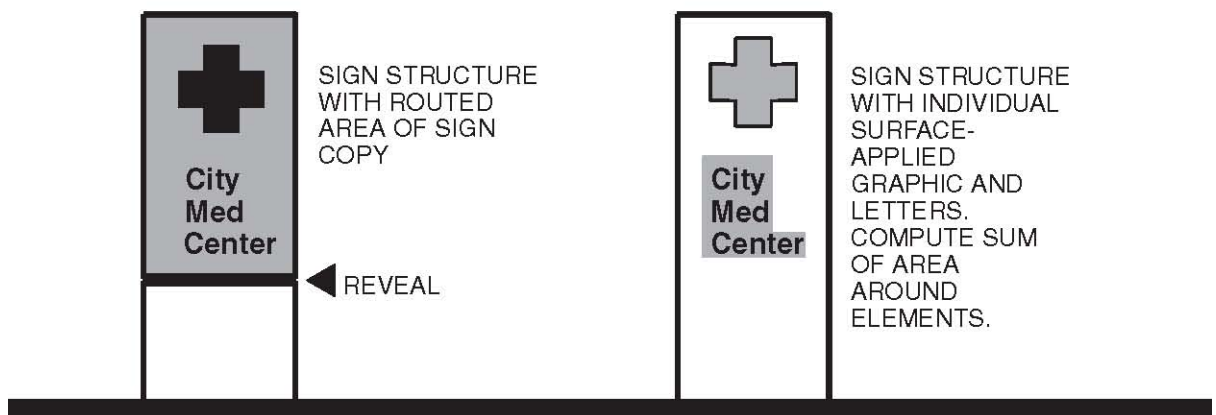


FIGURE 1003.1(2) COMPARISON—ROOF AND WALL OR FASCIA SIGNS



SIGN STRUCTURES



Notes: Sum of shaded areas only represents sign area. Sign constructed with panels or cabinets.

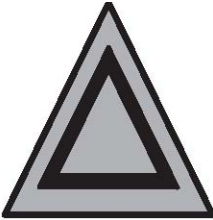
FIGURE 1003.1(3) SIGN AREA—COMPUTATION METHODOLOGY

METROLAND BANK
Drive-In Branch

← COMPUTE AREA AROUND COPY ELEMENTS ONLY.

▶ COMPUTE AREA INSIDE DEFINED BORDER OR INSIDE CONTRASTING COLOR AREA.

METROLAND BANK
Drive-In Branch



Arrowhead

COMPUTE SUM OF AREAS OF INDIVIDUAL ELEMENTS ON WALL OR STRUCTURE.

PARKING ▶

Village Center

IN COMPUTING AREA FOR UPPER AND LOWER-CASE LETTERING, INCLUDE ASCENDERS OR DESCENDERS, BUT NOT BOTH. CALCULATE SUPER ASCENDERS SEPARATELY AS INDICATED.

Notes: Sum of shaded areas only represents sign area for code compliance purposes. Examples of signs consisting of individual letters, elements or logos placed on building walls or structures.

FIGURE 1003.1(4) SIGN AREA—COMPUTATION METHODOLOGY

1004.7 Maintenance, repair and removal. Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the code official forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

1004.8 Obsolete sign copy. Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within 30 days after written notification from the code official; and upon failure to comply with such notice, the code official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

1004.9 Nonconforming signs. Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size with the regulations of the district in which such sign is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

1. Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.
2. Any legal nonconforming sign shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the code official.
3. Signs that comply with either Item 1 or 2 above need not be permitted.

1004.10 Large Signs. It will be at the discretion of the city council to approve any signs 300 square feet of surface area or larger.

SECTION 1005 EXEMPT SIGNS

1005.1 Exempt signs. The following signs shall be exempt from the provisions of this chapter. No sign shall be exempt from Section 1004.4.

1. Official notices authorized by a court, public body or public safety official.
2. Directional, warning or information signs authorized by federal, state or municipal governments.
3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution, such as a school.
5. Religious symbols and seasonal decorations within the appropriate public holiday season.
6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
7. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 square feet in area.
8. Operational signage including: vacancy, solicitation, hours of operation, trespassing signs that contain no advertising copy and which do not exceed 6 square feet in area.
9. Interior signs.
10. Special sale signs, real estate signs, restricted to less than nine (9) square feet each side or construction signs, not to exceed thirty-two (32) square feet and shall be removed prior to occupancy.
10. Special events fliers may be displayed from an interior through a window. Posters or fliers

may no be affixed to the exterior of any building, pole, and/or structure.

SECTION 1006 PROHIBITED SIGNS

1006.1 Prohibited signs. The following devices and locations shall be specifically prohibited:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.

2. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.

3. Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.

4. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:

4.1. The primary purpose of such a vehicle or trailer is not the display of signs.

4.2. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.

4.3. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.

5. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

6. Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this subsection, "temporarily" means no more than 20 days in any calendar year.

7. Signs which resemble an official traffic sign or signal.

SECTION 1007 PERMITS

1007.1 Permits required. Unless specifically exempted, a permit must be obtained from the Planning & Zoning Commission or their designee for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance.

1007.2 Construction documents. Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the code official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the *International Building Code*.

1007.3 Changes to signs. No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

1007.4 Permit fees. Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.

SECTION 1008 SPECIFIC SIGN REQUIREMENTS

1008.1 Identification signs. Identification signs shall be in accordance with Sections 1008.1.1 through 1008.1.3.

1008.1.1 Wall signs. Every single-family residence, multiple-family residential complex, commercial or industrial building, and every separate nonresidential building in a residential district may display wall signs subject to the limiting standards set forth in Table 1008.1.1(1). For shopping centers, planned industrial parks or other multiple occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy.

1008.1.2 Free-standing signs. In addition to any allowable wall signs, every single-family residence, single-

family residential subdivision, multiple-family residential complex, commercial or industrial building, and every separate nonresidential building in a residential district shall be permitted to display free-standing or combination signs per street frontage subject to the limiting standards set forth in Table 1008.1.2.

1008.1.3 Directional signs. No more than two directional signs shall be permitted per street entrance to any lot. There shall be no limit to the number of directional signs providing directional information interior to a lot. In residential districts, the maximum area for directional signs shall be four (4) square feet. For all other districts, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be thirty-two (32) square feet. Not more than twenty-five (25) percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.

TABLE 1008.1.1(1) IDENTIFICATION SIGN STANDARDS—WALL SIGNS

LAND USE	MAXIMUM AGGREGATE AREA
Single-family residential	6 sq/ft per structure
Multiple-family residential	6 sq/ft per structure
Nonresidential in a residential district	6 sq/ft per structure
Commercial, central business, commercial/residential, industrial	50% of wall area – excluding the area of any windows, doors and awnings

1008.2 Temporary signs. Temporary signs shall be in accordance with Sections 1008.2.1 through 1008.2.6.

1008.2.1 Real estate signs. Real estate signs shall be permitted in all zoning districts, subject to the following limitations:

1. Real estate signs located on a single residential lot shall be limited to one sign, not greater than six (6) feet in height and sign surface not greater than nine (9) square feet in area.

2. Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each sign shall be no greater than seventy-two (72) square feet in area nor eight (8) feet in height. All signs permitted under this section shall be removed within 10 days after sale of the last original lot.

3. Real estate signs advertising the sale or lease of space within commercial or industrial buildings shall be no greater than twelve (12) square feet in area nor eight (8) feet in height, and shall be limited to one sign per street front and alley.

4. Real estate signs advertising the sale or lease of vacant commercial or industrial land shall be limited to one sign per street front, and each sign shall be no greater than eight (8) feet in height, and seventy-two (72) square feet for property of 10 acres or less, or 100 square feet for property exceeding 10 acres.

5. Real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

1008.2.2 Development and construction signs. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

TABLE 1008.1.2 IDENTIFICATION SIGN STANDARDS—FREE-STANDING SIGNS^{a,b,c}

LAND USE	NUMBER OF SIGNS	MAXIMUM HEIGHT (feet)	MAXIMUM SIGN AREA (square feet)	SIGN SPACING
Single-family residential (no permit required if sign is below maximum thresholds)	1	6	6	1 per residence
Single-family residential subdivision	2	35	45	1 per subdivision entrance
Multiple-family residential	2	35	45	1 per driveway
Nonresidential in a residential district	1	6	6	300a
Commercial and industrial	1	See Figures 1008.1.2 (1), (2) and (3)	See Figures 1008.1.2 (1), (2) and (3)	150b

a. For subdivision or apartment identification signs placed on a decorative entry wall approved by the Planning & Zoning Commission, two identification signs shall be permitted to be placed at each entrance to the subdivision or apartment complex (one on each side of the driveway or entry drive).

b. For shopping centers or planned industrial parks, two monument-style free-standing signs not exceeding 50 percent each of the permitted height and area, and spaced not closer than 100 feet to any other free-standing identification sign, shall be permitted to be allowed in lieu of any free-standing sign otherwise permitted in Table 1008.1.2.

c. For any commercial or industrial development complex exceeding 1,000,000 square feet of gross leasable area, or 40 acres in size, such as regional shopping centers, auto malls or planned industrial parks, one free-standing sign per street front shall be permitted to be increased in sign area by up to 50 percent.

1. Such signs on a single residential lot shall be limited to one sign, not greater than four (4) feet in height and eight (8) square feet in area.

2. Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built upon, and shall be no greater than eight (8) feet in height and seventy-two (72) square feet in area.

3. Such signs for nonresidential uses in residential districts shall be limited to one sign, and shall be no greater than four (4) feet in height and twelve (12) square feet in area.

4. Such signs for commercial or industrial projects shall be limited to one sign per street front, not to exceed eight (8) feet in height and seventy-two (72) square feet for projects on parcels 5 acres or less in size, and not to exceed twelve (12) feet in height and seventy-two (72) square feet for projects on parcels larger than 5 acres.

5. Development and construction signs may not be displayed until after the issuance of

construction permits by the building official, and must be removed not later than 24 hours

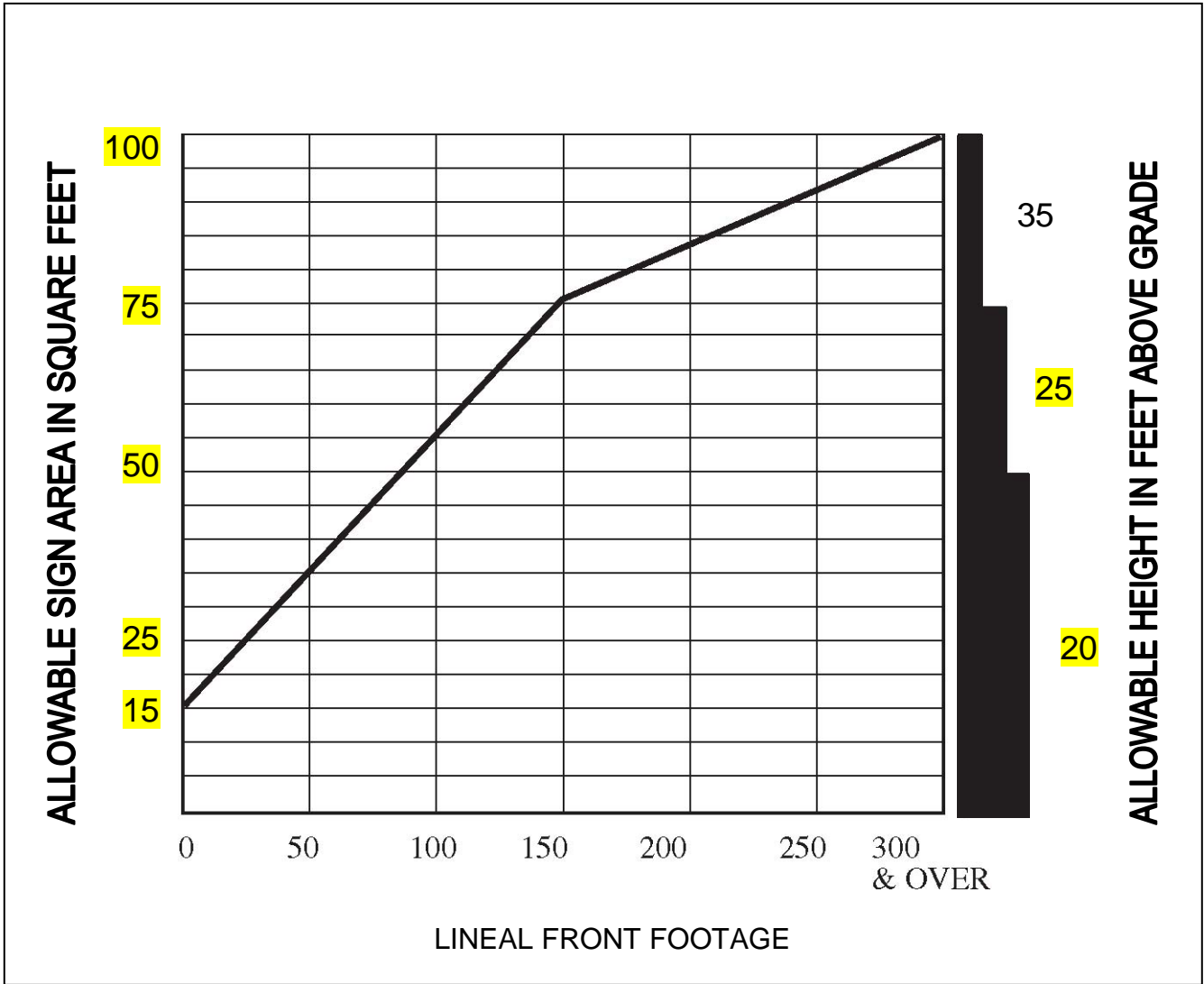
following issuance of an occupancy permit for any of all portions or the project.

1008.2.3 Special promotion, event and grand opening signs. Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses in a residential district, and for all commercial and industrial districts subject to the following limitations:

1. Such signs shall be limited to one sign per street front.

2. Such signs may be displayed for not more than 15 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected no more than 5 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.

3. The total area of all such signs shall not exceed thirty (30) square feet in any single-family residential district, thirty (30) square feet in any multiple-family residential district and forty-five (45) square feet in any commercial or industrial district.



**FIGURE 1008.1.2(1)
ON-PREMISE FREE-STANDING SIGNS/COMMERCIAL AND INDUSTRIAL DISTRICTS
VEHICULAR SPEED SUBJECT TO POSTED LIMITS UNDER 35 MILES PER HOUR**

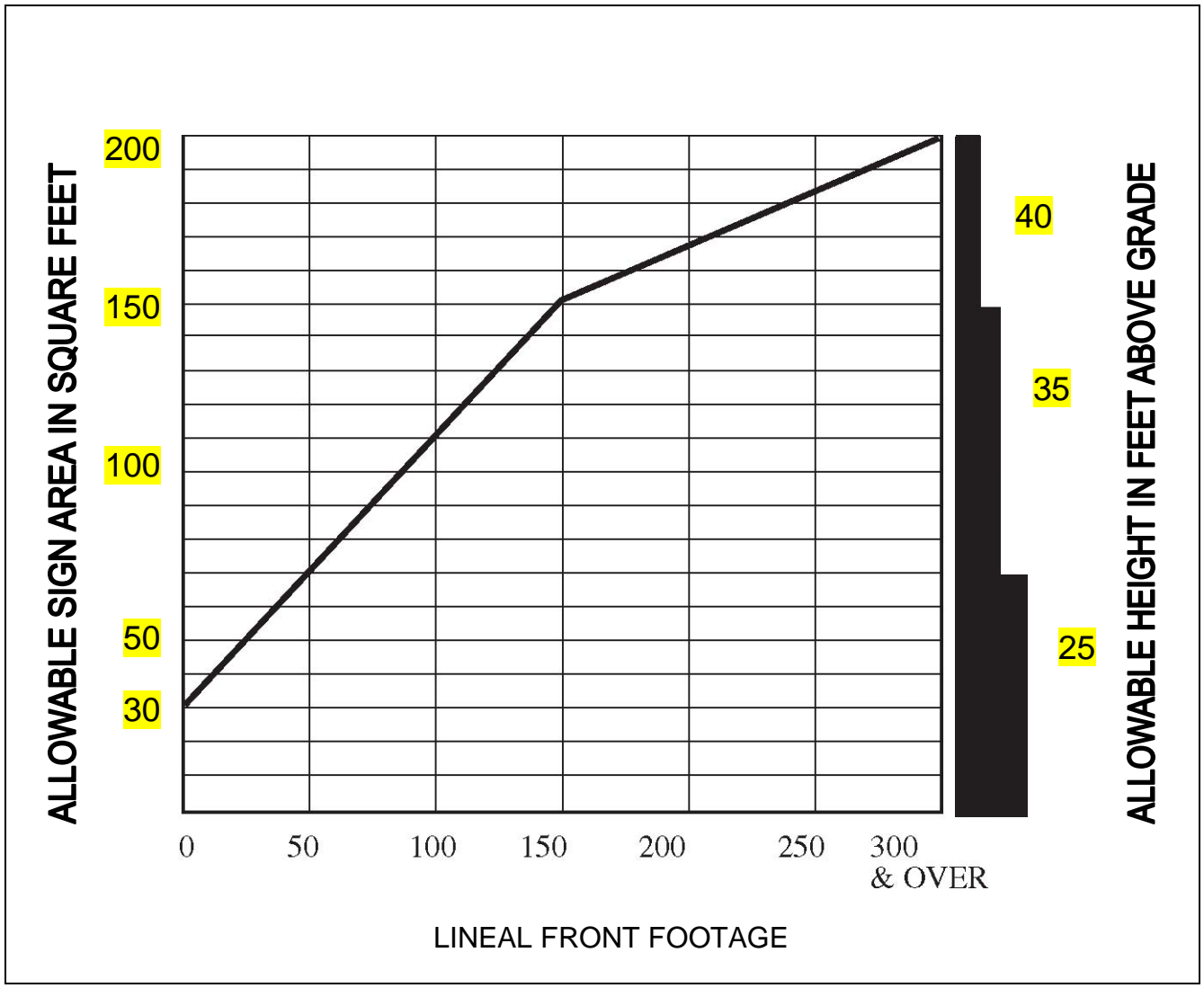
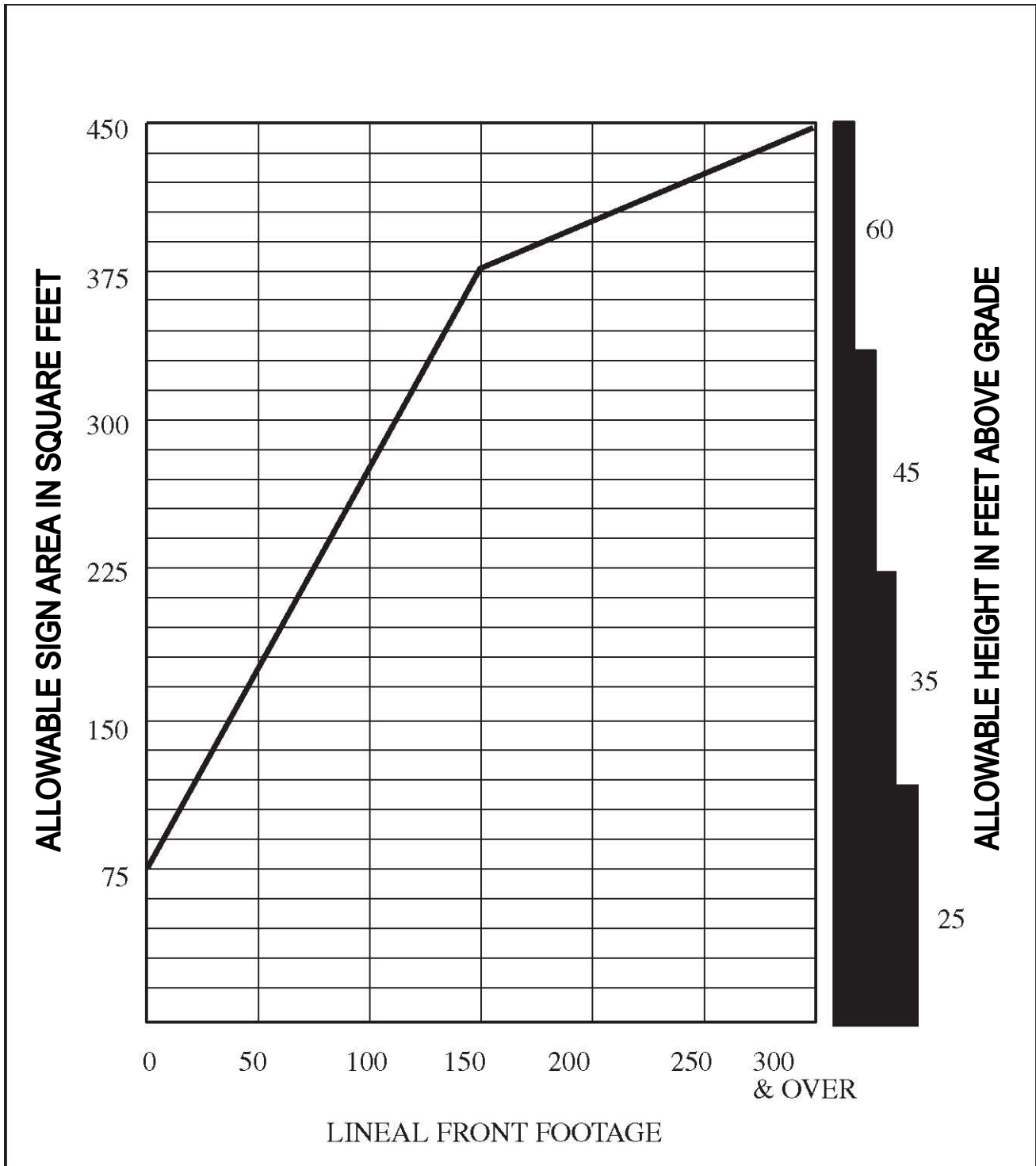


FIGURE 1008.1.2(2)
ON-PREMISE FREE-STANDING SIGNS/COMMERCIAL AND INDUSTRIAL DISTRICTS
VEHICULAR SPEED SUBJECT TO POSTED LIMITS BETWEEN 35 MPH AND ABOVE



For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 mile per hour = 1.609 km/h.

FIGURE 1008.1.2(3) ON-PREMISE FREE-STANDING SIGNS/COMMERCIAL AND INDUSTRIAL DISTRICTS VEHICULAR SPEED SUBJECT TO POSTED LIMITS ABOVE 55 MILES PER HOUR

1008.2.4 Special event signs in public ways. Signs advertising a special community event, approved by the City Council, shall not be prohibited in or over public rights-of-way, subject to approval by the Planning & Zoning Commission or their designee as to the size, location and method of erection. The Planning & Zoning Commission or their designee may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.

1008.2.5 Portable signs. Portable signs shall be permitted only in the General Business, Highway Business and Industrial districts, as designated in this code, subject to the following limitations:

- No more than one such sign may be displayed on any property, and shall not exceed a height of four (4) feet nor an area of twelve (12) square feet.
- Any electrical portable signs shall comply with the ICC *Electrical Code*, as adopted in this jurisdiction.
- No portable sign shall be displayed prior to obtaining a sign permit.
- Portable signs shall not be placed in any public right-of way or obstruct traffic visibility.

1008.2.6 Political signs. Political signs shall be permitted in all zoning districts, subject to the following limitations:

- Such signs shall not exceed a height of four (4) feet nor an area of thirty two (32) square feet.
- Such signs for election candidates or ballot propositions shall be displayed only for a period of 60 days preceding the election and shall be removed within 10 days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.
- Such signs shall not be placed in any public right-of way or obstruct traffic visibility.

1008.3 Requirements for specific sign types. Signs of specific type shall be in accordance with Sections 1008.3.1 through 1008.3.7.

1008.3.1 Canopy and marquee signs.

The permanently-affixed copy area of canopy or marquee signs shall not exceed an area equal to 25 percent of the face area of the canopy, marquee or architectural projection upon which such sign is affixed or applied.

Graphic striping, patterns or color bands on the face of a building, canopy, marquee or architectural projection shall not be included in the computation of sign copy area.

1008.3.2 Awning signs.

- The copy area of awning signs shall not exceed an area equal to 50 percent of the background area of the awning or awning surface to which such a sign is affixed or applied.
- Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.

1008.3.3 Projecting signs.

- Projecting signs shall be permitted in lieu of free-standing signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in height and area to ten (10) square feet per each ten (10) lineal feet of building frontage, except that no such sign shall exceed an area of one hundred (100) square feet. The minimum allowable sign area shall be thirty-five (35) square feet, regardless of linear street frontage.
- No such sign shall extend vertically above the highest point of the building facade upon which it is mounted by more than zero (0) percent of the height of the building facade.
- Such signs shall not extend over a public sidewalk in excess of twenty-five (25) percent of the width of the sidewalk.
- Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of eight (8) feet.

1008.3.4 Under canopy signs.

- Under canopy signs shall be limited to no more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed two (2) square feet.
- Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of eight (8) feet.

1008.3.5 Roof signs.

- Roof signs shall be permitted in commercial and industrial districts only.
- Such signs shall be limited to a height above the roofline of the elevation parallel to the sign face of no more than zero (0) percent of the height of the roofline

in commercial districts, and zero (0) percent of the height of the roofline in industrial districts.

- The sign area for roof signs shall be assessed against the aggregate permitted area for wall signs on the elevation of the building most closely parallel to the face of the sign.
- Off-Premise roof signs are prohibited.

1008.3.6 Window signs. Internally placed window advertisements/signs are permissible without the requirement to obtain a permit. Externally placed window advertisements/signs are prohibited.

1008.3.7 Menu boards. Menu board signs, associated with a drive through business application, shall not be permitted to exceed 50 square feet.

SECTION 1009 SIGNS FOR DEVELOPMENT COMPLEXES

1009.1 Master sign plan required. All landlord or single-owner controlled multiple-occupancy development complexes exceeding 8,000 square feet in size, such as shopping centers or planned industrial parks, shall submit to the code official a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

- Proposed sign locations.
- Materials.

- Type of illumination.
- Design of free-standing sign structures.
- Size.
- Quantity.
- Uniform standards for nonbusiness signage, including directional and informational signs.

1009.2 Development complex sign. In addition to the freestanding business identification signs otherwise allowed by this ordinance, every multiple-occupancy development complex shall be entitled to one free-standing sign per street front, at the maximum size permitted for business identification freestanding signs, to identify the development complex. Any free-standing sign otherwise permitted under this ordinance may identify the name of the development complex.

1009.3 Compliance with master sign plan. All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.

1009.4 Amendments. Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex before such amendment will become effective.

CHAPTER 11 NONCONFORMING STRUCTURES AND USES

SECTION 1101 GENERAL

1101.1 Continuance. Except as otherwise required by law, a structure or use legally established prior to the adoption date of this code may be maintained unchanged. In other than criminal proceedings, the owner, occupant or user shall have the burden to show that the structure, lot or use was lawfully established.

SECTION 1102 DISCONTINUANCE

1102.1 Vacancy. Any lot or structure, or portion thereof, occupied by a nonconforming use, which is or hereafter becomes vacant and remains unoccupied by a nonconforming use for a period of one (1) year, shall not thereafter be occupied, except by a use that conforms to this code.

1102.2 Damage. If any nonconforming structure or use is, by any cause, damaged to the extent of 50 percent of its value as determined by the code official, it shall not thereafter be reconstructed as such.

SECTION 1103 ENLARGEMENTS AND MODIFICATIONS

1103.1 Maintenance and repair. Maintenance, repairs and structural alterations shall be permitted to be made to nonconforming structures or to a building housing a nonconforming use with valid permits.

1103.2 Changes of nonconforming use. A change of use of a nonconforming use of a structure or parcel of land shall not be made except to that of a conforming use.

1103.3 Additions. All additions to nonconforming structures and parking areas shall conform to the requirements of this code. Additions to structures housing nonconforming uses that increase the area of a nonconforming use shall not be made.

1103.4 Extension. A nonconforming use shall not be extended or enlarged by more than its total floor area existing at the time of adoption of this code. The extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of this code shall not be deemed the extension of such nonconforming use.

CHAPTER 12 CONDITIONAL USES

SECTION 1201 GENERAL

1201.1 Conditional-use permit. A conditional-use permit shall be obtained for certain uses, which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions and located in specific locations within a district, but shall not be allowed under the general conditions of the district as stated in this code.

SECTION 1202 APPLICATIONS

1202.1 Submittal. All conditional-use permit applications shall be submitted to the **code official** as provided in this code. Such application shall be accompanied by a filing fee of **\$0.00** payable to the city.

All applications for conditional use shall be on a form prescribed by the city council and shall, at the minimum, contain the following information:

- Name and address of the person applying for the permit; name of property owner;
- Legal description of the property proposed for use; also common street address of the property;
- Current zoning and use of property;
- Purpose for which property is to be used, including the size of the building(s), number of occupants and/or employees, hours of operation, if applicable;
- A proportional drawing of the plot plan of the property showing the location of buildings, off-street parking spaces, routes for ingress and egress, fencing and screening, if any.

SECTION 1203 SCHEDULE FOR IMPLEMENTATION

1203.1 Hearing and action. The code official shall review all applications for conditional use and prepare a report and recommendation on the application for the planning commission and town council.

- A public hearing on the application shall be held before the planning commission and town council. Not less than fifteen (15) days before the hearing, legal notice of the hearing shall be mailed by first-class mail to all property owners within one hundred forty (140) feet, excluding streets and alleys, of the location of the proposed conditional use. This legal notice shall specify the date, time, and place of the planning commission meeting. It shall also specify the date, time, and place of the town council public hearing. The public hearing

date held by the town council shall be held no later than thirty (30) days following the planning commission's public hearing.

- The planning commission shall forward a recommendation to the city council.
- At the city council public hearing the planning commission's recommendation shall be publicly read and testimony shall be taken from the public. Following the public hearing, the city council shall approve, deny, or postpone the application pending additional information. If the application is denied, reason for the denial shall be given. Postponement of action on the application shall extend no longer than thirty (30) days.
- There shall be no right of appeal from a decision of the city council denying a conditional use permit. The decision of the city council shall be final and exclusively within the province of the city council.

SECTION 1204 PERMIT APPROVAL

1204.1 Authorization. The city council shall have the authority to impose conditions and safeguards as deemed necessary to protect and enhance the health, safety and welfare of the surrounding area. The authorization of a conditional-use permit shall not be made unless the evidence presented is such to establish:

- That such use will not, under the specific circumstances of the particular case, be detrimental to the health, safety or general welfare of the surrounding area and that the proposed use is necessary or desirable and provides a service or facility that contributes to the general well being of the surrounding area.
- The request is consistent with all applicable provisions of the comprehensive plan.
- The request shall not adversely affect adjacent properties.
- The request is compatible with the existing or allowable uses of adjacent properties.
- The request can demonstrate that adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.

- The request can demonstrate adequate provision for maintenance of the use and associated structures.
- The request has minimized, to the degree possible, adverse effects on the natural environment.
- The request will not create undue traffic congestion.
- The request will not adversely affect the public health, safety or welfare.
- The request conforms to all applicable provisions of this code.

The conditional use permit shall be issued by the mayor and attested by the city clerk.

Upon the performance of the conditions set forth in the conditional use permit and the continued performance, if the conditions are of a continuing nature, the use shall be considered to be a permitted use. No conditional use may be modified, structurally enlarged, or expanded in ground area, unless such is allowed by the terms of the permit until and unless the conditional use permit is amended and approved in accordance with this chapter.

SECTION 1205 EXPIRATION AND REVOCATION

1205.1 Permit revocation. Upon recommendation of staff, and notification of specific deficiencies, the planning commission shall review, during a public meeting if requested by permit holder, any conditional use permit which appears to be in violation of the conditions set forth in accordance with the proper issuance of the permit. Permit holder shall be given the opportunity to respond to the recommended action verbally or in writing after which the commission shall make its decision.

- If the commission finds that the permittee is not acting in compliance with the conditional use permit, it shall recommend to the city council that said permit be revoked.
- Within thirty (30) days, the city council shall review the commission's finding and shall make a ruling on the permit.
- There shall be no right of appeal from a decision of the city council revoking a conditional use permit. The decision of the city council shall be final and exclusively within the province of the city council.
- The city may resort to any other remedy allowed at law for violations of the ordinance codified in this chapter.

- The request can demonstrate adequate provision for maintenance of the use and associated structures.
- The request has minimized, to the degree possible, adverse effects on the natural environment.
- The request will not create undue traffic congestion.
- The request will not adversely affect the public health, safety or welfare.
- The request conforms to all applicable provisions of this code.

The conditional use permit shall be issued by the mayor and attested by the town clerk.

Upon the performance of the conditions set forth in the conditional use permit and the continued performance, if the conditions are of a continuing nature, the use shall be considered to be a permitted use. No conditional use may be modified, structurally enlarged, or expanded in ground area, unless such is allowed by the terms of the permit until and unless the conditional use permit is amended and approved in accordance with this chapter.

SECTION 1206 REVIEW; AMENDMENTS TO PERMIT

1206.1 Annual Review. City staff shall conduct an annual review of all conditional use permits, and shall make adequate inquiries to ensure that the conditions of the permit are in force.

- Where deficiencies are apparent in compliance with a conditional use permit, town staff shall notify the permit holder of the nature of any violations and said permit holder shall have no more than thirty (30) days in which to correct any deficiencies.
- In the case where conditional use permit holders will not or do not comply with staff's required corrections, staff shall notify the planning commission of any deficiencies in a conditional use permit, and of attempts made to resolve the problem. The permit holder shall be allowed to speak in defense of any actions or inactions. The planning commission shall then, on the basis of evidence presented, make a recommendation to the town council on the continuance of the permit.

1206.2 Amendment. In cases where the permit holder desires modification to a permit, either to alleviate a prior condition to use, or to allow for expansion or change in operations, the permit holder shall submit, in writing, a request for such amendment, and shall pay a **\$0.00** filing

fee paid to the city. Public hearings and approval procedures shall be as provided for new conditional use permits as specified in this chapter.

In any case in which the city staff believe a change in the reasonable limitations or conditions of an existing conditional use permit needs to be made to reduce the adverse effects on nearby property, to preserve the character of the area, or to make the conditional use acceptable in other ways, staff may make such recommendation to the planning commission for review during a public meeting. Public hearings and approval procedures for the recommended changes shall be as provided for new conditional use permits as specified in this chapter.

SECTION 13 RADON CONTROL METHODS

SECTION 1301 GENERAL

1301.1 General. This section contains requirements for new construction in jurisdictions where radon resistant construction is required.

Inclusion of this appendix by jurisdictions shall be determined through the use of locally available data or determination of Zone 1 designation in Figure 13-101.

SECTION 1302 DEFINITIONS

1302.1 General. For the purpose of these requirements, the terms shall be defined as follows:

SUB-SLAB DEPRESSURIZATION SYSTEM (Passive). A system designed to achieve lower sub-slab air pressure relative to indoor air pressure by use of a bent pipe routed through the conditioned space of a building and connecting the sub-slab area with outdoor air, thereby relying on the convective flow of air upward in the vent to draw air from beneath the slab.

SUB-SLAB DEPRESSURIZATION SYSTEM (Active). A system designed to achieve lower sub-slab air pressure relative to indoor air pressure by use of a fan-powered vent drawing air from beneath the slab.

DRAIN TILE LOOP. A continuous length of drain tile or perforated pipe extended around all or part of the internal or external perimeter of a basement or crawl space footing.

RADON GAS. A naturally-occurring, chemically inert, radioactive gas that is not detectable human senses. As a gas, it can moved readily through particles of soil and rock and can accumulate under the slabs and foundations of homes where it can easily enter into the living space through construction cracks and openings.

SOIL-GAS RETARDER. A continuous membrane of 6-mil (0.15 mm) polyethylene or other equivalent material used to retard the flow of soil gases into a building.

SUB MEMBRANE DEPRESSURIZATION SYSTEM. A system designed to achieve lower sub-membrane air pressure relative to crawl space air pressure by use of a vent drawing air from beneath the soil-gas-retarder membrane.

SECTION 1303 REQUIREMENTS

1303.1 GENERAL. The following construction techniques are intended to resist radon entry and prepare the building for post-construction radon mitigation, if necessary. These techniques are required in areas where designated by the jurisdiction.

1303.2 SUBFLOOR PREPARATION. A layer of gas-permeable material shall be placed under all concrete slabs and other floor systems that directly contact the ground and are within the walls of the living spaces of the building, to facilitate future installation of a sub-slab depressurization system, if needed. The gas permeable layer shall consist of one of the following:

1. A uniform layer of clean aggregate, a minimum of 4 inches (102 mm) thick. The aggregate shall consist of material that will pass through a 2-inch (51mm) sieve and be retained by a ¼ inch thick (6.4 mm) sieve.
2. A uniform layer of sand (native or fill), a minimum of 4 inches (102 mm) thick, overlain by a later or strips of geotextile drainage matting designed to allow the lateral flow of soil gases.
3. Other materials, systems or floor designs with demonstrated capability to permit depressurization across the entire sub floor area.

1303.3 SOIL-GAS-RETARDER. A minimum 6-mil (0.15 mm) for 3-mil (0.075 mm) cross-laminated polyethylene or equivalent flexible sheeting material shall be placed on top of the gas permeable layer prior to casting the slab or placing the floor assembly to serve as a soil-gas-retarder by bridging any cracks that develop in the slab or floor assembly and to prevent concrete from entering the void spaces in the aggregate base material. The sheeting shall cover the entire floor area with separate sections of sheeting lapped at least 12 inches (305 mm). The sheeting shall fit closely around any pipe, wire or other penetrations of the material. All punctures or tears in the material shall be sealed or covered with additional sheeting.

1303.4 FLOOR OPENINGS. Openings around bathtubs, showers, water closets, pipes, wires or other objects that penetrate concrete slabs or other floor assemblies shall be filled with a polyurethane caulk or equivalent sealant applied in accordance with the manufacturer's recommendations.

1303.4.1 CONCRETE JOINTS. All concrete joints, isolation joints, construction joints and any other joints in concrete slabs or between slabs and foundation walls shall be sealed with a caulk or sealant. Gaps and joints shall be cleared of loose material and filled with polyurethane caulk or other elastomeric sealant applied in accordance with the manufacturer's recommendations.

1303.4.2 CONDENSATE DRAINS. Condensate drains shall be trapped or routed through non-perforated pipe to daylight.

1303.4.3 SUMP. Sump pits open to soil or serving as the termination point for sub-slab or exterior drain tile loops shall be covered with a gasketed or otherwise sealed lid. Sumps used as the suction point in a sub-slab depressurization system shall have a lid designed to accommodate the vent pipe. Sumps used as a floor drain shall have a lid equipped with a trapped inlet.

1303.4.4 FOUNDATION WALLS. Hollow block masonry foundation walls shall be constructed with either a continuous course of solid masonry grouted solid, or a solid concrete beam at or above finished ground surface to prevent passage of air from the interior of the wall into the living space. Where a brick veneer or other masonry ledge is installed, the course immediately below that ledge shall be sealed. Joints, cracks or other openings around all penetrations of both exterior and interior surfaces of masonry block

or wood foundation walls below the ground surface shall be filled with polyurethane caulk or equivalent sealant. Penetrations of concrete walls shall be filled.

1303.4.5 DAMPPROOFING. The exterior surfaces of portions of concrete and masonry block walls below the ground surface shall be damp proofed.

1303.4.6 AIR-HANDLING UNITS. Air-handling units in crawl spaces shall be sealed to prevent air from being drawn into the unit.

Exception: Units with gasketed seams or units that are otherwise sealed by the manufacturer to prevent leakage.

1303.4.7 DUCTS. Ductwork passing through or beneath a slab shall be of seamless material unless the air-handling system is designed to maintain continuous positive pressure within such ducting. Joints in such ductwork shall be sealed to prevent air leakage.

Ductwork located in crawl spaces shall have all seams and joints sealed by closure systems.

1303.4.8 Crawl Space Floors. Openings around all penetrations through floors above crawl spaces shall be caulked or otherwise filled to prevent air leakage.

1303.4.9 Crawl Space Access. Access doors and other openings or penetrations between basements and adjoining crawl spaces shall be closed, gasketed or otherwise filled to prevent air leakage.

1303.5 PASSIVE SUB-MEMBRANE DEPRESSURIZATION SYSTEM. In buildings with crawl space foundations, the following components of a passive sub-membrane depressurization system shall be installed during construction.

EXCEPTION: Buildings in which an approved mechanical crawl space ventilation system or other equivalent system is installed.

1303.5.1 VENTILATION. Crawl spaces shall be provided with vents to the exterior of the building.

1303.5.2 SOIL-GAS-RETARDER. The soil in crawl spaces shall be covered with a continuous layer of minimum 6-mil (0.15mm) polyethylene soil-gas-retarder. The ground cover shall be lapped a minimum

of 12 inches (305 mm) at joints and shall extend to all foundation walls enclosing the crawl space area.

1303.5.3 VENT PIPE. A plumbing tee or other approved connection shall be inserted horizontally beneath the sheeting and connected to a 3- or 4-inch diameter (76 mm or 102mm) fitting with a vertical vent pipe installed through the sheeting. The vent pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the roof in a location at least 10 feet (3048 mm) away from any window or other opening into the conditioned spaces of the building that is less than 2 feet (610 mm) below the exhaust point, and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

1303.6 PASSIVE SUB-SLAB DEPRESSURIZATION SYSTEM. In basement or slab-on-grade buildings, the following components of a passive sub-slab depressurization system shall be installed during construction.

1303.6.1 VENT PIPE. A minimum 3-inch diameter (76 mm) ABS, PVC or equivalent gas-tight pipe shall be used to ensure that the pipe opening remains within the sub-slab permeable material. Alternatively, the 3-inch (76mm) pipe shall be inserted directly into an interior perimeter drain tile loop or through a sealed sump cover where the sump is exposed to the sub-slab aggregate or connected to it through a drainage system.

The pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the surface of the roof in a location at least 10 feet (3048 mm) away from any window or other opening into the conditioned spaces of the building that is less than 2 feet (610 mm) below the exhaust point, and 10 feet (3048 mm) from any window or other exhaust point and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

1303.6.2 MULTIPLE PIPE VENTS. In buildings where interior footings or other barriers separate the sub-slab aggregate or other gas-permeable material, each area shall be fitted with an individual vent pipe. Vent pipes shall connect to a single vent that terminates separately above the roof.

1303.7 VENT PIPE DRAINAGE. All components of the radon vent pipe system shall be installed to provide positive drainage to the ground beneath the slab or soil-gas-retarder.

1303.8 VENT PIPE ACCESSIBILITY. Radon vent pipes shall be accessible for future fan installation through an attic or other area outside the habitable space.

EXCEPTION: The radon vent pipe need not be accessible in an attic space where an approved roof-top electrical supply is provided for future use.

1303.9 VENT PIPE IDENTIFICATION. All exposed and visible interior radon vent pipes shall be identified with at least one label on each floor and in accessible attics. The label shall read: "Radon Reduction System".

1303.10 COMBINATION FOUNDATIONS. Combination basement/crawl space or slab-on-grade/crawl space foundations shall have separate radon vent pipe shall terminate above the roof.

1303.11 POWER SOURCE. To provide for future installation of an active sub-membrane or sub-slab depressurization system, an electrical circuit terminated in an approved box shall be installed during construction in the attic or other anticipated location of vent pipe fans. An electrical supply shall also be accessible in anticipated locations of system failure alarms.