

Article 13-8

ZONE DISTRICT REGULATIONS

Sections:

13-800	Repealed and Replaced 10/7/14
13-801	Repealed and Replaced 10/7/14
13-802	Repealed and Replaced 10/7/14
13-803	Repealed and Replaced 10/7/14
13-804	Repealed and Replaced 10/7/14
13-805	Repealed and Replaced 10/7/14
13-806	Repealed and Replaced 10/7/14

(Ordinance 2014-09, 10/7/14)

Sections:

13-800	Open Space/Unclassified Zone (O-1).
13-801	Residential Zoning Districts
13-802	Reserved
13-803	Reserved
13-804	Reserved
13-805	Reserved
13-806	Reserved
13-807	Neighborhood Business Zone (B-1)
13-808	Community Business Zone (B-2)
13-808.1	Business Residential Zone (B-R)
13-809	Central Business Zone (B-3).
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13-811	Heavy Industrial Zone (I-2).
13-812	Planned Unit Development Overlay Zone.
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13-813.1	Definitions.
13-813.2	Application of Provisions.
13-813.3	Administration.
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13-800 Open Space/Unclassified Zone (O-1).

A. Purpose.

The purpose of the Open Space/Unclassified Zone is to provide a zone designation for lands that are either appropriate only for uses of an outdoor/open land nature or for land for which a specific land use has yet to be determined.

B. Principally Permitted Uses.

- (1) Public parks.

- (2) Public utilities (except electrical substations).
- (3) Wireless Telecommunications, in accordance with the provisions of 13-814 of this ordinance.

C. Conditionally Permitted Uses.

Those uses suitable for open land areas following authorization by the Planning and Zoning Commission and the City Council subject to any conditions which the Commission and Council may require including, but not limited to, yard and lot requirements, development standards, sanitation requirements and time constraints.

13-801 Residential Zoning Districts.

A. Purpose Statements.

- (1) R-E Zoning District (Rural Estates).
The purpose of the R-E Rural Estates Zone is to provide for the development, at a very low density, of single-family detached dwellings in subdivided areas of the community where it is desirable to maintain a semi-rural environment, particularly within the City/County interface boundary.
- (2) R-1 Zoning District (Low Density Residential).
The purpose of the R-1 Low Density Residential Zone is to provide for the development, at a low density, of single-family detached dwellings and directly related complimentary uses. The R-1 Zone is intended to be strictly residential in character with a minimum of disturbances due to traffic or overcrowding.
- (3) R-2 Zoning District (Low Density Residential).
The purpose of the R-2 Low Density Residential Zone is to provide for the development, at a low density, of single-family detached dwellings, accessory dwelling units, and directly related complementary uses. The R-2 Zone is intended to be strictly residential in character with a minimum of disturbances due to traffic or overcrowding.
- (4) R-3 Zoning District (Medium Density Residential).
The purpose of the R-3 Medium Density Residential Zone is to provide for low to moderate housing densities and directly related complementary uses. The R-3 Zone is intended to create attractive residential neighborhoods while making an economical use of land.
- (5) R-4 Zoning District (Medium Density Residential).
The purpose of the R-4 Medium Density Residential Zone is to provide for medium density housing in multiple-family structures and directly related complementary uses. The R-4 Zone is designed to allow highly economical use of land while creating an attractive, functional, and safe residential environment.
- (6) R-5 Zoning District (High Density Residential).
The purpose of the R-5 High Density Residential Zone is to provide for high density housing in multiple-family structures and directly related complementary uses. The R-5 Zone is designed to allow highly economical use of land while creating an attractive, functional and safe residential environment.
- (7) R-6 Zoning District (Manufactured Home Residential).

The purpose of the R-6 Manufactured Home Residential Zone is to provide for the development of properly located and planned facilities for Manufactured and Mobile Homes. For use in this section, the term Manufactured Home shall include Mobile Homes as well. The R-6 Zoning District is established primarily for Manufactured Home Subdivisions and Manufactured Home Parks. Manufactured Home Subdivisions shall be designed with individual platted lots and public streets, and shall be processed through the Subdivision platting requirements of Chapter 16 of the Rock Springs Municipal Ordinances. Manufactured Home Parks shall be designed with a general layout for manufactured home spaces with private streets, and shall be processed as a Major Site Plan through the requirements listed in Section 13-904.B of the Rock Springs Municipal Ordinances.

(8) B-R Zoning District (Business Residential).

The purpose of the B-R Business Residential Zone is to provide a mixed use district allowing both business and residential land uses. The B-R Zone is designed for commercial arterial streets which historically developed with a mixed land use pattern including some residential properties.

B. Table of Uses.

Uses By Type	Zoning District							
	R-E	R-1	R-2	R-3	R-4	R-5	R-6	B-R
Residential Dwelling Types								
Single-Family Site-Built Dwelling (Detached)	P	P	P	P				
Single-Family Dwelling (Detached)			P	P			P(1)	
Single-Family Dwelling (Attached or Detached)				P				P
Two-Family Dwelling				P				P
Two-Family Dwellings					P			
Three-Family Dwellings					P			
Four-Family Dwellings					P			
Townhouse Clusters (6 Dwelling Unit Maximum or 160' in Length Maximum, whichever is attained first)					P			
Townhouse Clusters (4 Dwelling Unit Minimum and 200' in Length Maximum)						P		
Apartment Buildings (5 Dwelling Unit Minimum)						P		
Manufactured Home			P(2)	P(2)			P	P(2)
Mobile Home							P	
Modular Home			P	P			P(1)	P
Residential Accessory Uses								
Accessory Dwelling			P(13)					
Equestrian arena (covered or uncovered)	A							
Horses	A(6)							
Garage, Private	A	A	A	A	A	A	A(1)	A
Greenhouse, Private	A	A	A	A	A	A	A	A
Residential Storage Shed (excludes Portable Storage Containers)	A	A	A	A	A	A	A	A
Swimming Pool, Private or Jointly Owned	A	A	A	A	A	A	A	A
Tennis Court, Private or Jointly Owned	A	A	A	A	A	A	A	A
Signs	A(3)	A(3)	A(3)	A(3)	A(3)	A(3)	A(3)	A(4)
Home Occupation	A(5)	A(5)	A(5)	A(5)	A(5)	A(5)	A(5)	A(5)
Wind Energy Conversion System (WECS)	A(7)	A(7)	A(7)	A(7)	A(7)	A(7)	A(7)	A(7)
Other Uses								
Adult Day Care Center Conducted as an Accessory Use to a Church	C	C	C	C	C	C	C	C
Adult Day Care Center Conducted as an Accessory Use to a Private Residence for Up to Four (4) Adults		C	C	C	C			C

Assisted Living Facility				C	C	C		C
Bed & Breakfast Inn	C(8)	C(8)	C(8)	C(8)				C(8)
Church (including a Parsonage, Convent, or Monastery and/or Accessory Living Quarters for Priests, Nuns, or Ministers)	C	C	C	C	C	C	C	C
Child Care Center (CCC) Conducted as an Accessory Use to a Church, School, or Public Building	C(9)	C(9)	C(9)	C(9)	C(9)	C(9)	C(9)	C(9)
Family Child Care Center (FCCC) Conducted as an Accessory Use to a Church, School, or Public Building	C(9)	C(9)	C(9)	C(9)	C(9)	C(9)	C(9)	C(9)
Family Child Care Home (FCCH)	C(9)	C(9)	C(9)	C(9)	C(9)		C(9)	C(9)
Model Home		P	P	P	P			P
Model Home Sales Office		C(10)	C(10)	C(10)	C(10)			C(10)
Nursing Home				C	C	C		C
Public Building	C	C	C	C	C	C	C	C
Public Park	P	P	P	P	P	P	P	P
Residential Storage Warehouse						C(11)	C(12)	
School and Associated Buildings and Facilities (i.e. classrooms, laboratories, observatories, staff and student offices, student centers, dormitories, educational or interpretive centers, etc.).	C	C	C	C	C	C	C	C
Utility Facilities, including Electrical Sub-Stations, Gas Regulating Stations, Water Pump Stations, Water Towers, and Lift Stations	C	C	C	C	C	C	C	C
Wireless Telecommunications		P	P	P	P	P	P	P

P – Principally Permitted Use

C – Conditionally Permitted Use

A – Permitted Accessory Use

- (1) Only permitted within a Manufactured Home Subdivision.
- (2) If placed on a permanent foundation.
- (3) In accordance with the requirements of Section 13-818.
- (4) In accordance with the requirements of Section 13-818: Commercial uses shall comply with the sign requirements of the B-2 Zone, and Residential uses shall comply with the sign requirements for the R-1 Zone.
- (5) In accordance with the requirements of Section 13-815.N.
- (6) In accordance with the requirements of Section 13-801.D(1)
- (7) In accordance with the requirements of Section 13-817.
- (8) In accordance with the requirements of Section 13-801.D(2).
- (9) In accordance with the requirements of Section 13-816.
- (10) In accordance with the requirements of Section 13-801.D(3).
- (11) In accordance with the requirements of Section 13-801.D(4).
- (12) In accordance with the requirements of Section 13-801.D(5).
- (13) All accessory dwellings shall meet the following requirements:
 - (a) General: All accessory dwellings shall meet the requirements of Section 13-815.E entitled, “Accessory Buildings, Uses, and Equipment”.
 - (b) Size: The square footage of any newly constructed or newly converted accessory dwelling shall be no more than 75 percent of the square footage of the principal building or 800 square feet, whichever is less. In no case shall the square footage of any accessory dwelling be less than 300 square feet.
 - (c) Design: Any newly constructed accessory dwelling shall have a roof pitch, siding, and exterior finish that matches, and shall thereafter be maintained to match, the principal building in style and type of material. Existing structures built prior to the adoption of this Ordinance are exempt from design requirements for accessory dwellings.

- (d) **Parking:** At least one off-street parking space shall be provided solely for use by the accessory dwelling occupants and in addition to off-street parking for the principal building. Off-street parking for use by the accessory dwelling occupants may be provided within the accessory dwelling structure, provided that the non-parking area of the accessory dwelling is a minimum of 300 square feet.
- (e) **Owner Occupancy:** Either the principal building or the accessory dwelling shall be owner-occupied.
- (f) **Number:** A maximum of one accessory dwelling is allowed per parcel or lot.
- (g) **Prohibited:** Mobile Homes, Recreational Vehicles, Motor Vehicles, Boats, etc. shall not be considered as accessory dwellings.

C. Table of Development Standards.

Uses by Zoning District	Lot Requirements			Setbacks				Max. Mean Building Height
	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Setback (1)	Min. Interior Side Setback	Min. Corner Side Setback	Min. Rear Setback	
<u>R-E (Rural Estates)</u>								
Single-Family Site-Built Dwelling (Detached)	0.75 acres	100'	200'	30'	15'	30'	30'	28'
Structures Accessory to Single Family Residences	-	-	-	30'	15'	30'	15'	≤ Primary Structure
Other Permitted Uses as listed in Section 13-801.B.	varies	varies	varies	30'	30'	30'	30'	28'
Structures Accessory to Other Permitted Uses as listed in Section 13-801.B (8)	-	-	-	30'	30'	30'	30'	≤ Primary Structure
<u>R-1 (Low Density Residential)</u>								
Single-Family Site-Built Dwelling (Detached)	7,000sf	70'	100'	20'	10'/6'(2)	20'	20'	28'
Structures Accessory to Single Family Residences	-	-	-	20'	3'	20'(3)	3'	≤ Primary Structure
Other Permitted Uses as listed in Section 13-801.B.	varies	varies	varies	30'	30'	30'	30'	28'
Structures Accessory to Other Permitted Uses as listed in Section 13-801.B (8)	-	-	-	30'	30'	30'	30'	≤ Primary Structure

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Uses by Zoning District	Lot Requirements			Setbacks				Max. Mean Building Height	Outdoor Living Area (5)
	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Setback (1)	Min. Interior Side Setback	Min. Corner Side Setback	Min. Rear Setback		
<u>R-2 (Low Density Residential)</u>									
Single-Family Site-Built Dwelling (Detached)	6,000sf	60'	100'	20'	10'/6'(2)	20'	20'	28'	-
Single-Family Dwelling (Detached)	6,000sf	60'	100'	20'	10'/6'(2)	20'	20'	28'	-
Manufactured Home (if placed on a permanent foundation)	6,000sf	60'	100'	20'	10'/6'(2)	20'	20'	28'	-
Modular Home	6,000sf	60'	100'	20'	10'/6'(2)	20'	20'	28'	-
Structures Accessory to Single Family Residences (all types)	-	-	-	20'	3'	20'(3)	3'	≤ Primary Structure	-

Other Permitted Uses as listed in Section 13-801.B.	varies	varies	varies	30'	30'	30'	30'	28'	-
Structures Accessory to Other Permitted Uses as listed in Section 13-801.B (8)	-	-	-	30'	30'	30'	30'	≤ Primary Structure	-
R-3 (Medium Density Residential)									
Single-Family Site-Built Dwelling (Detached)	5,000sf	50'	90'	20'	10'/6'(2)	20'	20'	28'	-
Single-Family Dwelling (Detached)	5,000sf	50'	90'	20'	10'/6'(2)	20'	20'	28'	-
Single-Family Dwelling (Attached or Detached)	5,000sf	50'	90'	20'	10'/6'(2)	20'	20'	28'	-
Two-Family Dwelling	8,000sf(4)	35' per unit	90'	20'	10'	20'	20'	28'	-
Manufactured Home (placed on a permanent foundation)	5,000sf	50'	90'	20'	10'/6'(2)	20'	20'	28'	-
Modular Home	5,000sf	50'	90'	20'	10'/6'(2)	20'	20'	28'	-
Structures Accessory to Single-Family and Two-Family Residences (all types)	-	-	-	20'	3'	20'(3)	3'	≤ Primary Structure	-
Other Permitted Uses as listed in Section 13-801.B.	varies	varies	varies	30'	30'	30'	30'	28'	-
Structures Accessory to Other Permitted Uses as listed in Section 13-801.B (8)	-	-	-	30'	30'	30'	30'	≤ Primary Structure	-
R-4 (Medium Density Residential)									
Two-Family Dwellings (6)	3,500sf per unit (7)	70'	90'	20'	10'	20'	20'	28'	600sf per d.u.
Three-Family Dwellings (6)	3,000sf per unit (7)	90'	90'	20'	10'	20'	20'	28'	500sf per d.u.
Four-Family Dwellings (6)	2,500sf per unit (7)	90'	90'	20'	15'	20'	20'	28'	400sf per d.u.
Townhouse Clusters (6 Dwelling Unit Maximum or 160' in Length Maximum, whichever is attained first) (6)	2,000sf per unit (7)	120'	90'	20'	15'	20'	20'	28'	400sf per d.u.
Structures Accessory to Two-Family, Three-Family, Four-Family, and Townhouse Cluster Residences (8)	-	-	-	20'	3'	20'(3)	3'	≤ Primary Structure	-

Other Permitted Uses as listed in Section 13-801.B.	varies	varies	varies	30'	30'	30'	30'	28'	-
Structures Accessory to Other Permitted Uses as listed in Section 13-801.B (8)	-	-	-	30'	30'	30'	30'	≤ Primary Structure	-

Uses by Zoning District	Lot Requirements			Setbacks				Max. Mean Building Height	Outdoor Living Area (5)
	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Setback (1)	Min. Interior Side Setback	Min. Corner Side Setback	Min. Rear Setback		
R-5 (High Density Residential)									
Townhouse Clusters (4 Dwelling Unit Minimum and 200' in Length Maximum) (6) (9)	200sf per unit (7)	120'	90'	25'	15'	20'	20'	35'	400sf
Apartment Buildings (5 Dwelling Unit Minimum) (6) (9) (10)	#Bedrooms Per Unit (7) 0:1,500sf 1:1,500sf 2:2,000sf 3:2,000sf	90'	90'	30'	20'	20'	25'	35'	300sf per unit
Structures Accessory to Townhouse Clusters (8) (9)	-	-	-	25'	3'	20'(3)	3'	≤ Primary Structure	-
Structures Accessory to Apartment Buildings (8) (9)	-	-	-	30'	3'	20'(3)	3'	≤ Primary Structure	-
Other Permitted Uses as listed in Section 13-801.B. (9)	varies	varies	varies	30'	30'	30'	30'	35'	-
Structures Accessory to Other Permitted Uses as listed in Section 13-801.B (8) (9)	-	-	-	30'	30'	30'	30'	≤ Primary Structure	-
R-6 (Manufactured Home Residential): Manufactured Home Subdivision (12)									
Single-Family Dwelling (Detached)	5,000sf	50'	100'	20'	10'/6'(2)	20'	20'	28'	-
Modular Home	5,000sf	50'	100'	20'	10'/6'(2)	20'	20'	28'	-
Manufactured Home ≤18' Width	4,400sf	40'	110'	20'	10'	10'	10'	28'	-
Manufactured Home >18' Width	5,500sf	50'	110'	20'	10'	10'	10'	28'	-
Mobile Home ≤18' Width	4,400sf	40'	110'	20'	10'	10'	10'	28'	-
Mobile Home >18' Width	5,500sf	50'	110'	20'	10'	10'	10'	28'	-
Structures Accessory to Single Family Residences (all types)	-	-	-	20'	3'	20'(3)	3'	≤ Primary Structure	-

Other Permitted Uses as listed in Section 13-801.B.	varies	varies	varies	30'	30'	30'	30'	28'	-
Structures Accessory to Other Permitted Uses as listed in Section 13-801.B (8)	-	-	-	30'	30'	30'	30'	≤ Primary Structure	-
R-6 (Manufactured Home Residential): Manufactured Home Park - see note (15) for specific design requirements.									
Manufactured Home ≤18' Width	4,000sf	40'	-	See note (13)	See note (13)	See note (13)	See note (13)	28'	-
Manufactured Home >18' Width	5,000sf	50'	-	See note (13)	See note (13)	See note (13)	See note (13)	28'	-
Mobile Home ≤18' Width	4,000sf	40'	-	See note (13)	See note (13)	See note (13)	See note (13)	28'	-
Mobile Home >18' Width	5,000sf	50'	-	See note (13)	See note (13)	See note (13)	See note (13)	28'	-
Structures Accessory to Manufactured or Mobile Homes	-	-	-	See note (14)	See note (14)	See note (14)	See note (14)	≤ Primary Structure	-
Other Permitted Uses as listed in Section 13-801.B.	varies	varies	varies	30'	30'	30'	30'	28'	-
Structures Accessory to Other Permitted Uses as listed in Section 13-801.B (8)	-	-	-	30'	30'	30'	30'	≤ Primary Structure	-
Uses by Zoning District	Lot Requirements			Setbacks				Max. Mean Building Height	Outdoor Living Area (5)
	Min. Space or Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Setback (1)	Min. Interior Side Setback	Min. Corner Side Setback	Min. Rear Setback		
B-R (Business Residential): Residential Uses									
Single-Family Dwelling (Attached or Detached) (11)	5,000sf	50'	90'	20'	10'/6'(2)	20'	20'	28'	-
Two-Family Dwelling (11)	8,000sf(4)	35' per unit	90'	20'	10'	20'	20'	28'	-
Manufactured Home (placed on a permanent foundation) (11)	5,000sf	50'	90'	20'	10'/6'(2)	20'	20'	28'	-
Modular Home (11)	5,000sf	50'	90'	20'	10'/6'(2)	20'	20'	28'	-
Structures Accessory to Single-Family and Two-Family Residences (all types) (11)	-	-	-	20'	3'	20'(3)	3'	≤ Primary Structure	-
Other Permitted Uses as listed in Section 13-801.B.	varies	varies	varies	30'	30'	30'	30'	28'	-
Structures Accessory to	-	-	-	30'	30'	30'	30'	≤ Primary	-

Other Permitted Uses as listed in Section 13-801.B (8)								Structure	
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- (1) Front setbacks may be adjusted to a lesser amount than required by this Ordinance as follows: when more than 25 percent of the lots fronting one side of the street between intersections are occupied by structures having setbacks from the street right-of-way of lesser amounts than hereinafter required by this Ordinance, the average setback of all existing buildings between the intersection shall be considered an established setback and shall be maintained by all new or relocated structures. When a building is to be built where there is an established setback less than that required by this Ordinance, and there is an existing building on only one contiguous side, the front setback for the new building shall be no greater than that of the existing building on the one side which is contiguous to and contains a building. If a building is to be built where there is an established setback less than that required by this Ordinance, and there are existing buildings on both contiguous sides, the established setback shall be determined by connecting a straight line between the forward most portion of the buildings on the contiguous sides. An adjustable front setback under this section must be approved by the Planning and Zoning Commission.
- (2) 16' total both sides; one side shall have a minimum setback of 10' and one side shall have a minimum setback of 6'.
- (3) Corner yard setbacks may be reduced to 3' for accessory structures not exceeding 200 square feet on corner lots in which a 6 foot fence is installed and permitted in accordance with Section 13-815.F(4)(e) of this Ordinance, or in which a legally non-conforming fence is established within the corner yard.
- (4) 4,000 square foot per lot if each dwelling unit of a duplex is on a separate lot.
- (5) Outdoor Living Area in the minimum amount specified above must be provided on any lot occupied by the multiple residence, townhouse cluster, or apartment building. This space must be easily accessible for daily recreational use by the occupants of the building. Driveways, parking areas, ornamental landscaped areas (having a width of less than 20 feet), and required side or front yards shall not be considered as Outdoor Living Area, except in the case of interior townhouse units where said unit is less than 20 feet in width, in which case the minimum width of the outdoor living area shall be the width of the lot.
- (6) When two (2) or more principal buildings are located on one (1) lot, the minimum separation between any two (2) adjacent principal buildings shall be a distance not less than an amount equal to the height of the taller of the two buildings or twenty (20) feet, whichever is greater when developed as a Planned Unit Development. For major and minor site plans, building separation shall be the sum of two interior side yard setbacks.
- (7) The minimum lot area may be adjusted according to the following: For each parking stall in or under the residence or otherwise completely underground, subtract 400 sq. ft. from the total minimum lot area. For each unit with a balcony or patio of not less than 40 sq. ft., subtract 100 sq. ft. from the Outdoor Living Area.
- (8) The City may require common walls for accessory structures on the same lot where common walls will eliminate unsightly and hazardous areas. Exteriors of accessory structures shall have an exterior finish compatible to the main structure. Compatibility shall be determined by the City based on type and use of building materials.
- (9) All Principally Permitted, Conditionally Permitted, and Accessory Uses shall be screened from adjacent Residential Zones (except R-5 zones) as described in Article 8, Section 13815.B.(1).
- (10) For apartment buildings, parking of motor vehicles shall not be allowed within the front or corner side setbacks.

- (11) Access for residential uses shall comply with the requirements of Section 13-815.I.(2).(e) through (j).
- (12) **Manufactured Home Subdivision Streets:** All Manufactured Home Subdivision streets shall be public and shall meet all design requirements of Section 16-9 of the Subdivision Ordinance of the City of Rock Springs, unless approved as private as part of a Planned Unit Development. The Director of Engineering and Operations shall review and approve the design of all streets within a Manufactured Home Subdivision.
- (13) Each manufactured or mobile home shall be setback a minimum of 15 feet from the private street. Each manufactured or mobile home shall be separated by a distance of 20 feet from all adjacent manufactured or mobile homes. For purposes of measuring separation, all attached porches and decks that have a roof covering shall be considered part of the manufactured or mobile home and shall observe a 20 foot separation from adjacent manufactured or mobile homes. Each manufactured or mobile home shall be setback a minimum of 10 feet from exterior property lines of the Manufactured Home Park and 3 feet from all interior space lines.
- (14) Structures accessory to manufactured or mobile homes shall meet all requirements listed in Section 13-815.E and in addition be a minimum of 3 feet from all interior space lines.
- (15) The following provisions shall apply to all Manufactured Home Parks:
 - (a) **Manufactured Home Park Streets:** Private streets shall be permitted within a Manufactured Home Park and may be permitted to have a residential street right-of-way minimum width of fifty (50) feet. All other design criteria shall meet the requirements of Section 16-9 of the Subdivision Ordinance of the City of Rock Springs. The Director of Engineering and Operations shall review and approve the design of all streets within a Manufactured Home Park.
 - (b) **Recreational Area.** Recreation areas shall be provided to meet the anticipated needs of the residents of the Manufactured Home Park. Not less than 7 percent of the gross site area shall be devoted to recreational uses. Recreation areas shall include space for community use facilities, picnic and play areas. The design of recreation areas shall be appropriate for the intended use and location of the activity.
 - (c) **Review and Approval of a Manufactured Home Park.** In evaluating a Major Site Plan application for an R-6 Manufactured Home Park, the Commission shall consider the following:
 - (d) -That the proposed site and development plan provide for adequate access to the public street system without causing undue congestion or placing excessive traffic loads on local streets.
 - (e) -That the size and shape of the site is adaptable to good mobile home park design and that development of the site for mobile home uses will not unduly obstruct development of adjoining property.
 - (f) **Parking.** There shall be a minimum of two (2) paved, off-street parking spaces per dwelling unit. Each space shall be at least 9' wide and 20' deep in size. Each off-street parking space shall have direct access to a public or private street. No direct access shall be allowed to arterial roadways. Direct access to collector roadways shall be discouraged.
 - (g) **Utilities.** All utilities, including water, sanitary sewer, storm sewer (and/or surface water drainage), electrical lines, gas lines, telephone lines, and street lights shall be designed and constructed according to such regulations as prescribed in the Subdivision Ordinance.
 - (h) **Landscaping.** The front setback area of each manufactured or mobile home shall be landscaped using sod and/or decorative stone. All private, commonly owned recreation areas not devoted to buildings, structures, surfaced courts, sandboxes, etc shall be

sodded and irrigated. Landscaping of public parks shall be the responsibility of the City of Rock Springs.

- (i) Screening. All principal and accessory uses shall be screened from adjacent residential uses (except R-6) as described in Article 8, Sec. 13-815.B.(1).
- (j) Maintenance:
 - i. A permit, issued by the Building Inspection Department, shall be required for every manufactured or mobile home installation.
 - ii. No manufactured or mobile home may be parked on a roadway for more than 24 hours.
 - iii. Within an R-6 Zoning District, a burned or wrecked manufactured or mobile home which is damaged beyond repair or which poses a hazard to the public health, safety or welfare, shall be removed.
 - iv. Standard manufactured or mobile home skirting must be provided around the entire perimeter of the manufactured or mobile home between the bottom of the body and the manufactured or mobile home and the ground.
 - v. Each manufactured or mobile home must be stabilized from beneath using a concrete masonry, and/or metal support system acceptable to the City of Rock Springs Building Inspector.
 - vi. There shall be no outdoor storage of furniture (except lawn furniture), household goods, tools, equipment, or building materials or supplies.
 - vii. Each manufactured or mobile home must bear a label certifying that it is built in compliance with the Federal Manufactured Home and Safety Standards. Manufactured or mobile homes built prior to June 15, 1976, must bear a label certifying compliance to the Standard for Mobile Homes. NFPA 501, ANSI 119.1, in effect at the time of manufacture.
- (k) Inspections. The City of Rock Springs Zoning Administrator or agent is hereby authorized to make such inspections as are necessary to determine satisfactory compliance with this Ordinance and shall have the authority to enter at reasonable times upon any private or public real property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance. It shall be the duty of the owners of Manufactured Home Parks or persons in charge thereof, or owners or occupants of a lot in a Manufactured Home Subdivision, to allow the City of Rock Springs Zoning Administrator or his agent free access to such premises at reasonable times for the purpose of such inspections. It shall be the duty of every occupant of a Manufactured Home Park to allow the owner thereof, or his agents or employees, access to any part of such Manufactured Home Park at reasonable times for the purpose of making such repairs or alterations as may be necessary to effect compliance with this Ordinance or with any lawful order issued pursuant to the provisions of this Ordinance.
- (l) Replacement of Existing Manufactured or Mobile Homes. Manufactured or mobile homes as principal residential buildings on individual lots, or in Manufactured Home Parks or Manufactured Home Subdivisions in operation at the time of the adoption of this Ordinance may be improved by the replacement of the manufactured or mobile home with another manufactured or mobile home, even though it may not be designated as a permitted use in the district in which it is located and provided that the replacing manufactured or mobile home will not create nonconforming yards or separation distances or will not increase existing nonconforming yards or separation distances.

D. Supplemental Requirements.

- (1) Horses in an R-E Zoning District:

- (a) Each lot shall be permitted to have no more than two (2) horses per lot, not including unweaned offspring (foal). A foal becomes a “horse” for the purposes of this definition when it has attained the age of 12 months. Each Shetland pony, mule or donkey constitutes one horse. Other than household pets (dogs and cats) and horses noted above, no other animals (pigs, sheep, goats, rabbits, chickens, etc.) shall be permitted.
 - (b) Horses shall be considered for private use only when the owner of the animal and the occupant of the property upon which the horse is kept are the same party.
 - (c) All other domesticated livestock or wild animals are strictly prohibited.
 - (d) Grazing/corral areas shall not be located within the front or corner yard.
 - (e) Animal Feces and Waste.
 - i. Areas of the lot, as well as accessory buildings or structures devoted to the animal shall be maintained and kept in such a manner as to not constitute a nuisance to the surrounding properties or area.
 - ii. It shall be unlawful for any person to spread, scatter, distribute, drain or deposit in any manner any animal feces and/or waste on property not owned or occupied by them.
 - (f) Dust and/or drainage.
 - i. To prevent dust and drainage problems, corral areas shall be limited to 25% of the lot coverage.
 - ii. Grazing/corral area shall not create a dust or drainage condition beyond the property boundaries.
 - (g) Separation. Horse(s) shall have an accessory structure (barn or stable) and a corral and both shall be separated by 30 feet from the residence.
(Amended Ord. 2018-07, 5/1/18)
- (2) Bed and Breakfast Inn:
- (a) The structure must be owner occupied and not more than two guestrooms shall be permitted.
 - (b) The only meal to be provided to guests shall be breakfast.
 - (c) Guests may stay no more than six consecutive days. The establishment may not be operated as a boarding house, and weekly rates cannot be offered.
 - (d) The outside appearance of the structure shall not be altered from its single-family appearance.
 - (e) One off-street parking space per guestroom shall be provided.
 - (f) One advertising sign not to exceed six square feet may be permitted. The sign may be attached or freestanding and shall not exceed six feet in height. The sign shall not be a flashing sign, moving sign, or electronic message board.
- (3) Model Home Sales Office:
- (a) Model Homes Sales Office shall be located entirely within a Model Home and shall not disrupt nor detract from the residential character of the subdivision.
 - (b) Model Home Sales Office shall be located within, and offer for sale only, lots/homes within the subdivision where the Model Home Sales Office is located. No off-subdivision sales shall be permitted.
 - (c) Model Home Sales Office use shall not commence until such time as the Model Home containing the Model Home Sales Office has received an Occupancy Permit from the City of Rock Springs.
 - (d) Model Home Sales Office use shall not commence until such time as conditional use approval is obtained from the Zoning Administrator. To apply for a Model Home Sales Office Conditional Use Permit, the developer shall submit the following:

- i. Application for Model Home Sales Office;
 - ii. Vicinity map showing the location of the Model Home Sales Office, location of model homes and related parking, and the entire development served by the Model Home Sales Office;
 - iii. Proposed timeline for development and duration of Model Home Sales Office use; and
 - iv. Application fee.
- (e) Model Home Sales Office use shall cease upon issuance of the final building permit for a subdivision, or when all lots within a subdivision have been sold, whichever comes first, provided, that Model Home Sales Offices shall be permitted only in subdivisions actively under construction. The Model Home Sales Office conditional use permit shall be revoked should there be no subdivision activity, as indicated by issuance of a building permit for new residential construction, within any six (6) month timeframe.
- (f) Model Home Sales Offices shall have minimal impacts on the surrounding neighborhood. Model Home Sales Office hours shall be limited to the following hours of operation:
- i. Winter (October 1 to April 30): 8 a.m. – 6 p.m.
 - ii. Summer (May 1 to September 30): 8 a.m. – 7 p.m.
- (g) No more than one (1) Model Home Sales Office shall be permitted per subdivision at any given time.
- (4) Residential Storage Warehouse in a R-5 Zoning District:
- (a) The warehouses must be within one-half mile of existing Apartment, Townhouse, or Condominium development.
 - (b) Minimum site size shall be a lot depth of 100 feet and lot width of 100 feet.
 - (c) Maximum site size shall be three (3) acres except that the 3 acre maximum may be exceeded provided that the number of warehouse units shall not exceed three-fourths (3/4) the number of apartment, townhouse, and condominium units within a one-half (1/2) mile radius.
 - (d) For purpose of this Ordinance each outdoor recreational vehicle storage shall be counted as one storage unit.
 - (e) Warehouse development shall be subject to all design standards specified in Section 13-808.C.(7).
- (5) Residential Storage Warehouse in a R-6 Zoning District:
- (a) The warehouses must be within one half mile of an existing manufactured home park.
 - (b) Minimum site size shall be a lot depth of 100 feet and lot width of 100 feet.
 - (c) Maximum site size shall be three (3) acres except that the 3 acre maximum may be exceeded provided that the number of warehouse units shall not exceed three-fourths (3/4) the number of manufactured home spaces within a one-half (1/2) mile radius. (Ord. No. 09-03, 2-3-2009; Ord. No. 09-16, 10-6-2009).
 - (d) For purpose of this Ordinance each outdoor recreational vehicle storage shall be counted as one storage unit.
 - (e) Warehouse development shall be subject to all design standards specified in Section 113-808.C.(7).

13-802 Reserved.
13-803 Reserved.
13-804 Reserved.

13-801

13-805 Reserved.
13-806 Reserved.

13-807 Neighborhood Business Zone (B-1)**A. Purpose.**

The purpose of the B-1 Neighborhood Business Zone is to provide for the establishment of local centers for convenient retail or service outlets which deal directly with the consumer for whom the goods or services are intended. These centers are to provide services and goods primarily for the surrounding neighborhood and are not intended to draw customers from the entire community.

B. Principally Permitted Uses.

- (1) Automobile Washing Establishment.
- (2) Bakery
- (3) Barber shop
- (4) Beauty parlor
- (5) Candy and ice cream store
- (6) Convenience food store of not more than 3,500 square feet.
- (7) Food Establishment
- (8) Library (Branch)
- (9) Liquor store
- (10) Drug, variety, gift, notion and soft good stores of not more than 3,500 square feet in size.
- (11) Professional offices of not more than 4,000 square feet
- (12) Public Buildings
- (13) Church, including a parsonage, convent or monastery and/or accessory living quarters for priests, nuns or ministers provided that these shall be appropriate to the zoning district in which they are to be located. (Ord. No. 88-09, 6-21-88).
- (14) Wireless Telecommunications, in accordance with the provisions of 13-814 of this ordinance. (Ord. No. 09-16, 10-6-2009).
- (15) Public Parks (Ord. 2011-02, 3/1/11)
- (16) Taxidermy, excluding tanning (Ord. 2011-02, 3/1/11)
- (17) Electrical sub-stations, gas regulating stations, water pump stations, water towers, lift stations (Ord. 2012-01, 3/20/12)

C. Conditionally Permitted Uses.

- (1) Convenience food stores of not more than 3,500 square feet and with 1-4 gas islands
 - (a) Gas pumps shall be set back a minimum of 25 feet from any property line

and 50 feet from any residential zone boundary.

(b) Interior curbs of not less than 6" in height shall be constructed to separate driving surfaces from sidewalks, landscaped areas and street traveled ways (Ord. No. 92-17, 7-7-92). (2) Schools.

(3) Child Care Center or Family child care center, in accordance with the requirements of §13-816.

(a) A minimum of seventy-five (75) square feet of outdoor play space per child shall be provided from which at least fifty (50) square feet of fenced-in play space per child shall be provided. Fenced-in outdoor play space shall not include driveways, parking areas or land unsuited by virtue of other usage or natural features for children's play space.

(b) At least two hundred and fifty (250) square feet of lot area per child shall be provided.

(Amended Ord. 2010-10, 1/4/11)

(4) Nursing homes, rest homes, and assisted living facilities. (Ord. No. 88-09, 6-21-88; Ord. No. 90-10, 9-18-90; Amended Ord. 2011-02, 3/1/11).

(5) Adult Daycare Center

(a) The facility shall provide a minimum of forty (40) square feet of indoor space for each adult day care participant. Outdoor space shall be provided for outdoor activities and shall be accessible to the handicapped. (Ord. No. 93-15, 9-7-93).

D. Permitted Accessory Uses.

(1) Business signs consistent with Article 8, Section 13-818 of this Ordinance. (Amended Ord. 2011-06, 5/3/11, Amended Ord. 2012-06, 6/5/12)

(2) Wind energy conversion systems, in accordance with the provisions of §13-817. (Ord. 2011-06, 5/3/11)

E. Access.

(1) All two-way accesses shall be a minimum of 25 feet wide (26 feet, if needed for a Fire Lane).

(2) All one-way accesses shall be a minimum of 15 feet wide (20 feet, if needed for a Fire Lane).

(3) All accesses shall be paved with concrete, asphalt, or asphaltic concrete.

(4) The Director of Engineering and Operations shall approve all proposed accesses with respect to location and configuration.

(Ord. 2012-01, 3/20/12)

F. Setbacks and Height.

(1) The minimum building setback from any Neighborhood Business Zone boundary or public street right-of-way shall be as set forth below:

(a)	<u>Building Setbacks</u>	<u>Feet</u>
	1. Front	35
	2. Interior side and rear	15
	3. Corner Side	25
	4. Residential Zone boundary	45
(b)	<u>Parking Lot</u>	<u>Feet</u>
	1. Front	4
	2. Interior side and rear	3
	3. Corner side	4
	4. Residential Zone boundary	3

Additional setback regulations as described in 13-801.C.(1) apply to the B-1 Zone.

(c) Under certain conditions, where it is shown that due to shared parking facilities and/or shared access, drives, the standard side yard setbacks, and/or parking requirements would not be necessary or in the best interest of the citizens of Rock Springs, the Commission may reduce required side yards and/or parking requirements.

(2) The maximum height of structures shall be 28 feet. (Ord. No. 2006-24, 9-5-06).

G. Lot Width and Lot Area

(1) The minimum lot width shall be 100 feet.

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

H. Screening.

All Principal and Accessory Uses shall be screened from adjacent residential zones as described in Article 8, Section 13-815.C.

I. Landscaping

All areas not designated for buildings, circulation, parking or storage shall be landscaped as described in Article 8, Section

13-815.C.

J. Signs.

This section deleted. Ord. 2012-06, 6/5/12)

K. Accessory Buildings.

Accessory buildings shall be setback a minimum distance of 3 feet from side and rear property lines.

(97-12, Amended, 12/02/1997; 96-16, Amended, 10/15/1996; 95-21, Amended, 01/16/1996, Amended Ord. 2012-06, 6/5/12)

13-808 Community Business Zone (B-2)

A. Purpose.

The purpose of the Community Business Zone (B-2) is to provide for low intensity, retail or service outlets which deal directly with the consumer for whom the goods or services are intended. The uses allowed in this district are to provide goods and services on a community market scale and located in areas which are served by arterial street facilities.

B. Principally Permitted Uses.

- (1) Animal Grooming
- (2) Animal hospital, clinic and kennel providing the establishment and animal runs are completely enclosed in building.
- (3) Antique shop and store.
- (4) Any Principally Permitted Uses of the Neighborhood Business Zone (B- 1).
- (5) Apparel and accessory store.
- (6) Appliance sales, services and repair.
- (7) Art supply stores.
- (8) Artist studio.
- (9) Athletic clubs and commercial recreation.
- (10) Auction sales.
- (11) Auto supply store.
- (12) Automotive Repair, Minor: Permitting repair and maintenance of motor vehicles which shall include automobile engine, transmission and drivetrain repair and overhaul, including brake, muffler, upholstery work, tire repair and change, lubrication and tune-ups, and excluding large truck repair and body and paint work. (Ord. No. 92-09, 5-5-92).
- (13) Automobile and truck rental.
- (14) Automobile, boat or recreational vehicles sales and service.

(15) Automobile parking lot or garage (public or private).

(16) Banks and other savings and lending institutions.

(17) Bicycle sales, service and repair shop.

(18) Blueprinting shop.

(19) Book and stationery store.

(20) Bowling alley.

(21) Bus terminals.

(22) Business and office machine sales, service and repair shop.

(23) Business, technical or vocational school, junior college or university, and associated buildings and facilities (i.e. classrooms, laboratories, observatories, staff and student offices, student centers, dormitories, educational or interpretive centers, etc.). (Ord. No. 10-01, 3/2/10).

(24) Church and parish house, including a parsonage, convent or monastery and/or accessory living quarters for priests, nuns or ministers, providing that these shall be appropriate to the zoning district in which they are to be located.

(25) Cigar and tobacco store.

(26) Clothing and costume rental shop.

(27) Community center or meeting hall.

(28) Custom dressmaking, furrier, millinery or tailor shop employing five persons or less.

(29) Dancing or theatrical studio.

(30) Delicatessen and catering establishment.

(31) Department store.

(32) Dry cleaning and laundry establishment.

(33) Dry goods and notions store.

(34) Essential public service or utility installation.

(35) Exterminator shop.

(36) Florist.

(37) Frozen food locker.

(38) Furniture and home furnishing store.

(39) Garden supply store.

(40) Gift shop.

(41) Golf driving range and miniature golf course.

(42) Greenhouse and plant nursery.

(43) Grocery store (including retail meat markets and produce store).

(44) Gunsmith.

(45) Hardware store.

(46) Health and exercise center.

(47) Hobby, stamp and coin shop.

(48) Hospital.

(49) Hotel or motel.

(50) Interior Decorator's shop.

(51) Jewelry and metal craft store.

(52) Kennel.

(53) Leather goods and luggage store.

(54) Library.

(55) Lock and key shop.

(56) Lumber yard, provided that all goods and materials are screened from adjacent properties.

(57) Mail order catalog store.

(58) Medical and orthopedic appliance store.

(59) Medical, dental or health clinic.

(60) Messenger or telegraph service station.

(61) Mobile home sales.

(62) Monument sales and engraving shop.

(63) Mortuary, including accessory living quarters for the owner or operator.

(64) Museum.

(65) Music and instrument sales, service and repair shop.

(66) Music or dance studio.

(67) Newspaper office.

(68) Newsstand.

(69) Office supply and office equipment store.

(70) Offices.

(71) Off-Track Betting/Simulcasting

(72) Optician.

(73) Package liquor store, including drive-in.

(74) Paint and wallpaper store.

(75) Pawn shop.

(75) Pet shop.

(77) Photographic equipment and supply store.

(78) Photographic studio.

(79) Picture frame shop.

(80) Plumbing shop.

(81) Printing and publishing house

(including newspapers).

(82) Private club, fraternity, sorority or lodge.

(83) Radio and television studio.

(84) Radio or television sales, service and repair.

(85) Rental store, provided there is no outdoor storage of equipment or merchandise for sale or rental. (Amended Ord. 2011-02, 3/1/11)

(86) Restaurant, excluding convenience food restaurant.

(87) Self-service laundry.

(88) Sewing machine store.

(89) Sexually Oriented Business

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

Churches

Schools

Other Sexually Oriented Businesses

Residential Zones

(Ord. No. 2007-25, 1-2-08)

(90) Shoe repair and shoe shine shop.

(91) Shoe store.

(92) Sign painting.

(93) Sporting and athletic goods store.

(94) Tailor shop.

(95) Tattoo parlor.

(96) Tavern, bar or lounge.

(97) Taxi-Cab Office (excluding Taxi-Stand)

(98) Theater, excluding drive-in theater.

(99) Tire recapping and retreading.

(100) Tire sales, repair and mounting.

(101) Trade schools.

(102) Toy store.

(103) Travel agency.

(104) Upholstery shop.

(105) Utility trailer rental.

(106) Variety store.

(107) Vending machine sales and repair.

(108) Wallpaper store.

(109) Watch repair shop.

(110) Woodworking shops and cabinet making shops. (Ord. No. 84-8, 7-84; Ord. No. 86-11, 8-5-86; Ord. No. 87-28, 12-1-87; Ord. No. 8809, 6-21-88; Ord. No. 92-17, 7-7-92; Ord. 2012-01, 3/20/12; Ord. 2014-03, 4/15/14)

C. Conditionally Permitted Uses.

(1) Automobile Service Stations:

(a) Automobile service station site improvements, including buildings and structures, shall be separated from any residential zone by a minimum distance of 50 feet.

(b) The total site area shall be a minimum of 10,000 square feet.

(c) Gas pumps shall be set back a minimum of 25 feet from any property line and 50 feet from any residential zone boundary.

(d) Hydraulic hoists, pits, and all lubrication, greasing, washing, repair and diagnostic equipment shall be used and enclosed within a building.

(e) Interior curbs of not less than 6 inches in height shall be constructed to separate driving surfaces from sidewalks, landscaped areas and street traveled ways. (Ord. No. 92-17, 7-7-92).

(2) Automobile Washing Establishments:

(a) Automobile washing establishments shall be subject to the same limitations and conditions as are specified heretofore in subparagraphs a, b, c, e, and f for Automobile Service Stations.

(b) Sufficient off-street area to provide space for not less than 10 automobiles waiting to be washed or three waiting spaces per washing stall whichever is greater shall be provided. A space 20 feet by 9 feet shall be deemed adequate for each such required space.

(c) All wash water disposal facilities including sludge, grit removal and disposal equipment shall be subject to the approval of the Director of Engineering and Operations and shall conform with all City ordinances regarding sewage and health and shall be designed such as to not detrimentally affect the City sewer system.

(3) Convenience Food Restaurants: Convenience food restaurants shall be subject to the same limitations and conditions as are specified heretofore in subparagraphs a, e, and f for Automobile Service Stations.

(4) Heliports:

(a) A Conditional Use Permit is

required for the initial construction or alteration of a heliport. In deciding whether to grant the Conditional Use Permit and what conditions should be imposed, the Planning and Zoning Commission shall rely on the findings of an aeronautical study conducted by the Federal Aviation Administration (FAA).

The Planning and Zoning Commission may revoke the Conditional Use Permit or alter its conditions at any time when it has been determined by an FAA aeronautical study that a hazard to safety has been created by:

1. New development on the heliport owner's property or on nearby properties; or
2. Operational characteristics or practices unforeseen at the time of the original approval of the Conditional Use Permit.

(b) FAA Aeronautical Study: It is the responsibility of the applicant for a Conditional Use Permit to operate a heliport to have an aeronautical study conducted by the Federal Aviation Administration on the proposed design and operational characteristics of the heliport pursuant to receipt of the Conditional Use Permit.

An FAA aeronautical study shall be required by the City of a heliport applicant or operator for any of the following:

1. A proposal to construct or enlarge heliport facilities;
2. A determination as to whether an existing object should be altered, removed, marked, or lighted;
3. A determination as to whether existing marking and lighting can be reduced without adversely affecting aviation safety or whether marking and lighting should be intensified or increased to more effectively make airmen aware of an object's presence.
4. A determination of an existing activity's electromagnetic effects upon a navigational aid; and
5. A change in an aeronautical procedure.

(c) Elements of FAA Aeronautical study:

The required FAA aeronautical study

must address any of the following topic areas as applicable to the request:

1. Heliport primary surface;
2. Heliport approach surface;
3. Heliport transitional surface; and,
4. Heliport instrument procedure surface.

The study must make a recommendation as to whether or not the new construction or alteration should be allowed and, if so, what design and/or operational characteristics should be imposed.

(5) Automobile Drive-In Theaters:

(a) Automobile drive-in theater parking areas shall be screened from view of any residential development.

(b) Light, glare and noise shall not impact nearby residential developments.

(6) Overnight Campgrounds:

(a) Overnight campgrounds shall be screened from view of any residential development.

(b) Internal circulation roads shall be paved with a dust-free surface.

(c) Individual recreational vehicle parking pads shall be plainly marked and paved with a dust-free surface.

(d) Individual recreational vehicle parking pads shall be set back at least 30 feet from any Commercial or Industrial District boundary, 50 feet from any Residential District boundary, and 30 feet from any public street right-of-way.

(e) Approved trash disposal and toilet facilities shall be provided for use of overnight campers.

(7) Mini-Warehouses:

(a) The minimum lot size shall be a lot depth of 100 feet and lot width of 100 feet. (Ord. No. 93-08, 7-6-93).

(b) On-site circulation, drives and parking:

1. Each mini-warehouse site shall provide a minimum of two exits.

2. All one-way driveways shall provide for one 10 foot parking lane and one 15 foot travel lane. Traffic direction and parking shall be designated by signing or painting.

3. All two-way driveways shall provide for one 10 foot parking lane and two

12 foot travel lanes.

4. The parking lanes may be eliminated when the driveway does not serve storage cubicles.

5. At least one parking space for each 10 storage cubicles, equally distributed throughout the storage area shall be provided.

6. All driveways, parking, loading, and circulation areas shall be paved with concrete, asphalt or asphaltic concrete.

(c) Fencing and Screening.

1. Fencing shall be required around the perimeter of the project. Said fence shall be a minimum of six feet in height and constructed of decorative concrete block or chain link fence with slats as approved by the Planning and Zoning Commission.

2. All outdoor storage shall be limited to recreational vehicles and shall be screened from view from surrounding properties.

(d) Setbacks.

Any side of a building providing doorways to storage areas shall be set back from the property line not less than 25 feet side and rear yard setbacks, otherwise may be zero provided the building is of the same material and structure as the fencing.

(e) Masonry trash enclosures shall be installed subject to the approval of the Planning and Zoning Commission.

(f) No auctions, commercial sales, garage sales or similar activities shall be conducted on the premises.

(8) Child Care Center or Family child care center, in accordance with the requirements of §13-816. (Amended Ord. 2010-10, 1/4/11)

(9) Juvenile residential treatment center. (Ord. No. 88-09, 6-21-88).

(10) Nursing homes and rest homes (Ord. No. 88-09, 6-21-88; Ord. No. 90-10, 9-18-90).

(11) Automobile body repair and painting.

(a) The Fire Chief must review the plans for the facility and approve the facility for compliance with applicable fire codes and determine that adequate water is available to fight a fire. (Ord. No. 90-03, 4-

17-90).

(12) Adult Daycare Center, subject to the requirements of Section 13-807.C.(5). (Ord. No. 93-15, 9-7-93).

(13) Crematory.

(14) Warehouses.

(a) On-site circulation, drives and parking:

1. Each warehouse site shall provide a minimum of two exits.

2. All driveways, parking, loading and circulation areas shall be paved with concrete, asphalt or asphaltic concrete.

(15) Contractors Offices, Shops, and Yards, subject to the following:

(a) Unpaved parking areas or storage areas are strictly prohibited.

(b) Contractor businesses involving the use or storage of industrial vehicles, industrial equipment, industrial materials, or heavy machinery including earth moving, road building, and excavation machinery, are strictly prohibited.

(c) Hazardous materials storage is prohibited unless approval is first obtained from the City of Rock Springs Fire Inspector.

(d) Fabrication, welding, or similar activities causing noise, smoke, dust, odor, vibration or glare are prohibited.

(e) Screening fencing made of either vinyl, wood, or masonry materials for the entire perimeter of all exterior, outdoor storage yards shall be required. Chain link fencing with slats will not be considered an acceptable screening material.

(Ordinance 2015-05, 5-5-15)

(16) Indoor Shooting Range. (Ord. 2017-07, 7/5/17)

D. Permitted Accessory Uses:

(1) Business Signs, consistent with Article 13-818 of this Ordinance. (Amended Ord. 2011-06, 5/3/11; Amended Ord. 2012-06, 6/5/12)

(2) Wind energy conversion systems, in accordance with the provisions of §13-817. (Ord. 2011-06, 5/3/11)

E. Access.

(1) All two-way accesses shall be a minimum of 25 feet wide (26 feet, if needed for a Fire Lane).

(2) All one-way accesses shall be a minimum of 15 feet wide (20 feet, if needed for a Fire Lane).

(3) All accesses shall be paved with concrete, asphalt, or asphaltic concrete.

(4) The Director of Engineering and Operations shall approve all proposed accesses with respect to location and configuration.

(Ord. 2012-01, 3/20/12)

F. Setbacks and Height.

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

a)	<u>Setbacks</u>	<u>Feet</u>
	1. Front	35
	2. Interior side and rear	15
	3. Corner side	25
	4. Residential Zone boundary	45
(b)	<u>Parking lots</u>	
	1. Front	4
	2. Interior side and rear	3
	3. Corner side	4
	4. Residential Zone boundary	3

Additional setback regulations as described in 13-801.C.(1) apply to the B-2 Zone.

(2) A structure may be erected to a height above 35' provided that minimum front and side setbacks shall be increased by one (1) foot for every three (3) feet of building height in excess of 35 feet. Buildings over 45 feet in height shall be subject to additional fire protection as determined by the City Fire Chief.

G. Lot Width and Lot Area

(1) The minimum lot width shall be 100 feet. (Ord. No. 87-28, 12-1-87).

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

H. Screening.

All Principal and Accessory Uses shall be screened from adjacent Residential Zones as described in Article 13-815.B.(2).

I. Landscaping.

All areas not designated for buildings,

circulation, parking or storage shall be landscaped as described in Article 13-815.C.

J. Accessory Buildings.

Accessory buildings shall be setback a minimum distance of 3 feet from side and rear property lines.

(97-12, Amended, 12/02/1997; 96-12, Amended, 08/20/1996; 95-21, Amended, 01/16/1996)

13-808.1 Business Residential Zone (B-R)

A. Purpose

The purpose of the Business Residential Zone (B-R) is to provide a mixed use district allowing both business and residential land uses. This district is designed for commercial arterial streets which historically developed with a mixed land use pattern.

B. Principally Permitted Uses

(1) All Principally Permitted Uses in the Community Business Zone (B-2), with the exception of a sexually oriented business. Wireless telecommunications facilities shall meet the provisions of 13-814 of this ordinance. (Ord. No. 2007-25, 1-2-08; Ord. No. 09-16, 10-6-2009).

(2) Single-family dwellings

(3) Two-family dwellings

(4) Public parks

C. Conditionally Permitted Uses

(1) All Conditionally Permitted Uses in the Community Business Zone (B-2), subject to the regulations contained therein.

(2) All Conditionally Permitted Uses in the R-3 Zone.

(3) Crematory.

D. Permitted Accessory Uses:

(1) All accessory uses permitted in the R-1 Zone.

(2) All accessory uses permitted in the B-2 Zone, except small wind energy conversion systems. (Amended Ord. 2011-06, 5/3/11.)

E. Signs

Commercial uses shall comply with the sign requirements of the B-2 Zone.

Residential uses shall comply with the sign requirements for the R-1 Zone included in Section 13-818 (Amended Ord. 2012-06,

6/5/12)

F. Access

(1) Access for commercial activities shall be allowed only on an arterial street.

(2) Access for residential uses shall comply with the requirements of Section 13-815.I.(2).(e) through (j)

G. Setbacks and Height.

(1) Commercial uses in the B-R District shall comply with the setback, height, lot width, lot area, screening and landscaping requirements of the B-2 zone, and excluding the Residential Zone Boundary setbacks as described in Article 13-808.F.(1) of this Ordinance. (Ord. No. 03-09, 6-2-03).

(2) Residential single-family detached dwellings and two-family dwellings in the B-R Zone shall comply with the respective lot area, lot dimension, setback, yard and height requirements of the R-3 Zone. (Ord. No. 90-08, 7-17-90).

H. Accessory Buildings.

Accessory buildings shall be setback a minimum distance of 3 feet from side and rear property lines. (96-12, Amended, 08/20/1996; 95-21, Amended, 01/16/1996)

13-809 Central Business Zone (B-3).

A. Purpose.

The purpose of the Central Business Zone (B-3) is to allow the development of commercial retail and service establishments with carefully integrated multiple-family residential, entertainment, and public parking facilities in the "downtown" sector of the City. The Zone encourages development to take place in an intensive fashion to facilitate pedestrian circulation and to maximize the use of valuable locations.

B. Principally Permitted Uses.

(1) All Principally Permitted Uses of the Community Business Zone (B-2), with the exception of a sexually oriented business. Wireless telecommunications facilities shall meet the provisions of 13-814 of this ordinance. (Ord. No. 2007-25, 1-2-08; Ord. No. 09-16, 10-6-2009).

(2) Multi-family Structures.

(3) Dwelling unit(s) accessory to a

commercial building. (Ord. No. 90-11, 1-15-91).

C. Conditionally Permitted Uses.

The following Conditionally Permitted Uses may be allowed in the Central Business Zone (B-3):

(1) Automobile service stations, subject to the regulations of Article 13-808.C.(1) of the Ordinance.

(2) Automobile washing establishment, subject to the regulations of Article 13-808.C.(2) of the Ordinance.

(3) Convenience food restaurants, subject to the regulations of Article 13-808.C.(3) of this Ordinance.

(4) Heliports, subject to the regulations of Article 13-808.C.(4) of this Ordinance.

(5) Child Care Center or Family Child Care Center, in accordance with the provisions of §13-816. (Ord. 2012-01, 3/20/12)

(6) Nursing homes and rest homes (Ord. No. 88-09, 6-21-88; Ord. No. 90-10, 9-19-90).

(7) Adult Daycare Center, subject to the requirements of Section 13-807.C.(5). (Ord. No. 93-15, 9-7-93).

(8) Crematory.

(9) Contractors Offices, Shops, and Yards, subject to the following:

(a) Unpaved parking areas or storage areas are strictly prohibited.

(b) Contractor businesses involving the use or storage of industrial vehicles, industrial equipment, industrial materials, or heavy machinery including earth moving, road building, and excavation machinery, are strictly prohibited.

(c) Hazardous materials storage is prohibited unless approval is first obtained from the City of Rock Springs Fire Inspector.

(d) Fabrication, welding or similar activities causing noise, smoke, dust, odor, vibration or glare are prohibited.

(e) Screening fencing made of either vinyl, wood, or masonry materials for the entire perimeter of all exterior, outdoor storage yards shall be required. Chain link fencing with slats will not be considered an acceptable screening material.

(Ord. 2016-04, 08-2-16)

(10) Indoor Shooting Range. (Ord. 2017-07, 7/5/17)

D. Permitted Accessory Uses

(1) Business Signs consistent with Article 13-818 of this Ordinance. (Amended Ord. 2011-06, 5/3/11; Amended Ord. 2012-06, 6/5/12)

(2) Wind energy conversion systems, in accordance with the provisions of §13-817. (Ord. 2011-06, 5/3/11)

(3) Dining Decks, in accordance with the provisions of Section 13-819 of this Ordinance (Ord. 2018-08, 6/5/18)

E. Setbacks and Height

(1) There are no setback requirements for buildings or structures with the exception of the following:

(a) Multi-family structures shall have interior side and rear lot line setbacks as provided in Section 13-801.C.

(b) Gasoline dispensing pumps shall be set back at least 25 feet from a public right-of-way and at least 40 feet from any side or rear lot line.

(c) Buildings shall be set back at least 20 feet from any Residential Zone boundary.

(2) Parking lots shall be set back from property lines as follows:

- | | |
|-------------------------------|--------|
| (a) Front | 4 feet |
| (b) Interior side and rear | 3 feet |
| (c) Corner side | 4 feet |
| (d) Residential Zone boundary | 3 feet |

(3) The maximum height of any structure shall be 100 feet, except that buildings over 45 feet in height shall be subject to additional fire protection as determined by the Fire Chief.

F. Lot Width and Lot Area

(1) There is no minimum lot width.

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

G. Screening.

All Principal and Accessory Uses shall be screened from view from adjacent Residential Zones as described in 13-815.B.(2).

H. Landscaping.

All areas not designated for buildings,

circulation, parking or storage shall be landscaped as described in 13-815.C.

(97-12, Amended, 12/02/1997; 96-12, Amended, 08/20/1996)

13-810 Light Industrial Zone (I-1).

A. Purpose.

The purpose of the Light Industrial Zone (I-1) is to provide for the development of industrial, warehousing, and office facilities in a manner which does not cause adverse off-site environmental impacts. Uses allowed in the I-1 Zone are those whose activities (including storage) take place entirely within enclosed buildings, which have little or no emission of noise, smoke, dust, odor, vibration, or glare, and which pose little or no danger to the public health and safety.

B. Principally Permitted Uses.

(1) All Principally Permitted Uses in the Community Business Zone (B-2), with the exception of public parks. (Amended Ord. 2011-02, 3/1/11)

(2) Any production, testing, processing, goods or products which conform with the performance standards set forth in 13-815.(1) through (11) for the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious materials, odors, glare or heat. Those uses involving the storage, utilization or manufacture of volatile or explosive materials or products are not allowed in the I-1 Zone.

(3) Automotive Repair, Major: Permitting the uses allowed with the designated use of automotive repair, minor, including repair of large trucks and trailers and including body work and painting. (Ord.No. 87-28, 12-1-87; Ord. No. 9209, 5-5-92).

(4) Automobile washing establishment.

(5) Building material sales and storage.

(6) Bulk storage of non-explosive liquid.

(7) Contractor's offices, shops, and yards.

(8) Dog kennels.

(9) Exterior storage of goods and materials provided that all goods and

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materials are screened from adjacent properties.

(10) Feed, grain, and fertilizer retail

sales.

- (11) Fuel and ice sales.
- (12) Railroad tracks and railroad passenger stations but not railroad switching yards.
- (13) Railroad labor rest houses and hotels, consisting of sleeping, lodging, eating, and related facilities provided for railroad personnel.
- (14) Restaurants, including the sale of liquor, and also convenience food restaurants.
- (15) Sales or rental lots.
- (16) Sexually Oriented Business
 - (a) Sexually oriented businesses shall not be located within 500 linear feet of the following:
 - Churches
 - Schools
 - Other Sexually Oriented Businesses
 - Residential Zones (Ord. No. 2007-25, 1-2-08)
 - (17) Stadiums, auditoriums, and arenas.
 - (18) Trade schools.
 - (19) Warehousing.
 - (20) Welding & fabrication, provided all activities are conducted entirely within an enclosed structure. (Ord. 2012-01, 3/20/12)
 - (21) Wholesale sales and storage. (Ord. No. 09-16, 10-6-2009).
- C. Conditionally Permitted Uses
 - (1) Airports, subject to the limitations of the Federal Aviation Administration.
 - (2) Crematory.
 - (3) Heliports, subject to the regulations of Article 13-807.C.(4) of this Ordinance.
 - (4) Overnight campgrounds, subject to the regulations of 13-808.C.(6) of this Ordinance.
 - (5) Security guard office quarters, limited to office use and not as a residence. (Ord. No. 87- 28, 12-1-87; Ord. No. 89-20, 9-19-89).
 - (6) Sewage treatment plants.
 - (7) Theaters, automobile drive-in, subject to the regulations of 13-808.C.(5) of this Ordinance.
 - (8) Indoor Shooting Range. (Ord. 2017-07, 7/5/17)

D. Permitted Accessory Uses

- (1) Signs consistent with Article 13-

818. of this Ordinance. (Amended Ord. 2012-06, 6/5/12)

(2) Personnel service facilities providing personal services, education, recreation, entertainment, food, and convenience goods primarily for those personnel employed in the Principal Use.

(3) Wind energy conversion systems, in accordance with the provisions of §13-817. (Ord. 2011-06, 5/3/11)

(4) Above ground outside storage tank(s) of flammable and combustible liquids not to exceed 6,000 gallons in totality, subject to review and approval in accordance with Section 13-904 as a Major Site Plan, and subject to the separation distances set forth below, and compliance with all codes and requirements of the City of Rock Springs:

- (a) Distance from any property line abutting a Non-Residential Zone District: 20 feet
- (b) Distance from any property line abutting a Residential Zone District: 45 feet
- (c) Distance to any Residence or Occupied Building on the same lot: 15 feet
- (d) Distance from an energized conductor and equipment: 25 feet (Ord. 2018-09, 6/5/18)

E. Access.

(1) All two-way accesses shall be a minimum of 25 feet wide (26 feet, if needed for a Fire Lane).

(2) All one-way accesses shall be a minimum of 15 feet wide (20 feet, if needed for a Fire Lane).

(3) All accesses shall be paved with concrete, asphalt, or asphaltic concrete.

(4) The Director of Engineering and Operations shall approve all proposed accesses with respect to location and configuration. (Ord. 2012-01, 3/20/12)

F. Setbacks and Height.

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

(a) Buildings:	Feet
1. Front	35

- 2. Interior side and rear 15
- 3. Corner side 30
- 4. Residential Zone boundary 60
- (b) Parking lots
 - 1. Front 4
 - 2. Interior side and rear 3
 - 3. Corner side 4
 - 4. Residential Zone boundary 3

(2) The maximum height of any building shall be 55 feet, except that buildings over 45 feet in height shall be subject to additional fire protection precautions as determined by the City Fire Chief.

G. Lot Width and Lot Area.

(1) The minimum lot width shall be 100 feet.

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

H. Screening

All Principal and Accessory Uses shall be screened from adjacent Residential Zones as described in 13-815.B.(2).

I. Landscaping

All areas not designated for buildings, circulation, parking or storage shall be landscaped as described in 13-815.C.

J. Accessory Buildings

Accessory buildings shall be setback a minimum distance of 3 feet from side and rear property lines. (96-12, Amended, 08/20/1996; 95-21, Amended, 01/16/1996)

13-811 Heavy Industrial Zone (I-2).

A. Purpose.

The purpose of the Heavy Industrial Zone is to provide for the development of industries which, because of the nature of their operation, appearance, traffic generation, or emissions, would not be compatible with land uses in the Light Industrial Zone (I-1), but which, nevertheless, are necessary and desirable activities in the City.

B. Principally Permitted Uses.

(1) All principally permitted uses of the Light Industrial Zone, with the exception of

a sexually oriented business, church and/or parish house, hotel or motel, school and its associated buildings and facilities, or dormitory. (Ord. No. 2007-25, 1-2-08; Ord. No. 10-01, 3-2-10).

(2) Automobile drive-in theaters.

(3) Exterior storage of goods and materials provided that all goods and materials are screened from view from adjacent rights-of-way.

(4) Granary, elevator storage. (Amended Ord. 2011-02, 3/1/11)

(5) Motor freight terminals.

(6) Railroad switching and classification yards.

(7) Welding & fabrication. (Ord. 2012-01, 3/20/12)

C. Conditionally Permitted Uses.

(1) Airports, subject to the regulations of the Federal Aviation Administration.

(2) Crematory.

(3) Heliports, subject to the regulations of Article 13-809.C.(4) of this Ordinance.

(4) Oil refineries.

(5) Racetracks.

(6) Scrap metal or used materials processing, handling, and storage facilities.

(7) Security guard office quarters, limited to office use and not as a residence. (Ord. No. 87-28, 12-1-87; Ord. No. 89-20, 9-19-89).

(8) Sewage treatment plants.

(9) Storage, utilization, or manufacture of materials or products which explode.

(10) Auto Reduction Yard.

(11) Salvage Yard.

(12) Overnight campgrounds, subject to the regulations of 13-808.C.(6) of this Ordinance.

(13) Towing and Recovery Office and Storage Yard.

(14) Indoor Shooting Range.

(Ord. No. 2002-10, 7/2/2002; Amended Ord. 2011-02, 3/1/11; amended Ord. 2014-03, 4/15/14; Ord. 2017-07, 7/5/17)

D. Permitted Accessory Uses.

(1) Signs consistent with Article 13-818 of this Ordinance. (Amended Ord. 2012-06, 6/5/12)

(2) Personnel service facilities providing services, education, recreation,

entertainment, food, and convenience goods primarily for those personnel employed in the Principal Use.

(3) Wind energy conversion systems, in accordance with the provisions of §13-817. (Ord. 2011-06, 5/3/11)

E. Access.

(1) All two-way accesses shall be a minimum of 25 feet wide (26 feet, if needed for a Fire Lane).

(2) All one-way accesses shall be a minimum of 15 feet wide (20 feet, if needed for a Fire Lane).

(3) All accesses shall be paved with concrete, asphalt, or asphaltic concrete.

(4) The Director of Engineering and Operations shall approve all proposed accesses with respect to location and configuration.

(Ord. 2012-01, 3/20/12)

F. Setbacks and Height.

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

(a) <u>Buildings:</u>	<u>Feet:</u>
1. Front	35
2. Interior side and rear	15
3. Corner side	30
4. Residential Zone boundary	75
(b) <u>Parking lots</u>	
1. Front	4
2. Interior side and rear	3
3. Corner side	4
4. Residential Zone boundary	3

(2) There shall be no maximum height of building, except that buildings over 45 feet in height shall be subject to additional fire protection precautions as determined by the City Fire Chief.

G. Lot Width and Lot Area.

(1) The minimum lot width shall be 100 feet.

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

H. Screening.

All Principal and Accessory Uses shall be screened from adjacent Residential Zones as described in 13-815.B.(2).

I. Landscaping.

All areas not designated for buildings, circulation, parking or storage shall be landscaped as described in 13-815.C.

J. Accessory Buildings.

Accessory buildings shall be setback a minimum distance of 3 feet from side and rear property lines.

(96-12, Amended, 08/20/1996; 95-21, Amended, 01/16/1996)

13-812 Planned Unit Development Overlay Zone.

A. Purpose.

As an alternative to conventional zoning and development approaches and processes, the Planned Unit Development (P.U.D.) procedures and regulations are set forth in

order that the public health, safety, morals, and general welfare be furthered in an era of increasing urbanization; to encourage innovations in residential, commercial, and industrial development renewal; so that greater opportunities for better housing and recreation, shops and industrial plants conveniently located to each other may extend to all citizens and residents of Rock Springs; to reflect changes in the technology of land development; to encourage a more creative approach in the utilization of land in order to accomplish a more efficient, aesthetic, and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property, and to provide a compatible and stable environment in harmony with that of the surrounding area.

The Planned Unit Development may include any development having one or more principal uses or structures on a single parcel of ground or contiguous parcels. The P.U.D. shall consist of a harmonious selection of uses and groupings of buildings, parking areas, circulation and open spaces, and shall be designed as an integrated unit, in such manner as to constitute a safe, efficient, and convenient urban area.

B. General Requirements and Standards.

(1) Ownership.

The tract shall be a development of land under unified control at the time of application, planned and scheduled to be developed as a whole. However, no authorizations or permits shall be granted for such development unless the applicant has acquired actual ownership of or executed a binding sales contract for all of the property comprising such tract. The term "single ownership" shall include ownership of portions of such development by two (2) or more wholly owned subsidiaries of a single owner, or by such single owner and one (1) or more of its wholly owned subsidiaries.

(2) Conformance with Comprehensive Plan.

The proposed Planned Unit Development shall be consistent with the City of Rock Springs' Comprehensive Plan.

(3) P.U.D. Area Regulations.

(a) The minimum total P.U.D. area shall be no less than five (5) acres unless the applicant can show that the minimum P.U.D. area requirements should be waived because the waiver would be in the public interest and that one or both of the following conditions exist:

1. Unusual physical features of the property itself or of the surrounding neighborhood are such that development under the standard provisions of the Residential Districts would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.

2. The property is adjacent to or across the street from property which has been developed under the provisions of this section and will contribute to the amenities of the neighborhood.

(4) Density in Residential P.U.D.'s: 10% increase.

(a) A residential P.U.D. may provide for a variety of housing types in any one of the basic residential zoning districts. In addition, the number of dwelling units allowed may be flexible relative to the number of dwelling units per acre that would otherwise be permitted by the zoning regulations applicable to the site. However, the total number of dwelling units allowed in a P.U.D. shall be consistent with the Land Use Element of the City's Comprehensive Plan and in no case shall the unit density be exceeded by more than 10% of that permitted by the Comprehensive Plan.

(b) If the unit density exceeds that permitted by the Comprehensive Plan, the applicant has the burden to show that such increase in density will not have an undue and adverse impact on existing public facilities or on neighboring properties.

(c) In determining the reasonableness of the increase in unit density, the Planning and Zoning Commission and City Council shall consider increased efficiency in public facilities and services based, in part, upon:

1. The location, amount and proposed use of common open space;

2. The location, design and type of

dwelling units;

3. The physical characteristics of the site;

4. Particular distinctiveness and excellence in siting, design, and landscaping;

5. Dedication of more than the minimum required for public lands or open space.

(5) Front, Rear and Side Yard Building Setback Regulations.

Residential building setbacks from all property lines which form the perimeter of the P.U.D. or from all interior and exterior dedicated street right-of-way lines or from the paving of any private interior circulation streets shall be no less than 20 feet; commercial building setbacks shall be no less than 35 feet or the height of the building, whichever is greater.

(6) More Than One Building Per Lot.

More than one building may be placed on one platted or recorded lot in any P.U.D. Areas for single-family detached dwellings or other housing types providing privately owned lots must comply with the City's Subdivision Ordinance in all respects not specifically noted in this section as appropriate variances or waivers.

(7) One Housing Type Not Inconsistent With Intent.

A P.U.D. which only involves one housing type such as all detached or all attached units shall not be considered as inconsistent with the stated purposes and objectives of this section and shall not be the sole basis for denial or approval.

(8) Architectural Style, Appearance.

Architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, the overall appearance and compatibility of individual buildings to other site elements or to surrounding development will be primary considerations in the review stages of the Planning and Zoning Commission and Council.

(9) Building Permits; When Issued.

No building permits shall be granted for any building on land for which an application for a P.U.D. is in the process of City review or which does not conform to

the approved P.U.D.

(10) Staging of Development.

(a) Any P.U.D. plan proposed to be constructed in stages shall include full details relating thereto, and the City Council may approve or modify where necessary any such proposals.

(b) The staging shall include the time for beginning and completion of each stage. Such timing may be modified by the City on the showing of good cause by the developer.

(c) The land owner or developer shall make such easements, covenants, and other arrangements and shall furnish such performance bond or bonds as may be determined by the City to be reasonably required to assure performance in accordance with the plan and to protect the public.

(11) Streets, Utilities, Services and Public Facilities.

The uniqueness of each proposal for a P.U.D. may allow specifications and standards for streets, utilities and services to be subject to minor modifications of the specifications and standards established in this and other City ordinances governing their construction. The City may, therefore, waive or modify the specifications or standards where it is found that they are not required in the interests of the residents of the P.U.D. or of the City. The plans and profiles of all streets, utilities and services shall be reviewed, modified if necessary, and approved by the City prior to the final approval of the P.U.D. All P.U.D.'s shall be served by public or community water and sewer systems.

(12) Open Space Provision.

At least ten (10%) percent of the total P.U.D. area shall be set aside for public and/or private open space and recreational use in the manner required by the City Subdivision Ordinance. The City shall determine what portion of the ten (10%) percent, if any, shall be private.

In no case shall less than five (5%) percent of the total P.U.D. area be dedicated for public use or no less than five (5%) percent of the assessed value of the land prior to its development be paid as fee-in-

lieu-of the public land dedication.

(13) Operating and Maintenance Requirements for Planned Unit Development Common Facilities.

In the event that certain land areas or structures are provided within the Planned Unit Development for private recreational use or as service facilities, the owner of such land and buildings shall enter into an agreement with the City to assure the continued standard. These common areas may be placed under the ownership of one of the following, depending which is more appropriate:

(a) Dedicated to public where a community-wide use would be anticipated.

(b) Landlord control.

(c) Landowners association, provided all of the following conditions are met:

1. The landowners association must be established prior to any sale.

2. Membership must be mandatory for each owner and any successive buyer.

3. The open space restrictions must be permanent, not for a given period of years.

4. The association must be responsible for liability insurance and the maintenance of recreational, service, and other facilities as deemed necessary by the City.

5. Landowners must pay their pro rate share of the cost and the assessment levied by the association that can become a lien on the property in accordance with Wyoming Statutes.

6. The association must be able to adjust the assessment to meet changed needs.

(14) Building Height and Setbacks.

In general, a building's setback from property adjacent to a Planned Unit District site shall approximate its height.

(15) Landscaping.

Landscaping and/or fencing shall be provided according to a plan approved by the City and shall include a detailed planting list with sizes indicated.

(16) Utilities.

All utilities, including electricity and telephone, shall be installed underground.

13-813 Flood Damage Prevention

Ordinance: Statutory Authorization, Findings of Fact, Purpose and Objectives.

A. Statutory Authorization.

The Legislature of the State of Wyoming Statute 19-5-101 et. seq. delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council of Rock Springs, Wyoming, does ordain as follows:

B. Findings of Fact.

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

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

C. Statement of Purpose.

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

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

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

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

(8) to ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

D. Methods of Reducing Flood Losses.

In order to accomplish its purpose, this Ordinance includes methods and provisions for:

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

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

(3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel flood waters;

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

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

13-813.1 Definitions.

Unless specifically defined below or in Section 13-601, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

Appeal: See Section 13-601.

Area of shallow flooding: means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

Area of special flood hazard: means the land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in any given year.

Base flood: means the flood having a one (1%) percent chance of being equaled or exceeded in any given year.

Development: See Section 13-601.

Existing manufactured home park or subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community. (Ord. No. 90-01, 4-3-90).

Expansion to an existing manufactured home park or subdivision: the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads). (Ord. No. 90-01, 4-3-90).

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

(1) the overflow of inland or tidal waters and/or

(2) the unusual and rapid accumulation or runoff of surface waters from any source.

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

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

Floodplain or flood prone area: means any land area susceptible to being inundated by water from any source (see definition of

"flooding.")

Floodproofing: means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway encroachment lines: means the lines marking the limits of floodways on the Flood Insurance Rate Map.

Highest adjacent grade: means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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

Manufactured home: See Section 13-601.

Manufactured or Mobile Home Park or Subdivision: See Section 13-601.

Mobile Home: See Section 13-601.

New Construction: for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "newconstruction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(Ord. No. 90-01, 4-3-90).

New Manufactured or Mobile Home Park or Subdivision: See Section 13-601. (Ord. No. 90-01, 4-3-90).

One hundred year flood: See "base flood."

Recreational vehicle: a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping travel, or seasonal use. (Ord. No. 90-01, 4-3-90).

Start of construction: See Section 13-601. Structure: See Section 13-601.

Substantial damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (Ord. No. 90-01, 4-3-90).

Substantial Improvement: See Section 13-601.

Variance: See Section 13-601.

13-813.2 Application of Provisions.

A. Lands to Which This Ordinance Applies. This Ordinance shall apply to all areas of special flood hazards within the Rock Springs' City Limits.

B. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City of Rock Springs, Wyoming," dated July 20, 1998, with an accompanying Flood Insurance Rate Map (FIRM), and any deletions, additions, amendments or changes thereto, are hereby adopted by reference and declared to be part of this Ordinance. The Flood Insurance Study and FIRM are on file at the City Planner's Office at the Rock Springs City

Hall. (Ord. No. 89-18, 9-19-89).

C. Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Ordinance and other applicable regulations.

D. Abrogation and Greater Restrictions.

This Ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation.

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

(1) considered as minimum requirements;

(2) deemed neither to limit nor repeal any other powers granted under State statutes.

F. Warning and disclaimer of Liability.

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

(98-09, Amended, 07/21/1998)

13-813.3 Administration.

A. Establishment of Development Permit.

A development permit shall be obtained before construction or development begins

within any area of special flood hazard established in Section 13-813.2.B. Application for a development permit shall be made on forms furnished by the Zoning Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. If the site is located in a flood plain, the following information shall also be submitted:

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

(2) Elevation in relation to mean sea level to which any structure has been or will be floodproofed;

(3) Certification by a registered professional engineer or architect, licensed in the State of Wyoming, that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 13-813.4.B.(2); and

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. No. 88-09, 6-21-88).

B. Designation of the Zoning Administrator. The Zoning Administrator is hereby appointed to administer and implement this Ordinance by granting or denying development applications in accordance with its provisions.

C. Duties and Responsibilities of the Zoning Administrator.

Duties of the Zoning Administrator shall include, but not be limited to:

(1) Permit Review.

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

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

(c) Review all development permits to determine if the proposed development is located in the floodway. If located in the

floodway, assure that the encroachment provisions of Section 13813.C.(1) are met.

(2) Use of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 13813.2.B., Basis for Establishing the Areas of Special Flood Hazard, the Zoning Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any Federal, State or other source as criteria for requiring that new construction, substantial improvements or other development in Zone A are administered in accordance with Section 13813.4.B., Specific Standards.

(3) Information to be Obtained and Maintained.

(a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.

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

1. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.

2. Maintain the floodproofing certifications required in Section 13-813.3.A.(3).

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

(4) Alteration of Watercourses.

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

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

(5) Interpretation of FIRM Boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field

conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 13-813.3.D.

D. Variance Procedure.

(1) Appeal Board.

(a) The Board of Adjustment, as established by the Zoning Ordinance, shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

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

(c) Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decisions to the District Court as provided in Wyoming Statute 15-1-609.

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

1. the danger that materials may be swept onto other lands to the injury of others;

2. the danger to life and property due to flooding or erosion damage;

3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

4. the importance of the services provided by the proposed facility to the community;

5. the necessity to the facility of a waterfront location, where applicable;

6. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. the compatibility of the proposed use with the existing and anticipated development;

8. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. the safety of access to the property in times of flood for ordinary and emergency vehicles;

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

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

(e) Upon consideration of the factors of Section 13-813.3.D.(1)(d) and the purposes of this Ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

(2) Conditions for Variances.

(a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items 1-11 in Section 13813.3.D.(1)(d) have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justifications required for issuing the variance increases.

(b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. (Ord. No. 9001, 4-3-90)

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

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

(e) Variances shall only be issued upon:

1. a showing of good and sufficient cause;

2. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 13-813.3.D.(1)(d) or conflict with existing local laws or ordinances.

(f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

13-813.4 Provisions for Flood Hazard Reduction.

A. General Standards.

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

(1) Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

(b) All manufactured or mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing frame ties to ground anchors. Over-the-top ties to ground anchors may also be provided. Specific anchoring requirements shall be according to standards provided by the City Engineer.

(2) Construction Materials and Methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

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

(c) All new construction and substantial

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

(3) Utilities.

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

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

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

(4) Subdivision Proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

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

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

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

B. Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 13-813.2.B., Basis for Establishing the Areas of Special Flood Hazard, or Section 13813.3.C.(2), Use of Other Base Flood Data, the following provisions are required:

(1) Residential Construction.

(a) New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated above the base flood elevation.

(b) Require within any AO and AH

Zone on the FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two (2) feet if no depth number is specified).

(2) Nonresidential Construction.

(a) New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated above the base flood level or, together with attendant utility and sanitary facilities shall: (Ord. No. 90-01, 4-3-90)

1. be floodproofed so that below the base flood the structure is watertight with walls substantially impermeable to the passage of water. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction and shall certify that the design methods of construction are in accordance with accepted standards of practice.

2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet the following minimum criteria.

(i) A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than one foot above grade;

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

3. be certified by a registered professional engineer or architect that the

standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 13-813.3.C.(3)(b).

(b) Require within any AO and AH Zone on the FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified); or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in Section 13-813.4.B.(2)(a).

(c) Require within Zones AO and AH adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(d) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of Section 13-813.B.(3) (b) be elevated so that either (i) the lowest floor of the manufactured home is at or above the base flood elevation, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(e) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days; (ii) meet the permit requirements of Section 13-813.A. and the elevation and anchoring requirements for "manufactured homes" in Section 13-813.4.B.(3) (b) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached

additions. (Ord No. 90-01, 4-3-90).

(f) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (Amended Ord. 2014-03, 4/15/14)

(3) Manufactured and Mobile Homes.

(a) Manufactured and Mobile Homes shall be anchored in accordance with Section 13813.4.A.(1)(b).

(b) Require that manufactured and mobile homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured or mobile home park or subdivision; (ii) in a new manufactured or mobile home park or subdivision; (iii) in an expansion to an existing manufactured or mobile home park or subdivision; or (iv) in an existing manufactured or mobile home park or subdivision on which a manufactured or mobile home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured or mobile home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement. (Ord. No. 90-01, 4-3-90).

C. Floodways.

Located within areas of special flood hazard established in Section 13-813.2.B. are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

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

(2) If Section 13-813.4.C.(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 13-813.4., Provisions for Flood Hazard Reduction.

13-814 Wireless Communications.

A. Purpose.

The purpose of this section is to establish regulations for the siting of wireless communications towers and antennas in order to: (1) protect residential areas and land uses from impacts of towers and antennas; (2) encourage location of antennas and towers in nonresidential areas; (3) encourage collocation of new and existing tower sites; and (4) minimize impacts of towers and antennas on the community.

B. Applicability

(1) The requirements set forth in this section shall apply to all applications for Wireless Communication Franchises (WCFs) as defined in Subsection C and further addressed herein.

(2) The requirements set forth in this section shall not apply to:

a. Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are exclusively receive only antennas, provided that the requirement that the height be no more than the distance from the base

of the antenna to the property line is met.

b. **Miscellaneous Antennas.** Antennas used for reception of television, multi-channel video programming and radio such as Over-the-Air Receiving Device (OTARD) antennas, television broadcast band antennas, and broadcast radio antennas. The City has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the reasonable discretion of the City, modifications are necessary to comply with federal law.

c. A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the City.

d. A temporary WCF installed for providing coverage of a special event such as a news coverage or sporting event.

e. Antennas attached to existing structures (such as commercial buildings, houses or apartments) for Internet purposes and used solely by occupants of the building for which the antennas are attached as long as the height limitations of the zoning district are not exceeded, and the antenna design is satisfactory to the City.

f. Routine maintenance and repair of WCFs.

C. Definitions.

Accessory equipment: Any equipment serving or being used in conjunction with a WCF, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Alternative tower structure: Manmade trees, clock towers, bell steeples, light poles, traffic signals, buildings, and similar alternative design mounting structures that are compatible with the natural setting and/or surrounding structures, and camouflage or conceals the presence of antennas or towers so as to make them architecturally compatible with the surrounding area. This term also includes any antenna or antenna array attached to an

alternative tower structure or a stand-alone pole (including a replacement pole) in the right-of-way that accommodates small cell facilities.

Antenna: Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services. Antennas used by amateur radio operators are excluded from this definition.

Antenna height: Vertical distance from the finished grade of the parcel at the base of the antenna support structure to the highest point on the structure, including the highest antenna.

Base station: A structure or equipment at a fixed location that enables Federal Communications Commission ("FCC") licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower. Base station includes, without limitation:

(1) Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City pursuant to this section has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and

(2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks) that, at the time the relevant application is filed with the City pursuant to this section has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the

structure was not built for the sole or primary purpose of providing such support.

Base Station does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in sub-paragraphs 1. and 2. above.

Collocation: The use of a single Antenna Support Structure by more than one wireless communications provider.

Director: The City's planning director or such person's authorized designee.

Eligible facilities request: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station involving: (i) collocation of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment.

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

Equipment Shelter: The structure in which the electronic receiving and relay equipment for a Wireless Communications Facility is housed.

Existing: A constructed tower or base station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time of an eligible facilities request, provided that a tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

Guyed tower: A tower that is supported by use of cables (guy wires) that are permanently anchored to the ground.

Lattice tower: A type of tower that is self-supporting with multiple legs and steel cross-bracing.

Monopole: A single, freestanding pole-type structure supporting one or more antennas.

Pole-mounted small cell facility: A small cell facility with antenna that are mounted and supported on an alternative

tower structure, which includes a replacement pole.

Related accessory equipment: Transmission equipment customarily used with, and incidental to WCF antennas, including by way of example, coaxial or fiber-optic cable, regular and backup power supply and remote radio units.

Replacement pole: A newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or street light pole or other similar structure of proportions and of equal height or such other height that would not constitute a substantial change to a pre-existing pole or structure in order to support a WCF or small cell facility or to accommodate collocation and remove the pre-existing pole or structure.

Right-of-way: As used within this section, the area on, below, or above a roadway, highway, street, sidewalk, alley, utility easement, or similar property, but not including a federal interstate highway, in the City.

Site: The area comprising the base of the structure and other related accessory equipment deployed on the ground.

Small cell facility: A WCF that meets each of the following conditions:

- (1) The structure on which antenna facilities are mounted –
 - a. Is 50 feet or less in height, or
 - b. Is no more than 10 percent taller than other adjacent structures, or
 - c. Is not extended to a height of more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
- (2) Each antenna (excluding associated antenna equipment) are cumulatively no more than three cubic feet in volume; and
- (3) All antenna equipment associated with the WCF (excluding antennas) are cumulatively no more than 28 cubic feet in volume; and
- (4) The WCF does not require antenna structure registration under 47 CFR Part 17; and

(5) The WCF is not located on Tribal lands, as defined under 36 CFR § 800.16(x); and

(6) The WCF does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).

Substantial change: A modification that substantially changes the physical dimensions of an eligible support structure, which meets any of the following criteria:

(1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(2) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

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

(4) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any

new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(5) It entails any excavation or deployment outside the current wireless communications facility site;

(6) It would defeat the concealment elements of the eligible support structure; or

(7) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in (1)-(4) above.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for wireless communications facilities including self-supporting lattice towers, guyed towers or monopole towers. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, wireless communications towers, alternative tower structures and any tower support.

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

Utility pole: A pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for

telecommunications, cable or electric service, or for lighting. Such term shall not include structures supporting only wireless facilities.

Wireless communications services: Any services, whether at a fixed location or mobile, provided to the public using wireless facilities.

Wireless communications facility ("WCF"): Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small cell facilities. The term does not include the structure or improvements on, under, or within which the equipment is collocated. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code.

Wireless infrastructure provider: Any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures, but that is not a wireless services provider.

Wireless provider: A wireless infrastructure provider or a wireless services provider.

Wireless services: Any services, whether at a fixed location or mobile, provided to the public using wireless facilities.

Wireless services provider: A person or entity who provides wireless services.

D. Operational Standards

(1) Federal requirements. All WCFs shall meet the current standards and regulations of the Federal Aviation

Authority ("FAA"), the FCC and any other agency of the federal government with the authority to regulate WCFs.

(2) Signal interference. All WCFs shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and nonresidential properties; nor shall any such facilities interfere with any public safety communications.

(3) Operation and maintenance. To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the City concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have thirty (30) days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the City's building official may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the City may remove such WCF at the owner's expense.

(4) Discontinuance of Use

(a) Providers planning to discontinue utilizing WCF(s) shall provide written notification to the City Planner. Said notification shall include contact name and phone number for the party responsible for the WCF(s) and the date of discontinuance.

(b) Discontinued use of WCF(s) for more than 180 days following notice shall result in the WCF(s) being officially designated as abandoned. The City Planner shall notify the owner/operator of said abandoned designation in writing. The owner/operator shall have 180 days from the date of the City Planner's notice of abandoned designation to dismantle or reactivate the WCF(s).

(c) Failure to dismantle/

reactivate the WCF(s) within 180 days of the date of notice of abandoned designation shall be grounds for the City to dismantle the WCF(s). The City may assess costs associated with dismantling the WCF(s) to the owner/operator or other responsible party.

E. Design Standards

The requirements set forth in this section shall apply to the location and design of all WCFs governed by this section; provided, however, that the Director may waive these requirements if it determines that the goals of this section are better served thereby. To that end, WCFs shall be designed and located to minimize the impact on the surrounding neighborhood and to maintain the character and appearance of the City, consistent with other applicable provisions of the City's ordinances.

(1) General Requirements. The following requirements shall be met by all WCFs:

a. Collocation.

i. Applicants

requesting permission to install a new tower or alternative tower structure not in the public ROW shall provide an exhibit showing all existing towers located within 1500 feet of the proposed new tower facility. The applicant shall inquire about potential collocation at all technically feasible locations within the 1500 feet radius and shall provide written proof of said inquiries, as well as responses received. This provision shall not apply to small cell facilities or towers or alternative support structures for small cell facilities.

ii. Excluding

alternative tower structures, monopoles, replacement poles, or utility poles for small cell facilities, WCFs shall be designed and constructed to permit the facility to accommodate WCFs from at least two wireless service providers on the same WCF unless the City approves an alternative design to the extent such design is reasonably feasible based upon construction, engineering and design standards. No WCF owner or operator shall unreasonably exclude a telecommunications competitor

from using the same facility or location. Upon request by the City, the owner or operator shall provide evidence demonstrating why collocation is not possible at a particular facility or site.

b. Site Design.

i. Each WCF and its appurtenances shall be completely contained within a single recorded property boundary, lot or tract.

ii. WCFs shall not negatively impact other ROW uses, such as underground utilities, site lines, pedestrian and bicycle access, or create a roadside hazard, as determined by the City.

c. Setbacks. The following minimum setbacks shall apply to all WCFs and related accessory equipment. A WCF shall meet the greater of the following minimum setbacks from all property lines:

i. For WCFs located outside of the ROW:

1. The setback for a principal building within the applicable zoning district.

2. Twenty-five percent (25%) of the WCF height.

3. The Tower height, including antennas, if the Tower is in or adjacent to a residential district.

ii. For WCFs located inside of the ROW. WCFs shall meet all setback requirements set forth in the WYDOT Roadway Design Manual, or the AASHTO Roadside Design Guide. For facilities using existing structures or poles in ROW, such set back requirements shall apply only to the extent technically feasible.

d. Advertising. No advertising shall be permitted anywhere on the WCF other than identification signage.

e. Lighting. WCFs shall not be artificially lit, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on an Alternative Tower Structure such as a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the

surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light trespass on surrounding properties, particularly residences. Security lighting around the equipment shelter shall be permitted.

f. Security. "No trespassing" signs shall be posted around the facility with a contact telephone number for emergencies.

g. Access roadway. The access roadway to the WCF shall be paved with asphalt or concrete unless the WCF is an accessory use. WCFs that are accessory uses may have unpaved, gravel access roadways, provided the access to the facility is via a private, paved surface (not directly onto a public street).

h. Adjacent to single family residential uses. WCFs shall be sited in a manner that considers the proximity of the facility to residential structures and residential district boundaries. When placed by residential property, the WCF shall be placed adjacent to the common side yard property line between adjoining residential properties, such that the WCF minimizes visual impacts equitably among adjacent properties. In the case of a corner lot, the WCF may be placed adjacent to the common side yard property line between adjoining residential properties, or on the corner formed by two intersecting streets. If these requirements are not reasonably feasible from a construction, engineering or design perspective, the applicant may submit a written statement to the director requesting the WCF be exempt from these requirements.

i. WCFs as Accessory Uses. WCFs shall be permitted as an accessory use on a site, provided:

i. The WCF complies with this Chapter.

ii. The existing use on the property is a permitted, conditionally permitted or lawful nonconforming use.

iii. Placement of the WCF shall not require the addition of an access drive onto a public street.

iv. Vehicular access to

the WCF shall not interfere with existing parking or vehicular circulation on the site.

j. Hazardous Materials. No hazardous materials shall be permitted in association with WCFs, except those necessary for the operation of the WCF and only in accordance with all applicable laws governing such materials.

(2) Specific Design Requirements. Additional design requirements shall be applicable to the various types of WCFs as specified below:

a. Base stations.

i. If WCF is installed on a structure other than a tower, alternative tower structure or pole, such as a base station (including, but not limited to the antennas and accessory equipment), it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible, including for example, without limitation, painting the antennas and accessory equipment to match the structure.

ii. The maximum height of a WCF shall not exceed 20 feet or 20% of the existing base station, whichever is greater.

iii. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be limited to 6 feet.

iv. Roof-mounted Antennas

1. Roof-mounted whip antennas shall extend no more than twelve (12) feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;

2. Roof-mounted panel antennas shall extend no more than ten (10) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and

3. Other roof-mounted transmission equipment shall extend no more than seven (7) feet above any parapet of a flat roof upon which they

may be placed, and shall not be permitted on a sloped roof.

v. Wall mounted WCFs shall not extend above the roofline unless mounted to a penthouse.

vi. Any ground-mounted equipment shall be located, based upon the reasonable discretion of the City, in a manner necessary to address both public safety and aesthetic concerns.

vii. WCFs shall not be permitted on properties designated as single-use residential property.

b. Alternative tower structures and small cell facilities located outside of the public ROW:

i. Shall be designed and constructed to look like a building, facility, or structure typically found in the area.

ii. Be camouflaged/concealed consistent with other existing natural or manmade features in the immediate proximity of the location where the alternative tower structure will be located.

iii. Height or size of the proposed alternative tower structure or small cell facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of 60 feet for alternative tower structures and 50 feet for small cell facilities.

iv. Shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries.

v. Shall take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses.

vi. Shall be compatible with the surrounding topography, tree coverage, and foliage.

vii. Shall be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

viii. Visual impacts of the proposed ingress and egress shall be minimized.

c. Alternative tower structures and small cell facilities located in the right-of-

way

i. Any new pole for an alternative tower structure, replacement pole, utility pole or small cell facility shall not exceed the greater of (i) ten feet in height above the tallest existing utility pole in place as of the effective date of this Chapter located within 500 feet of the new pole in the same ROW; or (ii) 50 feet above ground level.

ii. Any new pole for an alternative tower structure, replacement pole, utility pole or small cell facility shall be separated from any other existing WCF facility by a distance of at least 200 feet, unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the Director.

iii. Shall be the color for the antenna and related equipment that is consistent with or most blends into the alternative tower structure, utility pole or alternative support structure on which they are installed, unless a different color is needed for public safety or service reliability reasons.

iv. Shall to the extent feasible, be consistent with the size and shape of pole-mounted equipment installed by communications companies on utility poles near the alternative tower structure.

v. Shall when located near a residential property, be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the facility must be placed in front of the common side yard property line adjoining residential properties, or on the corner formed by two intersecting streets.

vi. Shall be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered.

vii. Facility antennas, mast arms, equipment, and other facilities shall be sized to minimize visual clutter.

viii. Shall not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the

right-of-way and shall comply with the federal Americans with Disabilities Act and all applicable local, state, and federal law and regulations.

d. Towers

i. Towers shall be painted a non-contrasting gray or similar color to minimize visibility unless otherwise required by the FCC or FCC. Applicants shall utilize alternative design structures in order to minimize impacts of new towers on existing viewsheds wherever feasible.

ii. Monopole support structures shall taper from the base to the tip.

iii. All towers, excluding alternative tower structures in right-of-way, shall be enclosed by security fencing or wall at least six feet in height and shall also be equipped with an appropriate anti-climbing device.

No security fencing or any portion thereof shall consist of barbed wire or chain link material.

iv. Towers shall be subject to the maximum height restrictions as follows:

1. I-2: 200 feet
2. I-1: 150 feet
3. B-2: 75 feet
4. R-1, R-2, R-3 and B-1: 60 feet
5. R-4, R-5 and R-6: 75 feet
6. O-1: 60 feet

v. For towers located in residential zones, the applicant shall provide written notice to all property owners located within 200 feet of the boundaries of the property where the proposed WCF will be located.

vi. Towers should be sited in a manner that is least obtrusive to residential structures and residential district boundaries where feasible.

vii. Towers shall be a minimum distance of the height of the tower from any residential zoned districts.

viii. Visual impacts of the proposed ingress and egress shall be minimized.

ix. Towers over 40 feet in height shall not be located within one-quarter mile from any existing tower that is

over 40 feet in height, unless the applicant has shown to the satisfaction of the City that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.

x. Towers shall not be permitted in Central Business District (B-3), Business Residential District (B-R) or Rural Estate District (RE).

e. Related accessory equipment. Accessory equipment for all WCFs shall meet the following requirements:

i. All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible;

ii. The total footprint coverage area of the WCFs accessory equipment shall not exceed 500 square feet;

iii. No related accessory equipment or accessory structure shall exceed 12 feet in height;

iv. Accessory equipment shall meet the minimum setbacks from the property lines associated with the zoning district excluding Accessory equipment for WCFs in the public ROW; and

v. Accessory equipment, including but not limited too remote radio units, shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the accessory equipment shall be camouflaged or concealed.

F. Review procedures and requirements.

(1) No new WCF shall be constructed and no collocation or modification to any WCF may occur except after a written request from an applicant, reviewed and approved by the City in accordance with this Chapter. All WCFs shall be reviewed pursuant to the following procedures:

a) Administrative Review

i. In all zoning districts, each application for any base station, eligible facility request, alternative tower structure or small cell facility shall be reviewed and considered for approval by the

Director for conformance with this Chapter.

ii. In industrial, commercial and business districts, each application for a tower shall be reviewed and considered for approval by the Director for conformance with this Chapter.

iii. Applicants may appeal the Director's decision by submitting a written notice of appeal to the Mayor within ten (10) calendar days from the date of the Director's decision. The notice of appeal must specifically set forth the grounds for appeal and include all documentation the applicant deems relevant.

iv. The Mayor shall within ten (10) business days of receipt of the notice of appeal and review of all documentation submitted by the applicant and the Director's decision issue a final decision which may affirm, overturn or modify the Director's decision.

b) Conditional Use Permit

i. For new towers in residential and open space districts, the applicant shall be required to file an application for a conditional use permit and follow the procedures set forth in Chapter 13-905.

c) Historic review. Any application to locate a WCF on a building or structure certified by the Certified Local Governance (CLG) Committee as Historic shall be reviewed by the CLG. Said committee's recommendations will be provided to the Planning & Commission.

(2) Submittal requirements. In addition to an application form and payment of all application and review fees, as established by resolution of City council, each applicant shall submit a scaled site plan, photo simulation, scaled elevation view and other supporting drawings, calculations, and other documentation showing the location and dimension of all improvements, including information concerning topography, radio frequency coverage, tower height, setbacks, drives, parking, fencing, landscaping, adjacent uses, drainage, and other information deemed by the Director to be necessary to assess compliance with this Chapter. Documents requiring signatures

and seals by appropriate qualified professionals shall be provided by applicant after approval of the application by the Director.

(3) Review procedures for eligible facilities requests.

a) Application. In all zoning districts, eligible facilities requests shall be considered a use by right subject to administrative review. The City shall prepare, and make publicly available, an application form which shall be limited to the information necessary for the City to consider whether an application is an eligible facilities request. Such information may include, without limitation, whether the request:

i. Would result in a substantial change; or

ii. Violate a generally applicable law, regulations, or other rule codifying objective standards reasonably related to public health and safety. The application may not require the applicant to demonstrate a need or business case for the proposed modification or colocation.

b) Type of review. Upon receipt of an application for an eligible facilities request pursuant to this Chapter, the director shall review such application to determine whether the application so qualifies.

c) Timeframe for review. Subject to the tolling provisions of subparagraph d. below, within 60 days of the date on which an applicant submits an application seeking approval under this Chapter, the City shall approve the application unless it determines that the application is not covered by this subsection.

d) Tolling of the timeframe for review. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the City and the applicant, or in cases where the director determines that the application is incomplete:

i. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 days of receipt of the application,

specifically delineating all missing documents or information required in the application;

ii. The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and

iii. Following a supplemental submission, the City will notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d)(1). In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.

e) Failure to act. In the event the City fails to act on a request seeking approval for an eligible facilities request under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(4) Review of Small Cell Facility Applications.

a) Application. In all zoning districts, small cell facilities shall be considered a use by right subject to administrative review. The City shall prepare, and make publicly available, an application form.

b) Timeframe for Review. All applications shall be processed on a nondiscriminatory basis, and the City shall approve or deny an application for: (i) collocation of Small Cell Facility on an existing structure within 60 days of receipt of the application, or (ii) within 90 days for applications to deploy a Small Cell Facility using a new structure.

c) Tolling of the timeframe for

review. The review periods begin to run when the application is filed, and may be tolled only by mutual agreement of the City and the applicant, or in cases where the director determines that the application is incomplete:

i. Within ten days of receiving an initial application, the City will determine and notify the applicant whether the application is materially complete.

ii. If an application is materially incomplete, the City will specifically identify the missing documents or information, and the specific rule or regulation creating the obligation to submit such documents or information.

iii. The shot clock set forth in subsection (b) shall restart at zero on the date which the applicant submits all the documents and information identified by the City to make the application complete. If the applicant's supplemental submission fails to make the application complete, and the City notifies the applicant within 10 days of the supplemental submission and clearly and specifically identifies the missing documents or information, the applicable shot clock set forth in subsection (b) shall be tolled until the applicant provides the missing documents and information. The shot clock resumes (the date calculation does not restart) to run on the date when the applicant submits all the documents and information identified by the City to render the application complete.

d) Failure to Act. If the City fails to issue a decision on an application for a Small Wireless Facility within the required time periods set forth in this section, it shall constitute a "failure to act" within the meaning of 47 U.S.C. § 332(c)(7)(B).

e) Denial. A City may deny a proposed small wireless facility only if the proposed application:

i. Materially interferes with the safe operation of traffic control equipment.

ii. Materially interferes with sight lines or clear zones for transportation or pedestrians.

iii. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.

iv. Fails to comply with reasonable and nondiscriminatory spacing requirements that apply to other communications service providers and electric utilities in the ROW and that concern the location of ground-mounted equipment and new alternative tower structures. Such spacing requirements shall not prevent a small wireless facility from serving any location.

v. Fails to comply with applicable codes.

vi. Fails to comply with the requirements in this Chapter.

f) The City must document the basis for a denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant on or before the day the City denies an application. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days of the denial without paying an additional application fee. The City shall approve or deny the revised application within 30 days. Any subsequent review shall be limited to the deficiencies cited in the denial.

(5) Review Procedure for WCFs excluding Small Wireless Facilities and Eligible Facilities Requests

a) Application. The City shall prepare, and make publicly available, an application form for WCFs.

b) Timeframe for Review. All applications shall be processed on a nondiscriminatory basis, and the City shall approve or deny an application for: (i) collocation of WCF within 90 days of receipt of the application, or (ii) new WCFs within 150 of recent of the application. Upon receipt of an application for a request pursuant to this section, the City shall review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.

c) Tolling of the timeframe for review. The review periods begin to run when the application is filed, and may be tolled only by mutual agreement of the City and the applicant, or in cases where the director determines that the application is incomplete:

i. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.

ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.

iii. Following a supplemental submission, the City will notify the applicant within 10 days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

d) Failure to Act. In the event the City fails to approve or deny a complete application under this section within the timeframe for review (accounting for any tolling), the applicant shall be entitled to pursue all remedies under applicable law.

(6) Decision. Any decision to approve, approve with conditions, or deny an application for a WCF, shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision. (Ord. 2019-15, Rev. 11/5/19)

13-815 General Building and Performance Requirements.

A. Purpose.

The purpose of this Section of the Zoning Ordinance is to establish general

development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community.

B. Screening.

(1) High Density and Manufactured Home Developments.

(a) All R-5 Districts' principal and accessory uses (except signs) which are situated on a parcel which abuts a Residential District other than R-5 or R-6 uses shall be screened from such District by an approved wall or fence not less than six (6) feet in height above the level of the adjacent property at the District boundary. Walls or fences of lesser heights or planting screens may be permitted by the City if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote the use and enjoyment of the properties within the adjacent Residential District, or there is a finding that a screening of the type required by this Ordinance would interfere with the provisions of adequate amounts of light and air to same said properties. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous or less opaque than when originally constructed.

(b) Exception. This provision shall not apply when the apartment development is adjacent to an already existing non-residential use (i.e. school, church) in a Residential District. Such exception to the screening requirement shall only be allowed along that property line between the apartment development and the non-residential land use.

(c) Timing of Installation. It shall be the responsibility of the developer of the R-5 or R-6 property requiring screening to install said screening prior to issuance of the Occupancy Permit and/or commencement of the R-5 or R-6 use. Screening shall be installed whether or not the adjacent

residential property is developed. (Ord. No. 09-05, 2-3-2009).

(2) Business and Industrial Development.

(a) All principal and accessory uses (except signs) which are situated on a parcel which abuts a Residential District shall be screened from such District by an approved wall or fence not less than six (6) feet in height above the level of the Residential property at the District boundary. Walls or fences of lesser heights or planting screens may be permitted by the City if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote the use and enjoyment of the properties within the adjacent Residential District, or there is a finding that a screening of the type required by this Ordinance would interfere with the provisions of adequate amounts of light and air to same said properties. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site, and they shall be properly maintained so as not to become unsightly, hazardous or less opaque than when originally constructed.

(b) Timing of Installation: It shall be the responsibility of the developer of the Business or Industrial property requiring screening to install said screening prior to issuance of the Occupancy Permit and/or commencement of the use. Screening shall be installed whether or not the adjacent residential property is developed. (Ord. No. 09-05, 2-3-2009).

C. Landscaping Requirements.

(1) Generally.

Landscaping requirements as set forth in this Ordinance have been established to encourage quality development within the City; to provide a smooth transition between adjoining properties; to screen service yards, parking lots and other areas which tend to be unsightly; to facilitate the buffering of one land use from other land uses; to encourage harmonious relationships between buildings which are part of one development and among buildings located on abutting properties; to provide open space and

recreational areas to serve the needs of the residents of the City; to soften the effect of development; to improve erosion and storm water runoff control; to reduce the particulate matter in the air; to encourage a sense of commitment to the City and its residents on the part of developers; and to provide for the health, safety and general welfare of the residents of the City.

(2) Definition.

Landscaping for purposes of this Ordinance shall be defined as including any or all of the following: lawn or grass areas; trees, shrubs, ground cover or other plantings; decorative rock, natural or manmade; decorative lighting benches, tables, fountains, planters or other similar outdoor furniture; decorative fences; detention and retention ponds; waterfalls and man-made streams. (Ord. No. 09-05, 2-3-2009).

(3) Landscaping Plan.

A landscaping plan shall be submitted in conjunction with any required site plan. Generally, front, corner side, and side yard areas shall be landscaped. All exposed ground areas surrounding or within a principal or accessory use, including street right-of-way, parking lots and sidewalks, shall be landscaped.

Areas of a site allocated to landscaping shall be located on that site in such a way as to provide substantial benefit to the general public as well as to the site itself.

A mixture of organic and inorganic materials may be used for landscaping.

The landscaping plan shall be reviewed and approved by the City Planner, and at the discretion of the City Planner, may be placed before the Planning and Zoning Commission for review and approval.

(4) Minimum Landscaping.

(a) Multi-family (except townhouses), apartment, condominium and business developments: All areas not used for buildings, parking, drives or other impervious materials or used for storage of materials shall be landscaped according to an approved landscape plan. For townhouses, landscaping shall be required only in the front yards, side yards and

unpaved rights-of-way.

(b) Industrial Developments: Exempt.

(5) Installation Prior to Occupancy Permit. All landscaping materials and equipment as provided for on an approved landscape plan shall be installed prior to the issuance of an occupancy permit, unless a financial guarantee in the amount of 150% of the cost of the materials and labor is submitted to the City. The financial guarantee shall be released upon completion of the required landscaping. Said guarantee shall include a signed cost estimate from the contractor contracted to perform the landscaping work along with a reasonable timeline for completion. In no case shall the timeline exceed 9 months from the date of the Occupancy Permit. The financial guarantee shall be released upon installation of the required landscaping. If the contractor fails to perform the work within the designated timeframe, the City may utilize the financial guarantee to cause the work to be performed. (Ord. No. 09-05, 2-3-09)

(6) Maintenance.

All landscaped areas shall be kept neat, clean and uncluttered. Landscaped areas shall not be used for parking of vehicles or the storage or display of materials, supplies or merchandise.

D. Dwelling Unit Restrictions.

No cellar, garage, tent, trailer, basement with unfinished structure above, residential storage shed, greenhouse, or portable storage container shall at any time be used as a dwelling unit. The basement portion of a finished home may be used for normal living, eating, and sleeping purposes, provided it is properly damp-proofed and has suitable fire protection and exits. Recreational vehicles, campers, and fifth wheels may only be used as dwelling units in approved Zoning Districts. (Amended Ord. 2014-03, 4/15/14)

E. Accessory Buildings, Uses and Equipment.

(1) An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.

(2) No accessory building shall be erected or located in any front yard. (Ord. No. 89-20, 19-9-89; Ord. No. 92-17, 7-7-92).

(3) Accessory buildings and garages shall not be located within a utility easement. (Ord. No. 89-20, 9-19-89, Ord. No. 09-05, 2-3-2009; Ord. 2012-01, 3/20/12).

(4) No residential accessory building or garage shall exceed 1200 square feet of floor area unless granted a conditional use permit. (Ord. No. 89-20, 9-19-89; Ord. No. 92-17, 7-7-92).

(5) No permit shall be issued for the construction of any number or type of accessory buildings with a maximum total combined square footage of 1200 square feet. If total combined square footage is over 1200 square feet, a conditional use permit shall be required prior to obtaining a building permit. (Ord. No. 01-12, 12/04/01; Ord. 2014-10, 10/7/14).

(6) No accessory building or use shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is accessory, except by Conditional Use Permit.

(7) No accessory building in any District shall exceed the height of the principal building except by Conditional Use Permit. Said permit shall be issued by the Zoning Administrator, with such conditions as are deemed necessary to protect the health, safety, and welfare of the community and surrounding neighborhood and pursuant to first notifying neighboring properties located within 200 feet. The adjacent property owner notification shall be made within 5 working days of receipt of a complete application. The permit determination shall be made no sooner than 10 calendar days following property owner notification and shall include such conditions as are deemed necessary to protect the health, safety, and welfare of the community and surrounding neighborhood. The decision of the Zoning Administrator may be appealed to the Planning & Zoning Commission via written request submitted within 10 working days of the permit

determination. (Ord. No. .09-05, 2-3-2009; Amended Ord. 2011-02, 3/1/11).

(8) Residential accessory buildings exceeding 200 square feet in size shall be separated from the principal building by a minimum distance of 6 feet as measured from the building line, and shall be separated from one another by a minimum distance of 6 feet. Non-Residential accessory buildings exceeding 120 square feet in size shall be separated from the principal building by a minimum distance of 6 feet, as measured from the building line, and shall be separated from one another by a minimum distance of 6 feet. (Ord. No. 03-11, 7-1-03, Ord. No. 09-05, 2-3-2009)

(9) Corner yard setbacks may be reduced to 3' for accessory structures not exceeding 200 square feet on corner lots in which a 6 foot fence is installed and permitted in accordance with Section 13-815.F(4)(e) of this ordinance, or in which a legally non-conforming fence is established within the corner yard.

(10) Accessory structures in any District shall not be located in required parking, landscaping, open space, recreation or other required areas except by Conditional Use Permit. (Ord. No. 09-05, 2-3-2009)

F. Fences.

(1) Permit Required. No persons, firm or corporation, except on a farm and related to farming, shall hereafter construct, or cause to be constructed or erected within the City of Rock Springs, any fence without first making an application for and securing a building permit.

(2) Locations. All fences shall be located entirely upon the private property of the persons, firms or corporation constructing, or causing the construction, of such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. The Zoning Enforcement Officer may require an applicant for a fence permit to establish the boundary lines of his property by a survey thereof to be made by any Registered Land Surveyor.

(3) Construction, Maintenance and Height Measurement.

(a) Construction and Maintenance. Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, or constitute a nuisance, public or private. Any such fence which is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect is a public nuisance, and the Zoning Enforcement Officer shall commence proper proceedings for the abatement thereof.

Link, or wire, fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top except in industrial districts and shall be constructed of at least eleven (11) gauge or equal.

(b) Measuring Fence Height. The height of any fence shall be calculated to the uppermost point as follows:

1. In required yards abutting a street the height of the fence shall be the total effective height measured from the finished grade on the side nearest the street.

2. In other required yards, the height of the fence shall be the total effective height above the finished grade measured on the side nearest the abutting property.

3. On property lines the height may be measured from the finished grade of either side when the abutting property owners are in joint agreement, with such agreement submitted in writing.

(4) In all parts of Rock Springs zoned residential and not a ranch, no fence shall be erected or maintained more than six (6) feet in height, and also:

(a) The following requirements shall apply to fences and walls constructed within a required residential front yard: 1) fences and walls shall not exceed a height of 3 feet; 2) there shall be no transparency requirements for fences or walls constructed

along the side lot line; 3) fences or walls constructed along the front lot line shall be fifty (50%) percent transparent when viewing from a perpendicular angle. (Ord. No. 86-11, 8-5-86).

Note: Generally chain link fences and two-rail fences are seventy to ninety (70-90) percent transparent. (Ord. No. 09-05, 2-3-2009).

(b) Fences, walls, or hedges exceeding the requirements of Section 13-815.F.(4)(a) which are erected in any side yard and which run parallel or approximately parallel to the front line of a building or manufactured home shall not extend beyond the front line of the building or manufactured home. (Ord. No. 87-28, 12-1-87).

(c) On corner lots in all districts, no fence or planting in excess of thirty (30) inches above the street center line grade shall be permitted within a triangular area defined as follows: beginning at the intersection of the projected curbing lines of two intersecting streets, thence forty (40) feet along one curb line, thence diagonally to a point forty (40) feet from the point of beginning on the other curb line, thence to the point of beginning.

(d) In those instances where a fence is erected as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other such means of recognizable ingress shall be unobstructed and a minimum of three (3) feet in width. The location of such ingress points shall be positioned at any point paralleling the front lot line between the side lot property line and the principal structure.

(e) In corner side yards, fences up to six (6) feet in height may be permitted provided that no fence may be built in a corner side yard that is adjacent to a neighboring front yard unless it meets the front yard fencing requirements of Section 13-815.F.(4)(a) and (b). (Ord. No. 87-28, 12-1-87).

(5) Business and Industrial District Fences. Fences in all Commercial and Industrial Districts shall not exceed ten (10) feet in height except that Boundary Line Fences abutting Residential Districts shall

not be greater than six (6) feet in height. Barbed wire fences shall be permitted in Business and Industrial Districts. (Ord. No. 89-20, 9-19-89).

(6) Special Purpose Fences. Fences for special purposes and fences differing in construction, height or length may be permitted in any district in the City of Rock Springs by issuance of Conditional Use Permit approved by the Zoning Administrator, pursuant to first notifying property owners located within 200' of the Special Purpose Fence property and making findings that the fence is necessary to protect, buffer, or improve the premises for which the fence is intended. The Zoning Administrator shall notify adjacent property owners within 5 working days of receipt of a complete application. The determination of the Zoning Administrator shall be made no sooner than 10 calendar days following notification of adjacent property owners, said decision may be appealed to the Planning and Zoning Commission by letter filed within 10 working days of the permit determination. (Amended Ord. 2011-02, 3/1/11)

(7) In all districts, any fence so constructed as to have only one "finished side," which shall be defined as not having its supporting members significantly visible, shall be erected such that the "finished side" of the fence is exposed to the adjacent property, with the exception of the following situations:

(a) Where adjoining lots share a common side lot line, the "finished side" requirement shall be waived along the common side lot line between the front building line and the rear lot line.

(b) Where adjoining lots share a common rear lot line, the "finished side" requirement shall be waived along the entire length of the common rear lot line.

(c) Where corner lots share a common side or rear lot line with adjoining lots, the "finished side" requirement shall be waived along the common side and rear lot lines but not to extend past the building lines of the adjacent interior lots. (Ord. No. 90-11, 1-15-91).

G. Retaining Walls.

(1) Locations. All retaining walls shall be located entirely upon the private property of the persons, firms or corporation constructing, or causing the construction of, such retaining wall unless the owner of the property adjoining agrees, in writing, that such retaining wall may be erected on the division line of the respective properties. The Zoning Administrator may require an applicant for a retaining wall permit to establish the boundary lines of his property by a survey thereof to be made by any Registered Land Surveyor. (Ord. No. 89-20, 9-19-89; Ord. 2012-01, 3/20/12).

(2) Permit Required. No person shall erect a retaining wall without first obtaining a Zoning or Building Permit, dependent upon height of the wall (see section 13-908.A(2), from the City of Rock Springs. (Ord. 2012-01, 3/20/12)

(3) Construction and Maintenance. Every retaining wall shall be constructed in conformance with applicable Building Codes in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the retaining wall is proposed to be used. Every retaining wall shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such retaining wall which is, or has become, dangerous to the public safety, health or welfare, is a public nuisance, and the Zoning Enforcement Officer shall commence proper proceedings for the abatement thereof. (Ord. No. 89-20, 9-19-89).

(4) Maintenance Easements. In any instance where a retaining wall is constructed within four (4) feet of a rear or interior side lot line, using materials other than concrete or masonry, the property owner shall be required to obtain an easement from the adjoining land owner allowing access for maintenance of the retaining wall. Such easement shall be presented to the Zoning Enforcement Officer for his inspection prior to issuance of the necessary, building permit showing

proof of recordation with the County Clerk. (Ord. No. 89-20, 9-19-89).

H. Setback and Height Encroachments, Limitations and Exceptions

The following shall be considered as permitted encroachments on setback and height requirements except as hereinafter provided:

(1) In Any Yards

(a) In Any Yards The Following Are Permitted With No Required Setback From Property Lines:

Posts, driveways and parking areas, sidewalks and steps on grade, flag poles, ornamental features, signs, fire escapes, fences, yard lights and nameplate signs in residential districts, trees, shrubs, plants, flood lights or loading areas or authorized illuminated signs.

(b) In Any Yards The Following Are Permitted With A Minimum Setback Of Three (3) Feet From Property Lines:

Eaves, gutters, awnings.

(2) In Front Yards:

(a) In Front Yards The Following May Project No More Than Ten (10) Feet Into The Required Front Yard Setback:

Uncovered porches or decks not to extend above the height of the ground floor of the principal structure.

(3) In Side and Rear Yards:

(a) In Interior Side and Rear Yards, The Following Are Permitted With No Required Setback From Property Lines:

Recreational equipment and picnic tables, apparatus needed for the operation of active and passive solar energy systems.

(b) In Interior Side Yards And Rear Yards The Following Are Permitted With A Minimum Setback of Three (3) Feet From Property Lines:

Accessory utility or storage structures, detached garages.

(c) In Side Yards, Chimneys May Project Two Feet Provided The Width Of Any Side Yard Is Not Reduced To Less Than Four Feet.

(d) In Interior Side Yards And Rear Yards The Following Are Permitted With A Minimum Setback of Five Feet From Property Lines:

Balconies or uncovered decks above grade.

(e) In Interior Side Yards, attached or detached carports are permitted with a minimum setback of three (3) feet from the property line, with roof height not to exceed height of the house and designed to drain away from the adjacent property.

(f) In Corner Side Yards, attached carports are permitted only by Conditional Use Permit approval, with roof height not to exceed the height of the house, and designed to drain away from the adjacent property.

(4) In Rear Yards The Following Are Permitted With A Minimum Setback Of Three Feet From Property Lines:

Accessory utility or storage structures, detached garages.

(5) Height: Height limitations shall not apply to barns, silos, and other structures on ranches; to church spires, belfries, cupolas and domes; monuments; chimneys and smokestacks; flag poles; public and private utility facilities; transmission towers of commercial and private radio broadcasting stations; television antennae; parapet walls extending no more than four (4) feet above the limiting height of the building except as hereinafter provided; and solar energy collectors and equipment used for the mounting or operation of such collectors. (Ord. No. 87-28, 12-1-87; Ord. No. 92-17, 7-7-92).

I. Off-Street Parking Requirements.

(1) General Provisions.

(a) Floor Area. The term "floor area," for the purpose of calculating the number of off-street parking spaces required, shall be determined on the basis of the exterior area dimensions of the building, structure or use times the number of floors, minus ten (10) percent, except as may hereinafter be provided or modified.

(b) Non-Conforming Structures. Should a non-conforming structure or use be damaged or destroyed, it may be re-established except that in doing so, any off-street parking or loading space which existed before shall be retained and expanded as necessary to comply with standards herein and subject to the

requirements of Section 13-815.P.

(c) Change of Use or Occupancy of Buildings. Any change of use or occupancy of any building or buildings including additions thereto requiring more parking shall not be permitted until there are furnished such additional parking spaces as required by this Ordinance.

(d) Parking Accessory to a Residential Use. Off-street parking facilities accessory to residential use shall be utilized solely for the parking of licensed and operable passenger automobiles; no more than one (1) truck not to exceed gross capacity of twelve thousand (12,000) pounds; and recreational vehicles and equipment. Under no circumstances shall required parking facilities accessory to a residential structure be used for storage of commercial vehicles or equipment or for the parking of automobiles belonging to the employees, owners, tenants, or customers of business or manufacturing establishments.

(Amended Ord. 2011-11, 11/1/11)

(2) Stall, Aisle and Driveway Design.

(a) Parking Dimensions. The following shall be the minimum parking space dimensions:

<u>Angle</u>	<u>Width*</u>	<u>Length</u>	<u>Aisle Width</u>
90 degrees	9'	20'	25'**
60 degrees	9'	20'	20'
45 degrees	9'	20'	15'***

*as measured by a line perpendicular to the stall line at a point on the outside end of the stall, except when the stall is on the inside edge of a curve, in which case the point of measurement shall be on the inside end of the stall.

**Minimum drive aisle width for 2-way traffic = 25', unless needed for a Fire Lane, in which case the minimum width is 26 feet.

*** Except where needed as a fire lane in which case a 20' minimum is required. (Amended Ord. 2011-02, 3/1/11)

(b) Within Structures. The off-street parking requirements may be furnished by providing spaces so designed within the

principal building or structure attached thereto; however, unless provisions are made, no building permit shall be used to convert said parking structures into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this Ordinance.

(c) Circulation Between Bays. Except in the case of single, two-family, townhouse, three-family and four-family dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of single, two-family, townhouse, three-family and four-family dwellings, parking area design which requires backing into the public street is prohibited.

(d) Preserving Off-Site Parking. When required accessory off-street parking facilities are provided elsewhere than on the lot with the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, the owner of the principal use shall file a recordable document with the City and County Clerk requiring the owner and his or her heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.

(e) Driveways Required. All off-street parking spaces shall have access from driveways and not directly from the public street.

(f) Distance from Intersection. No access point (measured to the center of the driveway) shall be located less than 25 feet (Residential District), 100 feet (Business District), or 100 feet (Industrial District) from the intersection of two public street right-of-way. These conditions shall apply unless granted conditional use permit approval by the Planning and Zoning Commission. (Ord. No. 89-17, 8-15-89).

(g) Parallel parking spaces shall be a minimum of twenty-two (22) feet in length and nine (9) feet wide. (Amended Ord. 2011-02, 3/1/11)

(h) Driveway Access: All driveway

accesses shall be approved by the City Engineer for width and location. (Ord. No. 87-28, 12-1-87).

(i) Distance Between Driveway Accesses: Driveway access openings on a public street except for single, two family and townhouse dwellings shall not be located less than forty (40) feet from one another as measured from inside of drive to inside of drive. (Ord. No. 87-28, 12-1-87).

(j) Number of Driveway Accesses: Each property other than for single-family use shall be allowed one (1) driveway access for each one hundred (100) feet of street frontage. Single-family uses shall be allowed more than one (1) driveway access, but in no case shall more than sixty-five (65%) percent of the public street frontage adjoining a lot be used for driveway access and at least one on-street parking space twenty (20) feet in length shall be preserved. These conditions shall apply unless otherwise granted conditional use permit approval by the Zoning Administrator, with such conditions as are deemed necessary to protect the health, safety, and welfare of the community and surrounding neighborhood and pursuant to first notifying neighboring properties located within 200 feet. The adjacent property owner notification shall be made within 5 working days of receipt of a complete application. The permit determination shall be made no sooner than 10 calendar days following property owner notification and shall include such conditions as are deemed necessary to protect the health, safety, and welfare of the community and surrounding neighborhood. The decision of the Zoning Administrator may be appealed to the Planning & Zoning Commission via written request submitted within 10 working days of the permit determination. (Ord. No. 87-28, 12-1-87, revised Ord. 2015-07, 10-20-15).

(k) Grade. The grade elevation of any parking area shall not exceed three (3%) percent.

(1) Surfacing. All required parking spaces, as established in this section, and associated driveways and drive aisles shall be paved with asphalt, concrete, or asphaltic

concrete. Plans for paving and drainage of driveways and stalls for five or more vehicles shall be submitted to the Zoning Administrator for review by staff. In Residential Zoning Districts (R-E, R-1, R-2, R-3 & R-6), auxiliary driveways and parking areas, beyond those leading to an attached garage and exceeding the minimum required by §13-815.I (5)(a), shall be permitted to have gravel, crushed asphalt, or other surfacing material, provided, however, they do not lead to a detached garage. All driveways leading to a detached garage shall be paved with asphalt, concrete, or asphaltic concrete up to the fence line separating the front yard from the back yard, or, in the case where no fence is present, to the building line for the dwelling unit. Paver strips may be used to meet this requirement. Ranch operations shall also have driveway surfacing, as approved by the Director of Engineering and Operations. (Amended Ord. 2011-11, 11/1/11)

In Industrial and B-2 Zoning Districts, excess parking spaces (beyond those required by ordinance), auxiliary driveways and equipment storage areas may be covered by gravel or ground asphalt in accordance with specifications provided by the Zoning Administrator, pursuant to first obtaining a Conditional Use Permit from said Zoning Administrator for Industrial Zone Districts, and for B-2 Zone Districts obtaining a Conditional Use Permit from the Planning and Zoning Commission. The Zoning Administrator shall notify property owners located within 200 feet of the property proposed for unpaved surfacing within 5 business days following receipt of a complete application. The Zoning Administrator determination shall be made no sooner than 10 calendar days following adjacent property owner notification. The Administrator shall attach such conditions as deemed necessary to protect the health, safety, and welfare of the community to the conditional use permit. The decision of the Zoning Administrator may be appealed to the Planning & Zoning Commission by written request filed within 10 working days of the permit determination. (Ord. No. 8920,

9-19-89; Amended Ord. 2011-02, 3/1/11; Amended Ord. 2018-06, 5/1/18).

(m) Striping. Except for townhouses and single-, two-, three- and four-family dwellings, all parking stalls shall be marked with painted lines not less than four (4) inches wide.

(n) Lighting. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and be in compliance with this Ordinance.

(o) Signs. No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot. All signs shall conform to 13-818 of this Ordinance. (Amended Ord. 2012-06, 6/5/12)

(p) Curbing. Except for townhouses and single-, two-, three-, and four-family dwellings, all open off-street parking areas and driveways shall have a perimeter concrete curb and gutter around the entire parking lot according to standards provided by the Director of Engineering and Operations.

(q) Protruding Vehicles. All on-site parking stalls which abut property lines shall be designed and constructed such that parked vehicles shall not protrude over property lines.

(3) Maintenance.

All required parking areas, as well as fire apparatus access roads, shall be maintained in an adequate manner, to include reasonable maintenance of surfacing materials and striping. Should reconfiguration of an existing parking area be proposed, a site plan shall be submitted and approved by the Zoning Administrator. (Ord. 2012-01, 3/20/12)

(4) Use of Required Area.

Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles without a Conditional Use Permit.

(5) Number of Spaces Required.

The following minimum number of off-street parking spaces shall be provided and

maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:

(a) Single-family, two-family, townhouse, three-family and four-family dwellings: Two off-street spaces per unit. Multiple Family Dwellings:

<u>Size of Unit</u>	<u>Space Required</u>
1 bedroom	1.5
2 bedrooms	2.0
3+ bedrooms	2.25

Parking spaces provided by either attached garages, detached garages, or covered carports shall apply toward the required parking for two-family, three-family, four-family, townhouse, and multiple-family dwellings.

(Ord. No. 86-11,8-5-86, Ord. No. 09-05, 2-3-2009).

(b) Motels, Motor Hotels, Hotels: One space per each rental unit plus one space for each ten (10) units and one additional space for each employee on any shift, plus additional spaces as may be required herein for related uses contained within the principal structure.

(c) Church, Theater, Auditorium: At least one parking space for each four (4) seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this Ordinance.

(d) Sanitariums, Convalescent Home, Rest Home, Nursing Home or Day Nurseries: Four (4) spaces plus one (1) for each three (3) beds for which accommodations are offered plus one (1) space for each employee on shift of greatest employment.

(e) Elderly (Senior Citizens) Housing: Reservation of area equal to one (1) parking space per unit. Initial development is, however, required of only one-half (1/2) space per unit and said number of spaces can continue until such time as the City considers that a need for additional parking spaces has been demonstrated.

(f) Convenience Food Restaurant: At least one (1) parking space for each two (2) seats or the number of spaces required by the Planning and Zoning Commission.

(g) Bowling Alley: At least 2.5 parking spaces for each lane, plus additional spaces as may be required herein for related uses contained within the principal structure. (Amended Ord. 2011-02, 3/1/11)

(h) Motor Fuel Station: At least four (4) off-street parking spaces plus two (2) off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this Ordinance.

(i) Retail Store and Service Establishment: At least one (1) off-street parking space for each two hundred fifty (250) square feet of floor area.

(j) Manufacturing, Fabricating or Processing of a Product or Material: One (1) space for each three hundred fifty (350) square feet of floor area, plus one (1) space for each company owned truck (if not stored inside principal building).

(k) Warehousing, Storage or Handling of Bulk Goods: That space which is solely used as office shall comply with the office use requirements and one space per each one thousand (1,000) square feet of floor area, plus one (1) space for each employee on maximum shift and one (1) space for each company owned truck (if not stored inside principal building).

(l) Automobile Washing Establishment (in addition to required stacking space):

(a) Automatic Drive Through, Serviced: A minimum of three (3) spaces, or one (1) space for each employee on the maximum shift, whichever is greater.

(b) Self-Service: A minimum of two (2) spaces per stall.

(c) Automobile Service Station Car Wash: None in addition to that required for the station.

(m) Private Racquetball, Handball, and Tennis Courts: Not less than three (3) spaces per each court.

(n) Offices: (except medical and

dental):

<u>Gross Square Feet Of Floor Area</u>	<u>Spaces per 1,000 Sq. Ft. of Floor Area</u>
0 to 5,000	4 (minimum of 4)
5,000 to 20,000	3
Over 20,000	.75

(o) Health Care:

(1) Medical, Dental, or Health Clinic, Medical Center, or Hospital: 1.5 spaces per 1,000 square feet of floor area.

(2) Medical and Dental Offices: 3.6 spaces per 1,000 square feet of floor area. (Amended Ord. 2011-02, 3/1/11; Amended Ord. 2014-01, 2/4/14; Amended Ord. 2014-11, 11/4/14)

(p) Restaurants, Taverns: One (1) space for each three (3) seats plus one (1) for each two (2) employees.

(q) Schools, Public and Private:

(1) Elementary and junior high: One and one-half (1 1/2) parking spaces for each classroom, library, lecture hall and cafeteria, plus one (1) additional parking space for each three (3) fixed seats in the auditorium, gymnasium or other place of public assembly or one (1) parking space for every twenty-one (21) square feet of area available for public assembly where no fixed seats are provided.

(2) Senior high school: One (1) parking space for every two (2) students, based upon design student capacity, plus one (1) parking space for every two hundred fifty (250) square feet of office space. On sites with auditoriums or outdoor stadiums, provide an additional forty-five percent (45%) of the design student capacity. (Amended Ord. 2015-08)

(3) Junior college or university: One and one-half (1 1/2) parking spaces for each classroom, laboratory, or lecture hall, plus one (1) additional parking space for each four (4) students that the school is designed to accommodate, plus one (1) additional parking space for each employee or staff member. (Ord. No. 10-01, 3-2-10).

(4) Dormitory: Three (3) parking spaces for each five (5) occupants if a joint use of parking facilities is provided, subject to the provisions of §13-815.I(6) of this

Ordinance; or, four (4) parking spaces for each five (5) occupants. (Ord. No. 10-01, 3-2-10).

(r) Uses in B-3 District: Parking requirements in any B-3 District shall be determined by the City in conjunction with the site plan review and shall be established in light of parking availability on and near the property and its potential impact on traffic circulation and parking on facilities within the area.

(s) Galleries, educational or interpretive centers, museums, and visitor centers: At least one (1) off-street parking space for each five hundred (500) square feet of exhibition area, plus a minimum of one (1) off-street bus parking space. (Ord. No. 10-01, 3-2-10).

(t) Restaurant, Delivery/Carry Out only: One (1) space for each employee on maximum shift, plus one space per company-owned delivery vehicle, plus 3 customer parking spaces. Minimum spaces = 8. (Ord. 2012-01, 3/20/12)

(u) Public Parks: Four (4) spaces per acre of active recreation. (Ord. 2012-01, 3/20/12)

(v) Shopping Centers: One (1) space per 300 square feet of Gross Floor Area. No floor area reduction, as allowed under the provisions of §13-815.I.(1)(a), shall be permitted. (Ord. 2012-01, 3/20/12)

(6) Joint Use of Parking Facilities.

(a) Up to eighty (80%) percent of the parking facilities required by this Subsection for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities by the following daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale and similar uses.

(b) Conditions Required for Joint Use.

(1) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities.

(2) The applicant shall show that there

is no substantial conflict in the operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.

(3) A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney, shall be filed with the City Clerk and recorded with the Register of Deeds, Sweetwater County.

(7) Off-Site Parking.

(a) Any off-site parking which is used to meet the requirements of this Ordinance shall be a conditional use as regulated by this Ordinance and shall be subject to the conditions listed below.

(b) Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Ordinance.

(c) Reasonable access from off-site parking facilities to the use being served shall be provided.

(d) The site used for meeting the off-site parking requirements of this Ordinance shall be under the same ownership as the principal use being served or under public ownership.

(e) Off-site parking for multiple family dwellings shall not be located more than two hundred (200) feet from any normally used entrance of the principal use served.

(f) Off-site parking for non-residential uses shall not be located more than three hundred (300) feet from the main entrance of the principal use being used.

(g) Any use which depends upon off-site parking to meet the requirements of this Ordinance shall maintain ownership and parking utilization of the off-site location until such time as on site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.

(8) Installation Prior to Occupancy Permit.

(a) All required parking improvements specified within Section 13-815.I. of the Rock Springs City Ordinances and in accordance with the approved site plan shall be installed prior to the issuance of an

Occupancy Permit, unless a financial guarantee in the amount of 150% of the cost of the materials and labor is submitted to the City. Attached to the financial guarantee shall be a notarized statement, on a form provided by the City Planner, specifying the completion date as mutually agreed upon by the developer and the City Planner, not to exceed one year. Should the developer fail to install the required improvements within the specified timeframe, the City may use the financial guarantee to cause the work to be performed. (Ord. No. 09-05, 2-3-2009).

J. Off-Street Loading.

(1) Location.

(a) All required loading berths shall be off-street and located on the same lot as the building or use to be served.

(b) Except for loading berths required for apartments, no loading berths shall be located closer than fifty (50) feet from a residential district unless within a structure.

(c) Loading berths shall not be located within the minimum front yard building setback.

(d) Loading berths located at the front or at the side of buildings on a corner lot shall observe the following requirements:

(1) Loading berths shall not conflict with pedestrian movement.

(2) Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.

(3) Loading berths shall comply with all other requirements of this Section.

(2) Screening.

Except in the case of multiple dwellings all loading areas shall be screened and landscaped from abutting and surrounding residential uses.

(3) Size.

Unless otherwise specified in these zoning regulations the first loading berth shall be not less than seventy (70) feet in length and additional berths required shall be not less than thirty (30) feet in length and all loading berths shall be not less than ten (10) feet in width and fourteen (14) feet in height, exclusive of aisle and maneuvering space.

K. Ranching Operations.

All ranches in existence upon the effective date of this Ordinance shall be Permitted Uses where the operator can conduct a ranching operation. However, all regulations contained herein and other Rock Springs' Ordinances in effect, shall apply to all changes of the ranching operation which will cause all or part of the area to become more intensively used or more urban in character. Setback and other regulations shall apply to ranching operations just as they do to urban developments. Any structure exceeding Five Hundred (\$500.00) Dollars in value erected on a ranch shall require a building permit and conform to all requirements of the Uniform Building Code. Planning and Zoning Commission may require any ranch operation to secure a Conditional Use Permit to continue said operations in the event the ranching operations are so intensive as to constitute an industrial type use consisting of the compounding, processing, and packaging of products for wholesale or retail trade and further that such operations may tend to become a permanent industrial type operation that cannot be terminated as can a normal ranching operation.

L. Land Reclamation, Mining and Soil Processing.

Land reclamation, mining and soil processing, as defined herein, shall require the issuance of a Conditional Use Permit for each project. Said permit shall require prior consultation of Director of Engineering and Operations and shall be issued by the Zoning Administrator, with such conditions as are deemed necessary to protect the health, safety, and welfare of the community and surrounding neighborhood and pursuant to first notifying neighboring properties located within 200 feet. The adjacent property owner notification shall be made within 5 working days of receipt of a complete application. The permit determination shall be made no sooner than 10 calendar days following adjacent property owner notification. The decision of the Zoning Administrator may be appealed to the Planning & Zoning Commission via written request submitted within 10 working

days of the permit determination.
(Amended Ord. 2011-02, 3/1/11)

(I) Land Reclamation.

Any permit issued for land reclamation shall include as a condition thereof, a finished grade plan which will not adversely affect the adjacent land and as conditions thereof shall regulate the type of fill permitted, program for rodent control, plan for fire control and general maintenance of the site, controls of vehicular ingress and egress, and for control of material disbursed from wind, water, hauling of material to or from the site.

(2) Mining.

Any permit issued for mining shall include as a condition thereof a plan for a finished grade which will not adversely affect the surrounding land or the development of the site on which the mining is being conducted and the route of tracks moving to and from the site.

(3) Soil Processing.

Any permit issued for soil processing shall include as a condition thereof, a site plan where the processing is to be done showing the location of the plant, disposal of water, route of trucks moving to and from the site in removing processed material from the site, and the control of wind or water erosion. Such permit shall be granted for a specified period.

M. This section reserved. See 13-818 for Sign Regulations. (Amended Ord. 2012-06, 6/5/12)

N. Home Occupations.

(1) Purpose.

The purpose of this section is to:

(a) Protect residential areas from adverse impacts of activities associated with home occupations.

(b) Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementation of personal and family income.

(c) Establish criteria and standards for home occupations.

(2) Definitions.

(a) Home Occupation or Profession:
Any use conducted entirely within a

dwelling and carried on solely by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which meets the requirements of this ordinance.
(Amended Ord. 2014-03, 4/15/14)

(b) Dwelling: a building or portion thereof used for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, motels, or tourist homes.

(3) General Conditions. All home occupations shall be conditionally permitted uses of the residential dwelling which shall comply with all of the following conditions at all times.

(a) A home occupation shall be incidental to the use of a dwelling unit for residential purposes. No more than five hundred (500) square feet of floor area may be used in connection with a home occupation or for storage purposes in connection with home occupations. Floor area shall include area within a dwelling unit or within accessory buildings.

(b) Sales transactions which do not involve delivery on the premises of a home occupation are permitted. Sales which involve the transfer of goods on the premises are permitted to only one customer per calendar day.

(c) A home occupation shall not be open to the public at times earlier than 8:00 a.m. nor later than 10:00 p.m.

(d) There shall be no exterior storage of materials to be used in conjunction with a home occupation.

(e) The home occupation shall not increase vehicular flow and parking by more than one (1) vehicle at a time except for the purposes of conducting gatherings pursuant to Section (k).

(f) A home occupation shall not produce offensive noise, vibration, smoke, electrical interference, dust, odors, heat, fire hazard, or any other hazard or nuisance.

(g) A home occupation shall not use or generate toxic, explosive, flammable, combustible, corrosive, or radioactive materials.

(h) A home occupation shall have no

advertising signs on the premises which are visible from the street or adjacent properties.

(i) There shall be no alteration of the residential appearance of the premises for the home occupation.

(j) A home occupation shall have no more than ten (10) customers daily entering the premises.

(k) Use of the dwelling as a gathering place for the purpose of taking orders for the sale of merchandise shall be held no more often than four (4) times per month and shall not increase vehicular flow and parking by more than ten (10) vehicles at any gathering.

(l) There shall be no display of products visible in any manner from the outside of the dwelling.

(m) Home occupation conditional use permits shall not be issued for a use listed as a conditional use in any of the zoning districts established in the City of Rock Springs. Family child care homes and bed and breakfast inns shall be exempt from this section. (Ord. 2011-02, 3/1/11)

(4) Home Occupation Conditional Use Permit Required.

(a) All persons conducting home occupations shall be required to apply for and receive a Home Occupation Conditional Use Permit prior to commencing any activities related to the home occupation.

(b) Applications for Home Occupations Conditional Use Permit shall be made to the City Planner who shall ensure that the applicant understands that compliance with the General Conditions set forth in subsection 2 are conditions upon which the permit is issued and that a violation of any such condition may subject the permittee to revocation of the Home Occupation Conditional Use Permit.

(c) In the event the City Planner deems it to be necessary and appropriate, he may place additional reasonable conditions in the Home Occupation Conditional Use Permit.

(5) Revocation of Home Occupation Conditional Use Permit.

(a) The City Planner may modify or revoke the Home Occupation Conditional Use Permit of any person on the grounds of noncompliance with the General Conditions

set forth in subsection 2, or upon noncompliance with any additional conditions imposed by the City Planner.

(6) Review of City Planner's Decision.

(a) The City Planner's decision of imposing additional conditions upon the applicant for a Home Occupation Conditional Use Permit may be appealed to the Planning and Zoning Commission. An applicant for a Home Occupation Conditional Use Permit may commence an appeal to the Planning and Zoning Commission by filing a Notice of Appeal to the Planning and Zoning Commission within ten (10) days of the City Planner's decision. Said Notice of Appeal shall contain a written statement of the decision of the City Planner and a concise statement of the reasons for the appeal. The applicant may appeal the additional conditions imposed by the City Planner, but the applicant may not appeal the General Conditions set forth in Section 3.

(b) The Planning and Zoning Commission may uphold, rescind, or modify the decision of the City Planner. The Planning and Zoning Commission may modify a decision of the City Planner by imposing fewer conditions or adding other conditions to the Home Occupation Conditional Use Permit.

(c) The City Planner's decision to revoke the Home Occupation Conditional Use Permit may be appealed to the Planning and Zoning Commission. The holder of a Home Occupation Conditional Use Permit which has been revoked may commence an appeal as set forth in Section 6(a).

(7) The following home occupations are prohibited:

Automobile, truck, motorcycle or other vehicle repair, including body and engine repair

Any business involving on-site or adjacent street storage or parking of tractor trailers, semi-trucks, general construction equipment or heavy equipment

Beauty salons and Barber Shops (Multiple chairs)

Body art, body piercing, tattoo art

Contractor businesses involving

employees reporting to the home for work purposes, unless employees are living in the same household. (Ordinance 2015-05, 5-5-15)

Contractor businesses involving the use or storage of industrial vehicles, industrial equipment, industrial materials, or heavy machinery including earth moving, road building, and excavation machinery. (Ordinance 2015-05, 5-5-15)

Contractor businesses involving the exterior storage of materials, equipment, or supplies. (Ordinance 2015-05, 5-5-15)

Exterminator

Health salons, gyms, dance studios, aerobic exercise studios (multiple clients)

Massage therapy (multiple clients/therapists)

Medical, dental or chiropractic offices

Nail salons (multiple chairs/clients)

Painting of machine parts or equipment

Painting of vehicles, trailers, or boats

Private clubs

Real Estate Broker, unless a sole proprietor or in affiliation with another household member. No other licensed agent or associate broker is allowed unless living in the household. (Ord. 2011-02, 3/1/11)

Restaurants and taverns

Retail sale from site other than catalog sales or sales incidental to services provided

Sales of autos, trucks, motorcycles or other vehicles

Sexually oriented businesses

Taxi services (multiple drivers/cars)

Towing

Veterinary uses (including care, or boarding)

Welding or machine shops

(Ord. No. 93-14, 8-17-93; Ord. No. 2002-02, 5-7-2002, Ord. 09-05, 2-3-2009).

(8) Enforcement.

The following activities are prohibited:

(a) Conducting any home occupation without a valid Home Occupation Conditional Use Permit.

(b) Failure to comply with any of the conditions of a Home Occupation Conditional Use Permit.

(c) It shall be unlawful for any person

to violate the provisions of this section. A violation of this section shall be a misdemeanor.

(d) Notwithstanding Section 8(c), the City of Rock Springs may require a violator of Section 8 to correct or remedy the violation by obtaining an injunction from a Court of proper jurisdiction. (Ord. No. 93-08, 7-6-93).

O. Miscellaneous Performance Requirements. (1) Glare and Lighting.

(a) Any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cause light on a public street, other than lights specifically intended for that purpose, shall not exceed one (1) foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed four (4) foot candles (meter reading) as measured from said property.

(b) No light which is flashing, revolving, or otherwise resembles a traffic control signal shall be allowed in any area where it could create a hazard for passing vehicular traffic.

(2) Surface Water Ponding.

Natural impoundment shall be retained as much as possible or, if necessary, enlarged or modified as directed by the City Engineer to reduce the off-site runoff.

(3) Storage; Exterior Displays.

All materials, supplies, merchandise or other similar matter not on display or direct sale, rental or lease to the ultimate consumer or user shall be stored within the confines of a one hundred (100%) percent opaque wall or fence not less than six (6) feet tall.

Merchandise which is offered for sale as described heretofore may be displayed beyond the confines of a building in any B-2 District, but the area shall not constitute a greater number of square feet than ten (10%) percent of the ground floor area of the building housing the principal use, unless such merchandise is a type customarily displayed outdoors such as automobiles and garden supplies. All display areas shall be located on private property and are not to be extended into the public right-of-way. No storage of any type shall be permitted within the one-half (1/2) of the required front or side street setback nearest the street nor within 10 feet of any interior side or rear property line.

(4) Trash and Garbage Incinerators; Storage.

No exterior incineration of trash or garbage is permissible. No exterior storage of trash or garbage is permissible except in an accessory building enclosed by walls and roof or in closed containers within a totally screened area.

(5) Smoke.

The emission of smoke by any use shall be in compliance with and regulated by the Wyoming Department of Environmental Quality (DEQ).

(6) Dust and Other Particulated Matter. The emission of dust, fly ash or their particulated matter by any use shall be in compliance with and regulated by Wyoming DEQ.

(7) Odors.

The emission of odors by any use shall be in compliance with and regulated by Wyoming DEQ.

(8) Noise.

Noises emanating from any use shall be in compliance with and regulated by Wyoming DEQ.

(9) Bulk Storage (Liquid).

All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with requirements of Wyoming DEQ.

(10) Radiation Emission.

All activities that emit radioactivity shall comply with the minimum requirements of

Wyoming DEQ.

(11) Electrical Emission.

All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.

(12) Public Street Frontage.

Except as otherwise allowed or required by this Ordinance, no lot shall contain any building unless such lot abuts for at least fifty (50) feet on a public street and has adequate access to said street, unless developed as part of a Planned Unit Development with internal private roadways. All private roadways shall meet minimum requirements, as established by the Director of Engineering and Operations and Fire Department. (Ord. 2012-01, 3/20/12)

(13) Sight Distance On Corner Lots In All Districts.

Corner lots in all districts shall provide a clear vision zone for traffic safety. The clear vision zone shall be kept clear of all obstacles, structures, plants, trees, fences or any other objects or material that in any way obstructs vision. The clear vision zone is defined as the airspace in excess of 30 inches above the adjacent street centerline grade within the triangular area defined as follows: beginning at the intersection of the projected curb lines of two intersecting streets, thence 40 feet along one curb line, thence diagonally to a point 40 feet from the point of beginning on the other curb line, thence to the point of beginning. (Ord. No. 92-17, 7-7-92).

P. Non-Conforming Uses and Development.

(1) General. It is recognized that within the zoning districts established by this Ordinance there are uses and developments which were lawful prior to the adoption of this Ordinance, which would be prohibited, regulated or restricted under its present terms. These uses and developments are declared to be incompatible with permitted uses and developments in the zoning district involved and are, therefore, considered nonconforming.

(2) Intent. It is the intent of this

Ordinance to permit nonconforming uses and development to continue in the size and manner which they presently exist until such time as they are removed or abandoned, but not to encourage their continuance. This Ordinance strives, therefore, to move property toward conformance, rather than away from it.

(3) Nonconforming Uses.

(a) Continuance. Any use lawfully existing upon the effective date of this Ordinance may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified.

(b) Establishment of Use. For the purposes of this section, a use shall be deemed as established on the date said use commences. Issuance of a permit or other approval for a use that is never commenced shall not be deemed establishment of use.

(c) Change of Use. Any change of use associated with a nonconforming use shall not be approved unless said use conforms with the requirements of this ordinance and the underlying zoning district regulations. Once a lawful nonconforming use of any structure or land in any district has been changed to a conforming use, the Zoning Administrator shall issue a Certificate of Zoning Conformance and the use shall not thereafter be changed to any nonconforming use unless said change occurs due to a change in the Zoning Ordinance. These regulations shall apply even if there is no change of ownership or tenancy.

(d) Abandonment/Discontinuance of Use. Whenever a nonconforming use of a structure or land is discontinued or abandoned for a period of one year, any future use of said structure or land shall be in conformity with the provisions of any other applicable ordinance or regulation.

(e) Reconstruction. Whenever a nonconforming use of a structure has been damaged by fire, flood, explosions, earthquake, war, riot, or act of God, it may be reconstructed and use as before if reconstructed within twelve (12) months after such calamity provided the reconstruction shall be for the same use in

existence prior to said fire, flood, explosion, earthquake, war, riot or act of God and shall be in conformance with all other provisions of this Ordinance except use shall not enlarge the size or manner of operation existing upon the date of calamity. Any reconstruction shall be subject to Section 13-815.I, as well as any other applicable ordinance or regulation.

(f) Maintenance. Normal maintenance of a structure containing or related to a lawful nonconforming use is permitted, including necessary structural repairs, provided such structural repairs do not enlarge or intensify the nonconforming use.

(g) Expansion. Nonconforming uses shall not be expanded, enlarged extended or intensified, even if structures associated with said nonconforming uses are conforming structures. Once a nonconforming use has been reduced in size, it shall not thereafter be expanded.

(h) Multiple Uses. In the case where a structure or structures on the same property contain multiple uses, some or all of which are nonconforming, cessation of one or more of the nonconforming uses shall be considered a change in use, and not a discontinuance or abandonment of use, and the provisions of §13-815.P.(3)(b) shall apply.

(i) Relocation. A nonconforming use shall not be moved in whole or in part to any other portion of the lot, tract or parcel occupied by said use after the effective date of the Ordinance codified in this section.

(j) Change of Tenancy, Ownership or Management. A change in ownership, tenancy or management of property containing a nonconforming use shall not have an impact upon the nonconforming status of said property, provided, however, all other provisions of this Ordinance shall apply.

(k) Burden of Proof. If nonconforming rights are challenged, or if there is a request to expand a nonconforming development, it shall be the property owner's responsibility to provide written proof, through business records or

other records and data, that the nonconforming use has not ceased operation for a period of one year or been converted to a conforming use. It shall also be the property owner's responsibility to provide proof that the nonconforming use legally existed, or was previously grandfathered, at the time the Ordinance codified in this section was adopted.

(4) Nonconforming Development – Structures.

(a) Safety Considerations. Nothing in this Ordinance shall effect the requirement that a structure be maintained in a safe condition where said structure is declared unsafe by the Building Inspector

(b) Reconstruction. Whenever a lawful nonconforming structure has been damaged by fire, flood, explosions, earthquake, war, riot, or act of God, it may be reconstructed and used as before if reconstructed within twelve (12) months after such calamity provided the reconstruction shall be for the same use in existence prior to said fire, flood, explosion, earthquake, war, riot or act of God and shall be in conformance with all other provisions of this Ordinance except use shall not enlarge the size or manner of operation existing upon the date of calamity. Any reconstruction shall be subject to Section 13-815.I, as well as any other applicable ordinance or regulation.

(c) Expansion.

(i) Nonconforming structures with conforming uses may be expanded provided said expansion does not create greater nonconforming yards or heights and said expansion does not create an associated expansion of a nonconforming use. Said expansions shall meet the requirements of §13-815.R of this Ordinance.

(ii) Residential Dwelling Units. Alterations may be made to a structure containing lawful nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units and provided the proposed alterations meet the requirements of 13-815.(4)(c)(i).

(d) Relocation. A nonconforming

structure shall not be moved to any other portion of the lot, tract or parcel occupied by said structure after the effective date of the Ordinance codified in this section unless said relocation would make the structure conforming.

(e) Change of Tenancy, Ownership or Management. A change in ownership, tenancy or management of property containing a nonconforming structure shall not have an impact upon the nonconforming status of said property, provided, however, all other provisions of this Ordinance shall apply.

(f) Manufactured Homes: Replacement of existing, nonconforming manufactured homes shall be permitted in accordance with the provisions of §13-801.C.

(5) Nonconforming Development – Lots.

(a) At the time of the enactment of this Ordinance, if an owner of a plot of land consisting of one or more adjacent lots in a subdivision of record does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements or does not have sufficient lot width to conform to the minimum lot width requirements, such plot of land may nevertheless be used as a building site. The dimensional requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit a structure of acceptable size to be built upon the lot, such reduction to be determined by the Board of Adjustment.

(i) In the R-1, R-2 and R-3 zones the reductions shall permit only a single-family residence.

(ii) In the R-4 zone the reduction shall permit only a duplex.

(iii) In the R-5 zone the reduction shall permit only a townhouse cluster or apartment containing no more than five units.

(iv) In the R-6 zone the reductions shall permit only a single-family dwelling or a mobile home of less than eighteen (18) feet in width.

(b) No lot, even though it may

consist of one or more adjacent lots in the same ownership at the time of passage of this Ordinance, shall be reduced in size so that lot width or size of yards or lot area or any other requirement of this Ordinance is not maintained. This Section shall not apply when a portion of a lot is acquired for a public purpose. (Ord. No. 89-20,949-89; Ord. No. 2010-05, 4-6-2010).

Q. Solar Access

(1) Purpose.

The purpose of these regulations is to protect the health, safety, and general welfare of the community by encouraging the use of solar energy systems. The overall objective of these regulations is to provide adequate protection from interference by structures, trees or topography. It is the intent of these regulations to provide a means of protection for the use of solar collectors without causing undue hardships on the rights of adjacent property owners and to establish solar collectors as a permitted use in all zoning districts.

(2) Application.

Any person who desires to obtain a solar right shall first make application to the Zoning Administrator for a solar access permit. A permit application for a solar right shall consist of the following materials:

- a. The original and two (2) copies of a completed Solar Rights Permit Application.
- b. A review fee of Fifteen (\$15.00) Dollars, made payable to the City of Rock Springs.
- c. The names and mailing addresses of all property owners within one hundred (100) feet of the property.
- d. The original and two (2) copies of a site plan drawn to scale of not less than one (1) inch to twenty (20) feet showing at least the following detail:

1. The site plan shall include an area containing the subject property and surrounding property, vegetation and buildings which would lie in a line-of-sight path from the solar collector to the sun which permits radiation from the sun to impinge directly on the solar collector.

2. Title block containing owner's name, legal and common address(es) of the

site and use of the structure(s).

3. North arrow, scale and date of preparation of the plan.

4. Names of all adjacent streets.

5. Dimensions of property.

6. Dimensions, heights and location of all structures on the site.

7. Location, height and type (common name) of all trees, bushes and shrubs on site and estimated height at full growth.

8. Location and heights of all walls and fences on the site.

9. Dimensions and location of solar collector surface.

10. Direction in which collector is oriented.

11. Height of collector above ground level.

12. Signature block for Zoning Administrator's approval.

13. Degree line from base of collector (as measured above the horizon).

e. In applying for a solar rights permit, the applicant shall have the burden to prove that he will not encroach upon recorded solar rights of adjacent or nearby properties.

(3) Approval.

a. The Zoning Administrator shall grant tentative approval for a solar rights permit for any solar collector which complies with these regulations.

b. Following tentative approval, a copy of the solar rights legal description and site plan will be mailed to all potentially affected property owners.

c. If no protest is received and substantiated within five (5) working days of the mailing the solar right shall be deemed approved.

(4) Recording of Solar Rights and Permits. The permit application and site plan shall be filed in the Sweetwater County Clerk's office after the Zoning Administrator approves the solar rights application and site plan. A recording fee for filing the permit application and site plan, made payable to the Sweetwater County Clerk, shall be submitted to the Planning Department. The Zoning Administrator shall be responsible for recording the permit application and site plan. The application and site plan shall

become official after being recorded in the County Clerk's office.

(5) Use Regulations - Shading of collectors Unlawful.

a. Solar collectors shall be located on the solar user's property so as not to unreasonably or unnecessarily restrict the uses of neighboring property. The solar right shall not limit any adjacent property owner from building within the building envelope of his lot.

b. Except as otherwise provided by these regulations, it is unlawful for any person to erect a building or other structure, or to allow a tree, shrub, or other vegetation to cast a shadow upon a solar collector which is greater than the shadow cast by a hypothetical ten (10) foot high wall located along the property lines between the hours of 9:00 a.m. and 3:00 p.m., MST, on the winter solstice day.

c. In applying for any building permit, the applicant shall have the burden to prove that he will not encroach upon any recorded solar rights of adjacent or nearby properties.

(6) Prior Non-Conforming Uses. Structures or vegetation which existed prior to the time of installation of the solar energy collection system or the effective date of this Ordinance shall not be subject to the requirements of Section 13-815.Q.(5)(b).

(7) Enforcement.

a. Once the solar right permit and site plan is approved by the Planning Department and recorded in the County Clerk's office, a solar property right shall be deemed established.

b. When a solar rights permit is approved, the construction of the solar collector shall be in accordance with the solar rights permit and the corresponding site plan. It shall be unlawful to erect or place a solar collector in violation of an approved solar rights permit or the corresponding site plan.

c. A solar collector shall be put to beneficial use within two (2) years, or it shall be deemed abandoned.

d. A solar right not applied to a beneficial use for a period of five (5) years shall be deemed abandoned.

R. Setbacks

(1) Established Front Yard, Side Yard and Corner Side Yard Setbacks.

Structures in all Zoning Districts that have a front, side, or corner side yard setback less than the minimum required by this ordinance shall be considered to have an established front, side, or corner side yard setback. In such situations, additions and new construction shall comply with the established front, side, and corner side yard setback, however, the established front, side, and corner side yard setback shall not be reduced to less than five feet. (Ord. No. 92-09, 5-5-92; Ord. No. 92-17, 7-7-92).

S. Lot Coverage

(1) Residential Lots.

Residential lots in R-1, R-2, R-3, R-4, R-5, R-6 and B-R Zoning Districts shall not exceed a lot coverage of fifty percent. Lot coverage of greater than fifty percent may be granted only by Conditional Use Permit approval. (Ord. No. 92-17, 7-7-92).

T. Alleys Included In Side Yard And Rear Yard Setbacks.

Side yard setbacks and rear yard setbacks may be measured from the centerline of adjoining public alleys. However, setbacks from property lines shall not be reduced to less than 3 feet. (Ord. No. 93-21, 11-16-93).

U. Number of Garage Doors for Attached Private Garage.

A private garage attached to a residence shall have no more than three garage doors. For the purposes of this ordinance, a single-stall garage door shall count as one garage door and a double-stall garage door shall count as two garage doors. These conditions shall apply unless granted conditional use permit approval by the Zoning Administrator, with such conditions as are deemed necessary to protect the health, safety, and welfare of the community and surrounding neighborhood and pursuant to first notifying neighboring properties located within 200 feet. The adjacent property owner notification shall be made within 5 working days of receipt of a complete application. The permit determination shall be made no sooner than 10 days following

property owner notification and shall include such conditions as are deemed necessary to protect the health, safety, and welfare of the community and surrounding neighborhood. The decision of the Zoning Administrator may be appealed to the Planning & Zoning Commission via written request submitted within 10 working days of the permit determination. (Amended Ord. 2011-02, 3/1/11)

(Ord. 94-26, 8-2-94), (97-12, Amended, 12/02/1997; 97-05, Amended, 05/20/1997; 96-19, Amended, 12/03/1996; 96-09, Amended, 06/04/1996; 95-21, Amended, 01/16/1996)

V. Manufactured or Modular Home Requirements.

(1) The following requirements apply to modular home and manufactured home construction, except these requirements shall not be applicable to a manufactured home in an R-6 Zone.

a. These requirements will be applicable to modular home and manufactured home construction only to the extent they are not in conflict with the Department of Housing and Urban Development (HUD) specifications, or other specifications contained within these ordinances.

(2) Roof Pitch. The structure shall have a pitched roof, with a slope of not less than a nominal three (3) inch vertical rise for each twelve (12) inches of horizontal run.

(3) Roof Material. Roof material shall consist of non-reflective material customarily used for conventional dwellings including, but not limited to asbestos shingles, fiberglass shingles, shake shingles; wood shingles; composition shingles; or tile materials. Roof materials shall not include flat or corrugated sheet metal, except for manufactured roof panels.

(4) Roof Overhang. Have a roof overhang of not less than eight inches measured from the vertical side of the home with gutter, or six inches no gutter.

(5) Siding. Have siding material consisting of wood or wood products, stucco, brick, rock, horizontal lap steel or aluminum or horizontal lap vinyl.

(6) Foundation.

a. Structure must be placed on a permanent foundation and have a concrete or masonry perimeter wall that extends below the frost line and comply with building codes as adopted by the City.

b. Foundations for manufactured homes shall be constructed in compliance with ordinances and building codes adopted by the City.

c. At a minimum, foundations for manufactured homes shall be designed by a Wyoming Licensed Engineer to support all loads as provided by the manufacturer.

d. All foundations shall be to frost depth.

e. Regardless of the foundation needs and designs, a perimeter foundation wall shall be constructed of masonry or concrete. If masonry perimeter walls are provided and the wall is not needed for support of the structure, the wall shall be constructed with a footing, mortar joists, reinforced and grouted cells per the building code. Concrete perimeter walls that are not needed for structural support shall be constructed per the building code.

f. If unusual or expansive soil conditions are found, all foundation elements shall be constructed according to an engineered design including the perimeter wall.

g. If the manufactured home is located in an area identified to be at risk on the adopted mine subsidence map, the foundation design shall include provisions to mitigate the effects of the mine subsidence classification.

(7) Width of Structure. Structure shall be a minimum of twenty-four (24) feet along the widest part of the structure's shortest axis.

(8) Tongues, Towing Devices, Undercarriage Support Structures and Wheels. All tongues, towing devices, undercarriage support structure used solely for transportation to the site and wheels shall be removed from the home and the lot on which the manufactured home is situated.

(9) Other conventionally constructed dwelling not meeting the above listed

conditions as approved by the Planning and Zoning Commission.

(10) Placement of prefabricated assemblies at the building site shall be inspected by the Building Official to determine compliance with the City of Rock Springs approved building codes. A certificate of approval by an approved agency shall be furnished with every prefabricated assembly, except where all elements of the assembly are readily accessible to inspection at the site.

W. Mobile or Manufactured Home Sale Lots.

(1) All driving areas and customer and employee parking areas shall be paved with concrete or asphalt and shall properly control drainage.

(2) Mobile or Manufactured Home Display Lots shall have a paved driving surface, a minimum fifteen (15) feet wide, for the purpose of delivery of the mobile or manufactured homes.

(3) Areas intended for setup of the display unit shall be covered with a minimum of six (6) inches of road base and two (2) inches of gravel.

(4) Area shall be free of nuisances at all times.

(5) Display units adjacent to street right-of-ways shall have temporary skirting or decorative fencing suitable to screen undercarriage support systems and wheels from adjacent right-of-ways.

X. Drive-up Windows.

Drive-up windows, including those for banks, convenience food restaurants, liquor stores, pharmacies, etc., shall have stacking room for waiting vehicles as follows:

- (1) A minimum of four (4), twenty foot long spaces, as measured along the inside arc of any curved driveway, shall be provided at the drive-up window, as measured beginning at the midpoint of the window;
- (2) A minimum of four (4), twenty foot long spaces, as measured along the inside arc of any curved driveway, shall be provided for the menuboard (if applicable), as measured

beginning at the midpoint of the menu board;

- (3) All spaces for waiting vehicles shall be positioned so that there will be no obstruction of any other parked vehicle, traffic drive aisle, access drive, approach, building entrance, building exit or pedestrian travel way; and
- (4) All spaces for waiting vehicles shall be located entirely on the private property of the drive-up use and shall not encroach upon the public right-of-way or adjoining properties.

(Ord. 2011-02, 3/1/11)

13-816 Child Care and Preschool Facilities

A. Purpose. The purpose of this section is to provide for a wide variety of child care and preschool opportunities within the City Limits of Rock Springs, as well as to protect the residential character of neighborhoods and the health and safety of all residents.

B. Definitions.

Child Care Center (CCC): Any business operated by a private person, partnership, association or corporation that is operating a business for profit or otherwise, in a building used solely for commercial purposes, where sixteen (16) or more children receive care for part of the day.

Family Child Care Home (FCCH): A licensed child care facility in which care is provided for no more than ten (10) children for part of a day in the primary residence of the provider.

Family Child Care Center (FCCC): A child care facility in which care is provided for a maximum of fifteen (15) children for part of a day, which may be in a residential or commercial type structure. (In the City of Rock Springs, FCCCs shall be permitted only in non-residential structures).

Preschool: Pre-Kindergarten instruction provided for children aged 3 years to 5 years and normally conducted for a two-to-four-hour period of time (session), said instruction designed to be preparatory for Kindergarten. For the purposes of this ordinance, preschool may be conducted in a CCC, FCCC or a FCCH.

C. Family Child Care Homes

(1) Family child care homes shall be exempt from the requirement of obtaining a home occupation permit

and shall, instead, obtain a conditional use permit, as set forth in this section.

(2) Family Child Care Homes shall obtain all required licenses from the State of Wyoming and shall also be approved by the City of Rock Springs Building Division and Fire Department.

(3) When listed in this ordinance as a conditionally permitted use in a residential zoning district, family child care homes shall comply with the following requirements, dependent upon the number of children and the location of the child care home:

(a) FCCH with five (5) or fewer children, at any given time, and not located on a roadway that terminates in a cul de sac:

1. The Zoning Administrator or designee shall review the proposed application and have authority for issuing the Conditional Use Permit, including attachment of any conditions deemed necessary to protect the health, safety and welfare of the neighborhood.

2. Adjoining property owner notice shall not be required.

3. Preschool sessions shall be limited to no more than two (2) per day and ten (10) per week, pursuant to conditions deemed appropriate by the Zoning Administrator. Preschool sessions shall be separated by a minimum of one hour from the time one session ends and the next session

begins. (Ord. 2018-10, 6/5/18)

(b) FCCH with six (6) to eight (8) children, at any given time, or with less than six (6) children, at any given time, but located on a roadway that terminates in a cul de sac:

1. The Zoning Administrator or designee shall review the proposed application and have authority for issuing the Conditional Use Permit, including attachment of any conditions deemed necessary to protect the health, safety and/or welfare of the neighborhood.
2. Property owners located within 200 feet of the boundaries of the property proposed for the FCCH shall receive written notification of the proposed child care in accordance with the provisions of §13-905, Conditional Use Permits.
3. Should more than 50 percent of the property owners notified under the provisions of this section submit a written protest to the Zoning Administrator, the FCCH application shall be forwarded to the Planning & Zoning Commission for review. The Planning and Zoning Commission shall have the authority to approve or deny the application or to attach

any such conditions of approval as deemed necessary to protect the health, safety and welfare of the neighborhood.

4. Preschool sessions shall be limited to no more than two (2) per day and ten (10) per week, pursuant to conditions deemed appropriate by the Zoning Administrator. Preschool sessions shall be separated by a minimum of one hour from the time one session ends and the next session begins. (Ord. 2018-10, 6/5/18)

(c) FCCH with nine (9) or ten (10) children, at any given time:

1. The FCCH application shall be processed in accordance with the provisions of §13-905, Conditional Use Permits.
2. Preschool sessions shall be limited to no more than two (2) per day and ten (10) per week. Preschool sessions shall be separated by a minimum of one hour from the time one session ends and the next session begins. (Ord. 2018-10, 6/5/18)

(d) FCCH Conditional Use Permits shall be issued to a specific provider for a specific property. Should the FCCH provider move to a new location, a new FCCH Conditional Use Permit shall be required.

(e) FCCH Conditional Use Permits shall not run with the land. Subsequent providers on the

same property shall require a separate FCCH Conditional Use Permit

- (f) Should a FCCH Conditional Use Permittee fail to operate a FCCH for a period more than 365 consecutive calendar days, the Permit shall be deemed expired. A new permit application, including any and all fees and notifications, and approval shall be required prior to recommencement of the FCCH operation.
- (g) The Planning & Zoning Commission shall have the right to revoke or revise any FCCH Conditional Use Permit, whether issued by staff or by the Commission, should legitimate complaints be lodged by property owners located within 200 feet of the FCCH that the child care facility/preschool has adverse impacts on the health, safety and/or welfare of the neighborhood.
- (h) The Planning & Zoning Commission shall have the right and authority to revoke any FCCH Conditional Use Permit for failure to comply with the conditions of approval established therein.

D. Family Child Care Centers (FCCC). Family Child Care Centers shall be permitted in non-residential structures (i.e., churches, schools, public buildings and commercial buildings, as permitted by Zoning District). FCCCs shall not be permitted in residential structures or dwelling units. All requirements of §13-816.E., Child Care Centers, shall apply

to FCCCs, including the review and approval process.

E. Child Care Centers (CCC).

- (1) Child Care Centers shall be approved via a Conditional Use Permit, as set forth in §13-905, and shall also obtain Occupation Tax Application approval from the City of Rock Springs prior to commencement of use.
- (2) Child Care Centers shall obtain all required licenses from the State of Wyoming and shall also be approved by the City of Rock Springs Building Division and Fire Department.
- (3) Child Care Centers shall comply with the following requirements, regardless of the Zoning District in which they are located:
 - (a) CCCs shall provide 0.25 off-street parking spaces per child per maximum session, plus 1 space per each employee. Required parking shall be installed, inspected and approved prior to commencement of the use. CCCs located in the B-3 Zoning District may be exempted from this requirement if the applicant can demonstrate there is adequate on-street or public parking located within 300 feet of the main entrance of the CCC building to meet the City's parking standard.
 - (b) CCC Conditional Use Permits shall be issued to a specific property. Should the CCC provider move to a new location, a new CCC

Conditional Use Permit shall be required.

(c) CCC Conditional Use Permits shall run with the land, provided:

- i. All personnel employed within a CCC shall obtain the required permits from the State of Wyoming prior to commencement of use, and
- ii. Any changes in the originally approved permit, including increase in the number of children; movement, relocation, expansion or reduction in the size of the child care operation within the structure; or increase in the number of staffing, shall require review of the Conditional Use Permit application and may require modification of the existing permit or issuance of a new permit, if so deemed necessary by the Zoning Administrator.

(d) The Planning & Zoning Commission shall have the right to revoke or revise any CCC Conditional Use Permit should legitimate complaints be lodged by property owners located within 200 feet of the CCC, or by the public, that the child care facility/preschool has adverse impacts on the health, safety and/or welfare of the neighborhood.

(e) The Planning & Zoning Commission shall have the right and authority to revoke any CCC Conditional Use

Permit for failure to comply with the conditions of approval established therein.

(Ord. 2010-10, 1/4/11, Ord. 2018-10, 6/5/18)

13-817 Wind Energy Conversion Systems

A. Purpose.

The purpose of this section is to provide standards for placement of Wind Energy Conversion Systems (WECSs) within the City of Rock Springs, while achieving the following goals:

- (1) Promoting the safe, effective and efficient use of WECSs in order to reduce consumption of fossil fuels associated with production of electricity; and
- (2) Preserving and protecting public health, safety, welfare and quality of life by minimizing the potential adverse impacts of WECSs; and
- (3) Establishing standards and procedures for siting, design, engineering, installation, operation and maintenance of WECSs; and
- (4) Promoting wind energy development to meet some or all of the electrical energy needs of a property through WECSs placed on that property. Development of large-scale WECSs for export of wind energy is not consistent with the purpose or intent of this ordinance.

B. Definitions.

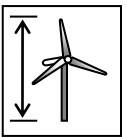
- (1) "A-Weighted Sound Level (dbA)" means a measurement of sound pressure level, which has been filtered or weighted to progressively deemphasize the importance of frequency components below one thousand

hertz (1,000 Hz) and above five thousand hertz (5,000 Hz). This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies, relative to the mid-range of the frequency spectrum. This area of sensitivity also corresponds to the human speech band.

- (2) "Decibel (db)" means the measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as zero db (A-weighted). In general, the quietest sound humans can hear is near zero db (A-weighted) and the loudest range of human hearing without pain is near one hundred twenty db (A-weighted).
- (3) "FAA" means the Federal Aviation Administration of the United States Department of Transportation.
- (4) "Guy cable" means any cable or wire that extends from a wind energy conversion system to the ground or supporting structure for the purpose of supporting the system structure.
- (5) "Meteorological tower" (Met Tower) means a facility consisting of a tower and related wind-measuring devices, which is used solely to measure winds preliminary to construction of a small wind energy conversion system.
- (6) "Micro wind energy conversion system" means a building-mounted wind energy conversion system (either a vertical or horizontal axis turbine) that has a rated nameplate capacity of One Kilowatt (1 kW) or less and projects no more than fifteen feet above the highest point of

the roof. All micro wind energy conversion systems shall be attached to a principal structure.

- (7) "Rated nameplate capacity," means the maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.
- (8) "Shadow flicker" means the visible flicker effect when rotating blades of the wind energy conversion system cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.
- (9) "Small wind energy conversion system" means a wind energy conversion system consisting of a tower, a turbine, and associated control or conversion electronics that generates power for an individual property for the purpose of reducing onsite energy consumption with a rated nameplate capacity of twenty-five kilowatts (25 kW) or less per system. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers. Excess electrical power generated, and not presently needed for onsite use, may be utilized by the utility company.
- (10) "System height" means the vertical distance from ground level to the tip of the wind generator blade when it is at its highest point. If the wind energy conversion system is installed on a roof, the system height is equal to the roof height (as measured from the ground level to the base of the WECS) plus the vertical distance from the roof to the tip



of the wind generator blade when it is at its highest point.

- (11) "Tower" means the monopole, guyed monopole or lattice structure that supports a wind generator
- (12) "Turbine" means the parts of a wind energy conversion system including the blades, generator and tail. The definition of a turbine includes both horizontal axis wind turbines (HAWT) and vertical axis wind turbines (VAWT).
- (13) "Turbine clearance" means the distance between ground level and the lowest point of a turbine blade in its rotation.
- (14) "Wind Energy Conversion System" (WECS) means any wind energy conversion system that converts wind energy into electricity through the use of a Wind Generator and includes the rotor, tower, pad transformer (if any) and associated equipment. For the purposes of this ordinance, WECSs may be classified as either micro or small, dependent upon rated nameplate capacity.
(Ord. 2012-11, 1-2-13)

C. Micro wind energy conversion systems.

- (1) Permitted Accessory Use. Micro wind energy conversion systems shall be permitted as an accessory use in all zoning districts other than the Open Space (O-1) Zoning District, subject to the requirements herein.
- (2) Maximum system height. Micro wind energy conversion systems shall not exceed the maximum building height for the district in which they are located nor shall they exceed 15 feet in height above the supporting building height. For those zoning districts without a maximum

building height, maximum system height shall be equal to the supporting building height plus 15 feet. If the supporting building height plus 15 feet exceeds the maximum building height for the Zoning District, the applicant may seek a Conditional Use Permit for placement of the Micro WECS for a height not to exceed 15 feet above the maximum district height, provided the following findings can be made:

- (a) That the proposed Micro WECS shall not adversely impact any neighboring property owner's view.
 - (b) That the proposed Micro WECS height is the minimum needed for installation of a Micro WECS on the principal structure.
 - (c) That the proposed Micro WECS shall not adversely impact the general health, safety or welfare of the neighborhood.
- (3) Sound. Micro WECSs shall not exceed fifty (50) dbA, as measured five feet above ground level at the closest property line. The maximum sound level, however, may be exceeded during short-term events, such as utility outages and/or sustained high winds.

D. Small wind energy conversion systems.

- (1) Conditionally permitted use. Small wind energy conversion systems shall be conditionally permitted, as an accessory use, pursuant to the following:
 - (a) Residential Zoning Districts (R-E through R-6) – conditionally permitted only when accessory to an institutional (church, school, college, public building,

- etc.) use and pursuant to meeting the general requirements of this section.
- (b) Neighborhood Business and Central Business Zoning Districts (B-1 & B-3): conditionally permitted as an accessory use in conformance with 13-817.D.(1)(a)
 - (c) Community Business and Industrial Zoning Districts (B-2, I-1 & I-2) – conditionally permitted as an accessory use pursuant to meeting the general requirements of this section.
 - (d) Open Space and Business-Residential Districts (O-1 & B-R) – not permitted
- (2) General requirements.
- (a) Maximum System Height. The maximum system height for a small wind energy conversion system shall be as follows:
 - (i) Lots smaller than 20,000 square feet – maximum height for the Zoning District. For those Zoning Districts without a maximum height, the maximum height shall be as follows:
 - R-6 – 28 feet
 - B-2 & B-3 – 35 feet
 - I-2 – 45 feet
 - (ii) Lots 20,000 square feet to one (1) acre – 70 feet
 - (iii) Lots larger than one (1) acre – 100 feet
(Ord. 2012-11, 1-2-13; Ord. 2012-11, 1-2-13)
 - (b) Minimum Setbacks.
 - i. Minimum setbacks for a small wind energy conversion system shall be equal to 110 percent

of the system height. Setbacks shall be measured from the center of the tower base to the property line.

- ii. No part of a small WECS, including but not limited to guy cable anchors, may extend closer than ten (10) feet to the property line.
 - iii. No small WECS shall be located in the required front or corner yard setback area or in front of the building line.
(Rev. Ord. 2012-11, 1-2-13)
- (c) Sound. Small WECSs shall not exceed the following sound levels, dependent upon the Zoning District in which they are located. Sound level shall be measured five feet above ground level at the closest property line. The maximum sound level, however, may be exceeded during short-term events, such as utility outages and/or sustained high winds.
- | | |
|------------------|---------------------|
| Zoning District | Maximum Sound Level |
| Residential | 50 db(A) |
| Commercial | 55 db(A) |
| Light Industrial | 65 db(A) |
| Heavy Industrial | 75 db(A) |
- (d) Turbine Clearance. Minimum turbine clearance shall be twelve (12) feet above ground level. No portion of any turbine may extend over parking areas, driveways or sidewalks.
 - (e) Climb Prevention. Small WECSs shall be designed so as to not be climbable up to fifteen (15) feet above the ground surface.

- (f) Guy Cables. Guy cables providing support for a WECS shall be marked and clearly visible to a height of six (6) feet above the guy cable anchors.
- (g) Meteorological towers. Meteorological towers shall be permitted for periods of up to twelve months, and shall be removed prior to the installation of the WECS for which they are measuring. A request to install a meteorological tower shall be included in the application to install a small wind energy conversion system.

Ord. 2012-11, 1-2-13

E. Requirements for both micro and small wind energy conversion systems.

- (1) Applicable Building & Electrical Codes. All small and micro WECSs shall be regulated by applicable building and electrical codes.
- (2) Automatic Over-Speed Controls. All small and micro WECSs shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the micro wind energy conversion system or small wind energy conversion system.
- (3) Utility Notification. No micro or small WECS shall be installed until written evidence has been given that the electrical utility company has been informed of, and acknowledged, the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

- (4) Color. Wind energy conversion systems shall be white, off-white, gray, or neutral subdued tones, such as earth tones of green or brown. No part of a WECS shall be finished in bright or vivid colors, nor shall any part be used for advertising of any kind.
- (5) Lighting. WECSs shall not be artificially lighted, except as required by the FAA. If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the wind energy conversion system.
- (6) Shadow Flicker. Wind energy conversion systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting buildings. The applicant has the burden of proving that the shadow flicker from the WECS will not have significant adverse impacts on neighboring or adjacent uses.
- (7) Multiple WECSs. Up to two (2) WECSs shall be permitted on the same property, provided all minimum standards are met and combined sound levels do not exceed maximum sound levels. Applications for more than two (2) WECSs on a given site shall be considered a conditional use permit to be reviewed by the Planning & Zoning Commission, regardless of the type of WECS (micro or small), in accordance with the provisions herein. All applications for multiple WECSs shall provide an acoustical study stamped by a licensed Wyoming Engineer confirming the combined db(A)

for all proposed WECSs and existing WECSs on the property.

F. Application requirements.

The applicant shall provide the following materials to the City as part of an application for micro or small wind energy conversion systems:

- (1) Application Form. A completed application provided by the Zoning Administrator.
- (2) Proof of Ownership. Proof of ownership of the property where the proposed WECS will be constructed.
- (3) Application Fee. The application fee shall be assessed in accordance with the fee schedule established in §13-1001.B of this ordinance.
- (4) Plot Plan. Twenty (20) copies of a scaled 11" x 17" (at least one reduced version) or larger plot plan of the proposed wind energy conversion system, to include property lines, setbacks, physical dimensions of the property, locations of structures, location of the proposed WECS, including the tower, base, footings, generator, blades, guy wires, and all associated equipment.
- (5) Elevation Drawing. Four (4) copies of a scaled, full-color elevation drawing (profile) showing the tower height, system height, turbine clearance, colors and climb prevention features of the WECS.
- (6) Certification. Certification that the design is in compliance with the current National Electric Code and local electrical code. Applications shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner

of the installation conforms to the National Electrical Code and local electrical codes, as well as the kW rating of the WECS.

- (7) Evidence satisfactory to the Building Division that the proposed WECS meets the following standards:
 - (a) That the micro WECS or small WECS is UL listed, and/or meets the Institute of Electrical and Electronic Engineers (IEEE) standards, or other nationally recognized testing lab (NRTL), or is designed and stamped by a Wyoming licensed Professional Engineer;
 - (b) Other materials, as required by the Chief Building Official, shall be provided. Please note, a building permit shall be required and a separate building permit fee shall be assessed.
- (8) Shadow Flicker Evaluation. Evidence that the proposed WECS shall not have a significant shadow flicker effect on adjacent buildings.
- (9) Utility Notification. Written evidence that the electrical utility company has been informed of, and acknowledged, the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (10) Sound Certification. Stamped certification of the maximum average sound level in db(A) for the WECS. For multiple WECSs on the same property, said certification shall include an acoustical study indicating the combined db(A) for all WECSs on the property.
- (11) Meteorological Tower Request. For small WECSs

applications desiring to install a meteorological tower, said request shall accompany the application and shall contain specifications for the proposed MET.

(12) FAA Determination. For WECSs requiring lighting, a copy of the FAA determination to establish the required markings and/or lights for the wind energy conversion system.

(13) Adjacent Property Owners. For all small WECSs applications and those micro WECSs applications desiring to exceed the maximum building height in the underlying Zoning District, the application shall include the following:

(a) Names and addresses of all property owners owning property located within 200 feet of the boundaries of the proposed WECS property.

(b) Mailing labels for property owners located within 200 feet of the boundaries of the proposed WECS property.

G. Review and approval.

(1) All WECSs Applications.

(a) Complete Application. Within eight (8) working days of submittal of a WECS application, the Zoning Administrator shall review the submittal and notify the applicant whether the application is complete. The applicant shall have 30 calendar days to submit all required materials for incomplete applications. Should the applicant fail to provide the missing materials within the 30-day timeframe, the application

shall be marked void and returned to the applicant.

(b) Utility Review. Within ten (10) working days of submittal of a complete WECS application, the Zoning Administrator shall schedule a Utility Review meeting of the proposed WECS. For micro WECSs not exceeding the maximum height of the Zoning District, the Zoning Administrator may opt to route the plans to Utility Review members for comment, without holding an actual meeting. The Zoning Administrator shall provide the applicant with copies of all comments provided by the Utility Review members.

(c) Revised Plans. Within 30 calendar days following provision of Utility Review comments to the applicant, revised plans addressing all comments shall be submitted. Should revised plans fail to address all comments, the application shall be denied by the Zoning Administrator.

(2) Micro WECSs not requesting conditional use permit for height.

(a) Site plan approval. Within 10 calendar days following receipt of plans approvable by all Utility Review members, and including all required supporting materials, the Zoning Administrator shall notify the applicant in writing of Site Plan approval for the proposed WECS.

(b) Building Permit. The Zoning Administrator shall forward a copy of all

application materials and the approved Site Plan to the Chief Building Official. The Chief Building Official shall have the authority to require such additional information, plans or certifications, as he deems necessary. The applicant shall have one year from the date of Site Plan approval to obtain a building permit for the WECS.

(3) All Small WECS and those micro WECS requesting conditional use permit for height.

(a) Property Owner Notification. Within 10 calendar days following receipt of plans approvable by all Utility Review members, and including all required supporting materials, the Zoning Administrator shall notify adjacent property owners in writing of the proposed application.

(b) Application Protest Period. Adjoining property owners (located within 200 feet of the boundaries of the property proposed for the WECS) shall have 14 calendar days from the postmarked date of property owner notification to file signed, written protests with the Zoning Administrator.

(c) Protested Application. Should twenty-five (25) percent or more of the property owners notified under the provisions of this section submit signed, written protests to the Zoning Administrator within the application protest period, the WECS application shall be

forwarded to the Planning & Zoning Commission for review. The Planning & Zoning Commission shall have the authority to approve or deny the application or to attach any such conditions of approval as are deemed necessary to protect the health, safety and welfare of the community.

(d) Unprotected Application. Should fewer than 25 percent of the property owners notified under the provisions of this section submit signed, written protests to the application, the application shall be deemed “unprotected” and the Zoning Administrator shall, within 10 calendar days of the close of the Application Protest Period, notify the applicant in writing of Site Plan approval for the proposed WECS.

(e) Building Permit. The Zoning Administrator shall, following conditional use permit approval, forward a copy of all application materials and the approved Site Plan to the Chief Building Official. The Chief Building Official shall have the authority to require such additional information, plans or certifications, as he deems necessary. The applicant shall have one year from the date of Site Plan approval to obtain a building permit for the WECS.

13-818. Signs.

A. Purpose.

The purpose of this Ordinance is to encourage the effective use of signs as a means of communication within the city while at the same time protecting the general welfare, health, safety, order and aesthetics of the community. It is the intent of this Ordinance to provide a reasonable balance between the rights of businesses to identify and promote themselves and the rights of the public to be protected from the visual discord and distractions that result from unrestricted signage.

B. Definitions.

Address / Nameplate Identification Sign: A sign that identifies the address for each residence and business, provided that, for residential uses said signage shall not exceed two (2) square feet in area and shall not contain the name of any business.

Awning Sign: A sign incorporated into or attached to an awning or canopy. Awnings and canopies shall be considered to be an integral part of the structure to which they are accessory. Signs may be attached to the surface of a canopy or awning and shall be considered a wall sign.

Billboard or Off-Premise Sign: A permanently affixed freestanding sign whereon advertising matter is displayed conspicuously and which advertising does not apply to the premises or any use of the premises upon which the signage is located.

Digital Billboard Sign: An Off-Premise Electronic Message Board Sign.

Dwell Time: The amount of time an electronic message is displayed on a sign before transitioning to another message.

Electronic Message Board Sign: A sign with a fixed or changing display/message composed of lights that may be changed through electronic means, but shall not include signage devoted solely to display of time/temperature or fuel pricing.

Flashing Sign: A sign which sends out a sudden brief light within the time sequence of 10 seconds or less. Flashing signs are prohibited in the City of Rock Springs.

Freestanding Sign: Any sign permanently affixed to the ground but not affixed to a building, except that off-premise signs and electronic message boards shall comply with specific requirements contained in this section.

Governmental Purpose Sign: Any sign erected or authorized to be erected by Director of Engineering & Operations and which performs an expressly governmental purpose. Said signs shall include traffic signs, street signs, trailblazer signs and wayfinding signs.

Identification Sign: A permanent, on-premise, freestanding sign identifying a residential, institutional, public, commercial or industrial development or project and including the name of the development or project.

Illuminated Sign: A sign lighted by or exposed to artificial lighting by lights on, in or directed toward the sign.

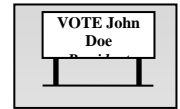
Internal Sign: A sign located on the inside of a building, whether or not said sign is visible from the exterior of the building.

Interstate Orientated Sign: A freestanding sign located within 2,500 feet of the center point of any interstate interchange.

Moving Sign: A sign which changes place or position by way of movement. This shall include revolving and rotating signs. Moving signs are prohibited in the City of Rock Springs.

Mural Sign: Any picture, scenery, drawing or diagram painted on any exterior wall or fence that does not contain advertising, e.g. business name, logo, symbols, trademarks, lettering, numerals, etc. Murals determined to be advertising shall be considered a sign and shall be included in the calculations of allowable sign area in those districts where said signage is regulated.

Political Sign: A sign identifying and urging voter support for a particular election issue, political party or candidate for public office.



Political Sign

Portable Sign: Any temporary sign not permanently affixed to the ground or a building. Portable signs shall include, but are not limited to, signs mounted or painted upon on a trailer, bench, wheeled carrier, fence or vehicle.

Projecting Sign: Any sign that is attached to and projects perpendicular from the wall or face of a building.

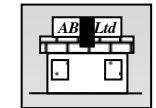
Promotional Development Sign: Signs erected for the purpose of selling or promoting a residential project of ten (10) or more dwelling units or any non-residential project that is under construction. Signage shall include the name of the project and may include the name of the owner, architect, engineer or contractor.



Promotional Real Estate Sign

Real Estate Sign: A temporary sign that relates to the sale, lease or rental of an individual property or building.

Roof Sign: Any sign erected upon, against, or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eave.



Roof Sign

Sign: A device designed or intended to convey information to the public in written or pictorial form, including text, figures, numerals, emblems, trademarks, trade names or any combination thereof.

Sign Area: The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. The calculation for a double-faced sign shall be the area of one face only. Double-faced on-premise signs shall be so constructed that the perimeter of both faces coincide, are parallel and are not more than 24 inches apart. Double-faced off-premise signs of up to 288 sf shall be constructed so that the sign faces are no more than 48 inches apart. Double-faced off-premise signage exceeding 288 sf shall be constructed so that the sign faces are no more than 72 inches apart. V-shaped signage shall count as a single-faced sign as long as the signage shares a single support, meets the separation requirements of this section at the closest point and the angle between the signs does not exceed 45 degrees. Multi-faced signage shall not exceed twice the permitted area of a single face sign.

Sign Height: The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

Sign Transition: For electronic signage, the method used to change from one message to the next.

Temporary Sign: A sign not intended or designed for permanent display.

Traffic Directional Sign: Signage used for the purpose of guiding traffic on-site.



Traffic Directional

Wall Sign: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than 12 inches from such building or structure.



Wall Sign

C. General Provisions Applicable to All Districts.

- (1) Quality of Construction. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial.
- (2) Maintenance. Signage shall be maintained in a condition of reasonable repair and shall not be

allowed to become and remain in a condition of disrepair, damage or unsightliness. Signage shall not become a nuisance, public or private. Any signage which is, or has become, dangerous to the safety, health or welfare of the community, or which has become unsightly through improper maintenance or neglect is a public nuisance and the Zoning Administrator shall commence proper proceedings for the abatement thereof. Nothing in this section shall be construed to require the removal of historic signs provided said signage is maintained.

- (3) Non-conforming Signs. Any sign which does not comply with the provisions of this Ordinance shall be deemed non-conforming. A non-conforming sign which has been damaged by fire, wind or other cause in excess of fifty (50%) percent of the area of the sign face or faces shall not be restored except in conformance with the provisions of this Ordinance. Any sign that is removed shall not be replaced thereafter except in conformance with these requirements, however, regular maintenance and refacing shall be permitted.
- (4) Off-Premise Signs. Off-Premise signs and billboards (non-accessory) shall not be permitted in any district except as provided for in this section.
- (5) Indecent Material. No sign shall contain any indecent or offensive picture or written matter.
- D. District Regulations.

Sign Type	Residential (1)	B-1	B-2 (1)	B-3 (2)	I-1 & I-2
Address Identification / Nameplate	P (3)	P (3)	P (3)	P (3)	P (3)
Awning	N	N	N	S	N
Billboard / Off-Premise	N	N	S (4)	N	S (4)
Bus Stop Bench	P	P	P	P	P
Bus Stop Shelter	N	N	N	N	N
Digital Billboard	N	N	C (5)	N	C (5)
Electronic Message Board	C-PICR (6)	C (6)	C (6)	C (6)	C (6)
Flashing	N	N	N	N	N
Freestanding	S-PICR (7)	S (7)	S (7)	S (7)	S (7)
Governmental Purpose	P (8)	P (8)	P (8)	P (8)	P (8)
Home Occupation	N	N	N	N	N
Identification	S (9)	N	S (9)	N	S (9)
Illuminated	S (10)	S (10)	S (10)	S (10)	S (10)
Internal	P	P	P	P	P
Interstate Oriented	N	N	S (11)	N	S (11)
Moving	N	N	N	N	N
Mural	N	P	P	S (12)	P
Political	P (13)	P (13)	P (13)	P (13)	P (13)

Portable	P-PICR (14)	P (14)	P (14)	P (14)	P (14)
Projecting	N	S (15)	S (15)	S (15)	S (15)
Promotional Development	P (16)	P (16)	P (16)	P (16)	P (16)
Real Estate	P (17)	P (17)	P (17)	P (17)	P (17)
Roof	N	N	S (18)	N	S (18)
Traffic Directional	P-PICR (19)	P (19)	P (19)	P (19)	P (19)
Wall	S-PICR (20)	S (20)	S (20)	S (20)	S (20)

P - Permitted by Right (No Sign Permit Required)

S – Permitted, with Sign Permit

C - Conditional Use Permit Required

N - Not Permitted

P-PICR – Permitted by Right (Public, Institutional, Church and Recreational Uses)

S-PICR – Sign Permit Required (Public, Institutional, Church and Recreational Uses)

C-PICR – Conditional Use Permit (Public, Institutional, Church & Recreational Uses)

(1) B-R Zone Requirements.

(a) <u>Residential Use.</u>	Residential Zone regulations shall apply
(b) <u>Commercial Use.</u>	B-2 Zone regulations shall apply

(2) Special Provisions for B-3 (Central Business) Zone Signs.

(a) <u>Historical Character.</u>	Signage should be in keeping with the historical character and nature of the City's Central Business District, except where it can be demonstrated that updated signage meets the greater need of the community.
(b) <u>Residential Use.</u>	Residential Zone sign regulations apply
(c) <u>Arterial Exception.</u>	Properties abutting arterial roadways - B-2 Zone sign regulations apply
(d) <u>Other.</u>	Placement or restoration of historical murals, placards and identification signs approved by the Local Governing Body or designated authority shall be considered exempt.

(3) Address Identification / Nameplate Signs.

(a) <u>Number.</u>	1 required per business or residence
(b) <u>Residential</u>	Limited to address and occupant name and a maximum of two square feet in area.

<u>Use.</u>	Home occupation signage prohibited.
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(4) Billboard / Off-Premise Signs.

(a) <u>Area.</u>	672 square feet maximum, if within 660 feet of interstate highway right-of-way
	288 square feet maximum, if beyond the 660 feet interstate highway zone
	Double-faced signs – see Sign Area in the definitions section of this Ordinance
(b) <u>Height.</u>	40 feet maximum. May be exceeded with Conditional Use Permit approval by the Planning & Zoning Commission, pursuant to §13-905.
(c) <u>Clearance.</u>	10 feet above ground level minimum
(d) <u>Number.</u>	1 maximum per lot or parcel
(e) <u>Location.</u>	(i). No projection beyond the property line of the parcel/lot where it is erected. (ii). No part of the sign, including the footing, shall be located in a recorded easement. (iii). No obstruction, overhang or interference with existing utilities.
(f) <u>Setback.</u>	10 feet from any part of billboard to the street right-of-way line <u>and</u> 10 feet from any part of billboard to side lot lines
(g) <u>Separation.</u>	500 feet along the same side of the road, if a traditional billboard
	1500 feet along the same side of the road, if a digital billboard
(h) <u>Collocation.</u>	Conditional Use Permit approval by the Planning & Zoning Commission required if other uses are on the property

(5) Digital Billboards.

(a) <u>Approval.</u>	Conditional Use Permit approval by the Planning & Zoning Commission required, pursuant to §13-905. The following findings of fact shall be made: (i). The digital billboard has no or minimal adverse impacts on traffic and will not obscure or otherwise interfere with an official traffic sign, signal or device, or obstruct or otherwise interfere with the driver's view of approaching, merging, or intersecting traffic, said determination to be made the Director of Engineering and Operations, County Engineer and/or WYDOT, as appropriate; <u>and</u> (ii). The digital billboard is sited such that it will not block views of any historic structure, public park, cemetery, playground or significant landmark.
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(b) <u>Dwell Time.</u>	10 seconds, minimum
(c) <u>Transitions.</u>	2 seconds or less using immediate, dissolve or fade method
(d) <u>Lighting.</u>	<p>Messages/copy shall not increase the ambient lighting level by more than 0.3 foot candles when measured via a foot candle meter based upon the sign area and distance from the sign, as follows:</p> <p>(i). Up to 242 square feet – 150 feet (ii). 243 to 378 square feet – 200 feet (iii). 378 to 672 square feet – 250 feet (iv). at the property line of a single family dwelling located in a zoning district where billboards are prohibited.</p>
(e) <u>Sensing.</u>	A light sensing device shall be used to adjust the brightness as ambient light conditions change to meet the requirements above.
(f) <u>Other.</u>	Digital billboards shall also comply with §13-818.D.(4), Billboard / Off-Premise Signs.

(6) Electronic Message Board (EMB) Signs.

(a) <u>Area.</u>	Residential Zones/Uses - 40 square feet maximum
	Other Zones/Uses - 100 square feet maximum
	Double-faced Signs – see Sign Area in the Definitions section of this Ordinance
(b) <u>Number.</u>	Detached, freestanding – Maximum of two per lot or parcel, if separated on the same lot or parcel by a minimum of 400 linear feet along a public road frontage
	Wall – 1 per permitted business
	Interior – No limit
(c) <u>Approval.</u>	<p>Conditional Use Permit approval by the Zoning Administrator shall be required, as follows:</p> <p>(i). The Zoning Administrator shall forward a copy of the proposed Electronic Message Board application to neighboring properties located within 200 feet within 5 working days of receipt of a complete application.</p> <p>(ii). The permit determination shall be made no sooner than 10 days following property owner notification and shall include such conditions as are deemed necessary to protect the health, safety and welfare of the community and surrounding neighborhood.</p> <p>(iii). The decision of the Zoning Administrator may be appealed to the Planning & Zoning Commission via written request submitted within 10 working days of the permit determination.</p>
(d) <u>Transitions.</u>	Shall comply with 13-818.D.(5)(c), Digital Billboards
(e) <u>Lighting.</u>	Shall comply with 13-818.D.(5)(d), Digital Billboards

(f) <u>Sensing.</u>	Shall comply with 13-818.D.(5)(e), Digital Billboards
(g) <u>Applicability.</u>	For purposes of this Ordinance, Digital Billboards shall not be considered Electronic Message Boards. Please refer to §13-818.D.(5) for regulations pertaining to Digital Billboards.
(h) <u>Allotment.</u>	Electronic Message Board signage shall count toward the total sign area allotment for the property, lot or business
(i) <u>Advertising.</u>	Advertising shall be related solely to businesses on the premises, charitable functions, community events and public service announcements.
(j) <u>Prohibited.</u>	Flashing and animation. Scrolling and chasing shall be allowed.
(k) <u>Hours.</u>	Residential Zones –Messages/copy shall not be displayed from 10 PM to 6 AM
(l) <u>B-3.</u>	The following mandatory conditions of approval shall also apply to Electronic Message Boards (EMBs) in the B-3 Zone: (i). The EMB property shall be publicly owned. (ii). All provisions of this section, including placement and size, shall be met. (iii). The Zoning Administrator shall make a finding that the proposed EMB signage meets the greater needs of the community better than traditional signage.
(i) <u>Other.</u>	(i). If freestanding, shall also comply with 13-818.D.(7)(b), (c) & (e), Freestanding Signs

(7) Freestanding Signs.

(a) <u>Area.</u>	Residential & B-1 Zones – 40 square feet maximum
	B-3 Zone – 15 square feet maximum
	B-2, I-1 & I-2 Zones – 1 square foot per lineal foot of public road frontage, with a minimum of one 100 square foot sign allowed per property, regardless of frontage.
	Double-faced Signs – see Sign Area in the Definitions section of this Ordinance
(b) <u>Height.</u>	Residential Zones – 6 feet maximum <u>Exception:</u> Institutional and recreational uses on an arterial, major collector or minor collector roadway, may be up to 12 feet with Conditional Use Permit approval by the Planning & Zoning Commission. The Commission shall take into account travel speeds, visibility, proximity of adjoining residential development, lighting, and distance from the roadway and shall attach such conditions as deemed necessary to protect the health, safety, and welfare of the community.
	B-1 Zone – 20 feet maximum
	B-2, I-1 & I-2 Zones - 25 feet maximum

	B-3 Zone - 3 feet maximum
	All Zones – 30 inches maximum height if located in Vision Triangle area and clearance in §13-818.D.(7)(c) is not met
(c) <u>Clearance.</u>	10 feet minimum, if within 25 feet of a street right-of-way line intersection or driveway entrance
(d) <u>Number.</u>	Residential & B-3 Zones - 1 per lot or parcel per public street frontage -
	B-1 Zone – 1 per lot or parcel per public street frontage
	B-2, I-1 and I-2 Zones – 1 freestanding sign for each 100 feet of public road frontage
(e) <u>Location.</u>	(i). No projection beyond the property line of the parcel/lot where it is erected.
	(ii). No part of the sign, including the footing, shall be located in a recorded easement.
	(iii). 5 feet minimum setback for supporting members and footings from the right-of-way line.
	(iv). No obstruction, overhang or interference with existing utilities.
	(v). Residential Zones - 10 feet setback minimum to side lot lines.

(8) Governmental Purpose Signs.

(a) <u>Other.</u>	Area, height, location and number - approved by the Director of Engineering & Operations
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(9) Identification Signs.

(a) <u>Area.</u>	Residential Zones - 40 square feet maximum. For double-faced signs, see Sign Area.
	B-2, I-1 & I-2 Zones - 150 square feet maximum. For double-faced signs, see Sign Area.
(b) <u>Number.</u>	1 per public street frontage on a collector or arterial roadway
(c) <u>Permitted.</u>	Residential Zones – Development with more than 10 dwelling units
	B-2 Zones – A shopping center or business park consisting of 5 or more businesses or a group of buildings containing 3 or more businesses
	I-1 and I-2 Zones – An industrial park or other group of businesses consisting of 5 or more in total number
(d) <u>Allotment.</u>	Portions devoted solely to identification shall not be counted toward sign area allotment on the property
(e) <u>Other.</u>	Shall also comply with 13-818.D.(7)(b), (c), and (e), Freestanding Signs

(10) Illuminated Signs.

(a) <u>Hours.</u>	Operational hours may be restricted by the City to prevent creation of a nuisance
(b) <u>Lighting.</u>	Externally Lit Signs – shielded light source required
	Within 50 Feet of a Residential Zone – diffused or indirect light required, direct rays of light shall not reflect into adjacent residences

	Near Residential Zones – shall not illuminate adjacent residential property
	Electronic Message Boards & Digital Billboards -comply with the lighting requirements of those sections
(c) <u>Other.</u>	Shall also comply with the requirements for the associated sign type, e.g. freestanding, wall, etc.

(11) Interstate Oriented Signs.

(a) <u>Area.</u>	200 square feet maximum. For double-faced signs, see Sign Area for requirements.
(b) <u>Height.</u>	25 feet above the midpoint of the center point of the interchange
(c) <u>Number.</u>	1 per lot or parcel maximum
(d) <u>Allotment.</u>	Shall not be counted toward signage allowance under 13-818.D.(7)(a), if located within 2,500 feet of the center point of an interstate interchange
(e) <u>Elevations.</u>	Center point elevations of the interstate interchanges are: (i). I-80 and Dewar Drive - 6,264 feet (ii). I-80 and Elk Street - 6,310 feet (iii). I-80 and Ninth Street - 6,303 feet

(12) Mural Signs.

(a) <u>Advertising.</u>	B-3 Zone - Murals containing advertising, e.g. business name, logo, symbols, trademarks, lettering, numerals, etc., shall be considered wall signage and shall comply with the requirements of 13-818.D.(20), Wall Signs.
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(13) Political Signs.

(a) <u>Area.</u>	40 square feet maximum on any lot or parcel
(b) <u>Installation.</u>	Permitted for a maximum period of sixty (60) days immediately preceding any primary, general or special election to which they refer.
(c) <u>Removal</u>	(i). 10 days maximum after the primary, general or special election to which they refer (ii). Successful candidates in a primary election may leave their signs in place until a maximum of ten (10) days following the general election

(14) Portable Signs.

(a) <u>Area.</u>	Residential Zones – 24 square feet maximum for Public, Institutional, Church, and Recreational Uses B-1, B-2, I-1 & I-2 Zones - 24 square feet maximum B-3 Zone - 8 square feet maximum
(b) <u>Number.</u>	1 per lot or business maximum
(c) <u>Location.</u>	B-1, B-2, I-1 & I-2 Zones - See 13-818.D.(7)(e), Freestanding Signs B-3 Zone – within 10 feet of the primary building entrance; if positioned on the public sidewalk, shall be approved by the City Engineer and shall not impede pedestrian traffic

(d) <u>Removal.</u>	All Zones – When faded, torn, unreadable or otherwise in a state of disrepair B-3 Zone – Daily, at the time of close of business
(e) <u>Exempt.</u>	The following shall be considered exempt from the provisions of this section: (i) City-sponsored events and promotions (ii) Required vehicle identification signage for contractors, taxi drivers and other vehicular signage not serving the purpose of an off-premise sign.

(15) Projecting Signs.

(a) <u>Area.</u>	B-1, B-2, I-1 & I-2 Zones - 24 square feet maximum - B-3 Zone - 8 square feet maximum
(b) <u>Clearance.</u>	All Zones - Minimum of 7 feet above ground level B-3 Zone – Maximum of 12 feet
(c) <u>Number.</u>	1 per business maximum
(d) <u>Width.</u>	B-3 Zone (as viewed from the end) – 4 inches maximum
(e) <u>Other.</u>	Public sidewalk encroachment permitted with approval by City Engineer or Wyoming Department of Transportation, as appropriate

(16) Promotional Development Signs.

(a) <u>Area.</u>	40 square feet maximum. For double-faced signs, see Sign Area.
(b) <u>Number.</u>	1 per abutting public street frontage maximum
(c) <u>Location.</u>	Shall comply with 13-818.D.(7)(e), Freestanding Signs
(d) <u>Lighting.</u>	Illumination shall be prohibited
(e) <u>Removal.</u>	Once an occupancy permit has been granted for all buildings in the associated development

(17) Real Estate Signs.

(a) <u>Area.</u>	Residential Zones & Uses - 8 square feet maximum Other Zones & Uses – 40 square feet maximum
(b) <u>Number.</u>	1 per abutting public street frontage maximum
(c) <u>Location.</u>	Shall comply with 13-818.(7)(e), Freestanding Signs
(d) <u>Removal.</u>	7 days following lease or sale of property
(e) <u>Other.</u>	Open House Signs may be erected for up to 48 hours

(18) Roof Signs.

(a) <u>Area.</u>	Maximum of 20% of the area of the wall of the building to which signage is attached
(b) <u>Height.</u>	B-2 Zone – Can extend no higher than 20 feet above the parapet or roof of the building

(19) Traffic Directional Signs.

(a) <u>Area.</u>	8 square feet maximum
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(20) Wall Signs.

(a) <u>Area.</u>	B-3 Zone – 1 square foot per linear foot of building frontage on a public street
	Other Zones – None
(b) <u>Location.</u>	B-3 Zone – No obstruction of windows or architecturally significant building features
	All Zones – Shall not exceed mansard or roof height by more than 2 feet

(Amended Ord. 2014-03, 4/15/14; Ord. 2014-10, 10/7/14; Ord. 2016-03, 6/7/16)

13-819. Dining Decks

A. Purpose

The purpose of this section is to establish requirements and guidelines for restaurants in the B-3 Zone that wish to add dining decks as an accessory use to their existing restaurant.

B. Definitions

Dining Deck: means a platform(s) operated by an existing restaurant or food establishment which sells food, beverages or alcoholic beverages for immediate consumption, subject to design guidelines established herein, located on the abutting parking spaces in front of the establishment for patrons and other persons. The dining deck can only be accessed from the sidewalk.

C. Application

An application for Dining Deck approval shall follow the submittal and review process as a Minor Site Plan in accordance with Section 13-904. Information required under D. General Provisions of this Section shall be included. The site plan shall be stamped by a Wyoming Licensed Professional Engineer. Due to City Street Right-of-Way involved, a Lease Agreement with the City of Rock Springs must also be submitted.

D. General Provisions

(1) **Size:** Dining deck area shall be limited to the linear street frontage of the restaurant. The encroachment of the proposed decks into the street will not exceed 9 feet from the curb. The dining deck shall be situated in a

manner to provide safe vehicle movement for the adjacent street parking spaces. The encroachment of the proposed decks into the sidewalk shall be minimized to provide a minimum of 6 feet clearance between the deck and the building. The dining deck shall not be more than 4 feet above the sidewalk level.

- (2) **Application:** A dining deck application shall be valid for one (1) year
- (3) **Material:** Street dining decks may be built of wood platforms and shall have a solid base. The design of the base shall complement the style of the building. The dining deck shall have a perimeter railing, barrier, or similar structure which shall provide protection and enclosure for the dining deck. The railing or barrier shall be determined by the City on a case by case basis.
- (4) **Drainage:** Design of the dining deck and its skirting shall not interfere with existing drainage and shall allow storm water to run adjacent to the curb unobstructed. A drainage plan must be provided and stamped by a Wyoming Licensed Professional Engineer.
- (5) **Utilities:** Location of all utilities shall be shown on the Site Plan. Dining decks shall not be placed on top of manholes, water valves, or storm drains. Access to utilities including fire hydrants shall not be hindered by the dining deck.
- (6) **Street:** Bonding shall be included under the Lease Agreement for potential damage to the

- infrastructure (pavement, sidewalk, curb/gutter, etc)
- (7) Umbrellas: Umbrellas are allowed but are prohibited from extending beyond the dining area.
 - (8) Duration: Dining decks are permitted from May 1st and shall terminate on October 30th, each year, and must be completely removed by November 7.
 - (9) Licensing: The applicant shall adhere to applicable City and State licensing ordinances including alcoholic beverage permits.
 - (10) Alcoholic Beverages: All alcoholic beverages to be served on the dining deck shall be prepared within the restaurant and shall only be served to patrons seated at tables on the dining deck
 - (11) Food Service: all food to be served on the dining deck shall be prepared by the restaurant
 - (12) Maintenance: the maintenance of the dining deck shall be the responsibility of the establishment including but not limited to, surface treatment and cleaning, litter control, sweeping, and snow and ice removal. The sidewalk and public property shall be kept neat and clean at all times and free from any substance that may cause damage to the sidewalk or public property or cause pedestrian injury.
 - (13) Storage: All equipment and other associated materials must be removed and stored on private property during the off season.

E. Review and Approval

The Dining Deck Application shall be reviewed as a Minor Site Plan under Section 13-904. Final Approval shall be by the City Council along with a Lease of City Street Right-of-Way.

(Ord. 2018-08, 6/5/18)

