

## Article 13-9

### ADMINISTRATIVE PROCEDURES

#### Sections:

- 13-901 Procedure for Amendments to this Ordinance.**
- 13-902 Procedure for Rezonings.**
- 13-903 Procedure for Variances to the Ordinance.**
- 13-904 Procedure for Site Plan Approval.**
- 13-905 Procedure for Conditional Use Permit Approval.**
- 13-906 Procedure for Planned Unit Development (P.U.D.) Approval.**
- 13-907 Procedure for Appeals to Board of Adjustment.**
- 13-908 Zoning Permits**
- 13-909 Parallel Conditional Use Districts**
- 13-910 Limitation for Petitions**
- 13-911 Housing Projects Sponsored by the City**
- 13-912 Procedure for Exemptions**
- 13-901 Procedure for Amendments to this Ordinance.**

A. Generally.

In accordance with the provisions of Wyoming State Statutes, the City Council may from time to time adopt amendments to the Zoning Ordinance. An amendment to this Ordinance may involve changes in its text and wording, including but not limited to changes in the regulations regarding uses, setbacks, heights, lot areas, definitions, administration, and/or procedures. Ordinance amendments do not, however, include the rezoning of property. Amendments may be initiated by the Council, the Planning and Zoning Commission, or by petition of a person whose property would be affected by the amendment.

B. Application of Amendment.

If an individual or other party initiates a

request for an amendment to this Ordinance, the request must be made on a form provided by the Zoning Administrator. All applications shall be signed by the person making the application. The request must state the exact section of the Ordinance proposed for amendment, the proposed substitute wording, and the reasons for requesting the amendment. Graphic material should also be submitted if it will assist in understanding the benefits of the amendment. The submittal must be made to the Zoning Administrator and the processing fee paid at least twenty-three (23) days prior to the date of the public hearing by the Planning and Zoning Commission. (Ord. 2012-02, 3/20/12)

C. Notice of Hearing.

No amendment to this Ordinance shall be adopted until public hearings have been held thereon by the Planning and Zoning Commission and the City Council. A notice of the time, date, place and purpose of the hearings shall be published in the official newspaper of the City of Rock Springs at least fifteen (15) days prior to the date of the first hearing which shall be held by the Planning and Zoning Commission and at least fifteen (15) days prior to a subsequent hearing by the City Council.

D. Hearing and Recommendation by the Planning and Zoning Commission.

An amendment not initiated by the Planning and Zoning Commission shall be referred to the Commission for study and public hearing. In its deliberations on the matter, the Commission shall consider oral or written statements from the petitioner, the public, City staff, and its own members. The Commission may approve, disapprove, or table an amendment application. The Commission shall notify the City Council in writing of its recommendation.

E. Hearing and Decision by the City Council. The City Council shall, at its next regular meeting after receipt of the report and recommendation of the Planning and Zoning Commission, set a date for a public hearing on the amendment request. In its deliberations on the matter, the Council shall consider oral or written statements from the

petitioner, the public, City staff members, and its own members. The Council may approve the request by Ordinance, deny the request, or table the request.

### **13-902 Procedure for Rezoning.**

#### **A. Generally.**

In accordance with the provisions of Wyoming State Statutes, the City Council may from time to time change the zoning of parcels of land within the municipality. These changes in zoning classification are for the purpose of meeting the land use needs of the residents of the City in conformance with the City's Land Use Plan. Rezoning may be initiated by the City Council, the Planning and Zoning Commission, or by petition of the person whose property would be affected by the rezoning.

#### **B. Application for Rezoning.**

An application for rezoning shall be made on a form provided by the Zoning Administrator. The application shall include the legal description of the property, the present zoning classification, and the land use designation of the property, as depicted on the Master Land Use Plan Map. The applicant shall present evidence to the Zoning Administrator of ownership or type of controlling interest in the property (e.g., option to purchase). If the application is not signed by the property owner(s) of record, a  $\frac{3}{4}$  majority affirmative vote of the City Council shall be required, in accordance with the provisions of §13-902.F. This application shall be completed and submitted along with the established fee to the Zoning Administrator at least twenty-three (23) days prior to the public hearing by the Planning and Zoning Commission. (Ord. 2012-02, 3/20/12)

#### **C. Notice of Hearing.**

No rezoning may be adopted until public hearings have been held on the matter by the Planning and Zoning Commission and by the City Council.

A notice of the time, date, place, and purpose of the hearings shall be published in the official newspaper of the City of Rock Springs at least fifteen (15) days prior to the

date of the first hearing and at least fifteen (15) days prior to the date of any subsequent hearing.

A similar notice shall be mailed at least ten (10) days before the day of the first hearing to each owner of property situated wholly or partly within two hundred (200) feet of the property to which the rezoning relates. The Zoning Administrator shall be responsible for placing and mailing such notices. For the purpose of giving mailed notice, the Zoning Administrator shall require the owner of the property affected to furnish the names and addresses of all owners within two hundred (200) feet of the property. The Zoning Administrator shall make a copy of the notice and a list of the owners and addresses to which the notice was sent as a part of the record of the proceedings. The failure to receive notice by individual property owners shall not invalidate the proceedings.

In addition, within ten (10) days of the first hearing a sign indicating property to be rezoned shall be posted by the developer on the affected property, however, failure of the sign to be posted or remain posted may not invalidate the proceedings.

#### **D. Hearing and Recommendation by the Planning and Zoning Commission.**

A rezoning not initiated by the Planning and Zoning Commission shall be referred to the Commission for study and public hearing. In its deliberations on the matter, the Commission shall consider oral or written statements from the applicant, the public, City staff, and its own members. The Commission may recommend approval or disapproval, or it may table the rezoning application. The application may not be tabled more than two (2) meetings in succession. The Planning and Zoning Commission shall notify the City Council in writing of its recommendation.

**E. Hearing and Decision by the City Council.** The City Council shall, at its next regular meeting after receipt of the report and recommendation of the Planning and Zoning Commission, set a date for a public hearing on the rezoning request. In its deliberations on the matter, the Council shall

consider oral or written statements from the applicant, City staff, the public, and its own members. The Council may approve the request for rezoning by Ordinance, deny the request, or table the request. The application may not be tabled more than two meetings. If approved, the City Planner shall revise the Official City Zoning Map accordingly.

F. Public Protest Against Amendment.

If there is a written protest against a change in the zoning classification of a parcel of land, signed by the owners of twenty (20) percent or more of the area of lots included in the proposed change, or of those within a distance of one hundred forty (140) feet, the change shall not be approved except upon the affirmative vote of three-fourths (3/4) of all of the members of the City Council.

G. Minimum Size of Area.

(1) Intent. It is the intent of this Ordinance that all zoning districts be of such size as to function effectively when developed to the use for which the district was intended and to be of substantial benefit to significant segments of the populace of the City of Rock Springs. For that reason, no amendment to this ordinance shall be adopted, whereby a zoning classification is established for any land area, unless the area to be zoned meets the following minimum size requirements for the zoning districts as noted:

- (a) O, Open Space/Unclassified Zone (0-1) - 20 acres
- (b) R-E, Rural Estate Zone – 80 acres
- (c) R-1, Low Density Residential Zone - 5 acres
- (d) R-2, Low Density Residential Zone - 5 acres
- (e) R-3, Medium Density Residential Zone - 7 acres
- (f) R-4, Medium Density Residential Zone - 7 acres
- (h) R-5, High Density Residential Zone - 9 acres
- (h) R-6, Manufactured Home Residential Zone - 9 acres
- (i) B-1, Neighborhood Business Zone - 3 acres

(j) B-2, Community Business Zone - 10 acres

(k) B-R, Business Residential Zone - 5 acres

(l) B-3, Central Business Zone - 10 acres

(m) I-1, Light Industrial - 10 acres

(n) I-2, Heavy Industrial - 10 acres (Ord. No. 09-06, 2-3-2009).

(2) How Measured. For the purpose of computing the size of an area for compliance with Section 13-902.G.(1) above, there shall be included:

(a) one-half (1/2) of the area of abutting rights-of-way;

(b) all of the area of public rights-of-way interior to the area being changed;

(c) adjacent and contiguous land within the City already zoned in zoning classification being sought for the new area; and

(d) adjacent and contiguous land in the surrounding county that is zoned in a similar category or is used substantially for uses similar to those being sought by the applicant. (Ord. No. 2002-13, 8-6-2002).

### 13-903 Procedure for Variances to the Ordinance.

A. Generally.

The Board of Adjustment may allow a departure from the terms of the zoning regulations pertaining to height or width of structures or the size of yard and open spaces where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the literal enforcement of this Ordinance would deprive the owner of the reasonable use of the land and/or building involved.

B. Application for Variance.

A request for variance shall be made by filing at least ten (10) days prior to the Board meeting an application with the Zoning Administrator; such application shall be accompanied by a development plan showing such information as the Zoning Administrator may reasonably require for purposes of this Ordinance. The plans shall

contain sufficient information for the Board to make a proper decision on the matter. The request shall state the exceptional conditions and the peculiar and practical difficulties claimed as a basis for a variance. In all cases, the application shall include:

- (1) Name and address of the applicant.
- (2) The legal description of the property involved in the request for variance, including the street address, if any, of the property.
- (3) The names and addresses of the owners of the property and any other persons having a legal interest therein.
- (4) A site plan drawn to scale showing the property dimensions, grading, landscaping, and location of utilities, as applicable.
- (5) Location of all existing and proposed buildings.
- (6) Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks as applicable.
- (7) The variance requested and the reasons for the request.
- (8) Justification, in writing, of Section 13305.(ii)a, b, c, of this Ordinance.
- (9) Signature of the property owner(s) of record on the application form. (Ord. 2012-02, 3/20/12)

**C. Notice of Hearing.**

Notice of a variance hearing shall be mailed at least seven (7) days prior to the Board meeting to each owner of property situated wholly or partly within two hundred (200) feet of the property to which the variance relates. The Zoning Administrator shall be responsible for mailing such notices. For the purpose of giving mailed notice, the Zoning Administrator shall require the owner of the property affected to furnish the names and addresses of all property owners within two hundred (200) feet of the property.

**D. Review and Decision by the Board of Adjustment.**

In considering applications for variance, the Board shall consider the effect of the proposed variance upon the health, safety and welfare of the community, traffic conditions, light and air, danger of fire, risk

to the public safety, and the effect on values of property in the surrounding area. The Board shall hear oral or written statements from the applicant, the public, City staff, or its own members. If the Board determines by motion that the special conditions applying to the structure or land in question are peculiar to such property or immediately surrounding area and do not apply generally to other land or structures in the district in which said land is located, that granting the proposed variance will not in any way impair health, safety, welfare, or in any other respect be contrary to the intent of this Ordinance and the City Comprehensive Plan, and that the granting of such variance will not merely serve as a convenience to the applicant but is necessary to alleviate demonstrable hardship or difficulty, the Board may grant such variance and impose conditions and safeguards therein. (Ord. No. 86-11,8-5-86).

**13-904 Procedure for Site Plan Approval.**

**A. General Requirements.**

Site Plan Approval shall be required for all new residential, commercial, or industrial construction or uses, or expansions or additions to existing residential, commercial, or industrial uses. Site Plan approval shall be obtained prior to commencement of use or issuance of Building Permit. The design of public street improvements shall comply with Articles 16-8 and 16-9 of the subdivision ordinances. Site developments impacting transportation plan streets shall comply with Section 16-805. The owner, tenant, or lessee shall cause to be filed a Site Plan according to the requirements of this section. For purposes of this Ordinance, site plans shall be classified as Major Site Plans, Minor Site Plans, or Single Family Residential Site Plans. All phases of a proposed phased development shall be considered as a single project for the purposes of determining whether a project is a Major or Minor Site Plan. (Ord. 2018-16, 1/2/19)

- (1) A Major Site Plan is one which involves one or more of the following: Fifty

(50) or more dwelling units in a multiple-family structure or structures; Twenty thousand (20,000) or more square feet of commercial or industrial floor space; Fifty thousand (50,000) or more square feet of exterior storage of materials or goods; Parking for one hundred fifty (150) or more motor vehicles; More than one (1) commercial or industrial building on a single lot or parcel; or a manufactured home park. The Planning and Zoning Commission has the right to review and require revisions in proposed Major Site Plans. The purpose of this review is to relieve demonstrable adverse impacts of the development upon public safety, health, or welfare; to protect public investments in roads, drainage facilities, sewage facilities, etc.; to conserve the value of buildings; and to ensure that the regulations of this ordinance are upheld.

(2) A Minor Site Plan includes any other commercial, industrial, or multi-family residential site plan (except for a Planned Unit Development not listed as a Major Site Plan. Any Planned Unit Development shall be reviewed according to the regulations of Section 13-906. The Zoning Administrator shall conduct similar reviews for Minor Site Plans as conducted for Major Site plans, however the Planning and Zoning Commission is not required to review Minor Site Plans.

(3) Single Family Residential site plans shall be reviewed by the Zoning Administrator. The Planning and Zoning Commission is not required to review Single Family Residential Site Plans.

(Ord. No. 09-06, 2-3-2009; Ord. 2012-02, 3/20/12; Ord. 2014-04, 4/15/14)

B. Application for Major or Minor Site Plan Approval.

Applications for Major or Minor Site Plan Approval shall be made on a form provided by the Zoning Administrator. All applications shall be signed by the property owner(s) of record. The application shall be accompanied by plans showing sufficient information for the Planning and Zoning Commission or City staff to determine whether the proposed development will meet the requirements of this Ordinance. An

application for Major Site Plan shall be filed a minimum of seventeen (17) days prior to the Planning and Zoning Commission meeting at which it will be reviewed. The application shall contain the following information. Information determined as not applicable or necessary by the Zoning Administrator shall be waived:

General:

- (1) name of project/development;
- (2) location of project/development by street address;
- (3) location map, including area within one-half (1/2) mile of site;
- (4) name and mailing address of developer/owner;
- (5) name and mailing address of engineer/architect;
- (6) date of plan preparation;
- (7) north point indicator; and
- (8) scale of not less than one (1) inch to one hundred (100) feet.

Site:

- (1) boundary line of property with dimensions;
- (2) location, identification and dimension of existing and proposed:
  - a. topographic contours at a minimum interval of two (2) feet, to a distance of one hundred (100) feet outside the property line
  - b. adjacent streets and street rights-of-way
  - c. on-site street and street rights-of-way
  - d. utilities and utility rights-of-way easements:
    1. electric
    2. natural gas
    3. telephone
    4. water
    5. sewer (sanitary and storm)
    - e. buildings and structures
    - f. parking facilities
    - g. water bodies
    - h. surface water holding ponds and drainage ditches
    - i. the location of tree cover, including the designation of trees of fifteen (15) inches in diameter or more
    - j. significant rock outcroppings
    - k. sidewalks, walkways, driveways,

- loading areas and docks, bikeways
- l. fences and retaining walls
  - m. exterior signs
  - n. exterior refuse collection areas
  - o. exterior lighting
  - p. landscaping (detailed plan showing plantings, equipment, etc.)
    1. botanical and common names of vegetation to be used
    2. size of plantings at time of planting and at maturity
    3. area to be irrigated
    - q. traffic flow on-site
    - r. traffic flow off-site
    - s. surface water drainage arrows
  - (3) cross sections of property as required by the City Planner;
  - (4) number of employee and non-employee parking spaces existing and proposed and total square footage of each; and
  - (5) site statistics including site square footage, percent of site coverage, dwelling unit density, percent park or open space.
- Building:
- (1) height above mean sea level of the lowest floor when the structure is proposed to be located in a Floodway or Floodplain Overlay Zone; and
  - (2) gross square footage of existing and proposed structures.
- Permits:
- (1) A listing of all required Federal, State, and City Permits and status of applicants.
- If the site is located in Floodplain or Floodway Overlay Zone, 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 has been, or will be, floodproofed;
  - (3) Certification by a registered professional engineer or architect, licensed in the State of Wyoming, that the flood hazard reduction methods for any structure meet the criteria in Section 13814.F.; and
  - (4) Description of the extent to which any watercourse will be altered or relocated

as a result of the proposed development.

(Ord. 2012-02, 3/20/12)

C. Site Plan Review.

(1) Major Site Plan.

A notice of Major Site Plan Review shall be mailed at least seven days prior to the Planning and Zoning Commission meeting to each owner of property situated wholly or partially within 200 feet of the property to which the Major Site Plan relates. The Zoning Administrator shall be responsible for mailing such notices.

In considering applications for Major Site Plan Approval under this Ordinance, the Planning and Zoning Commission shall consider the following: relationship of the plan elements to conditions both on and off the property; conformance to the City's Zoning Ordinance; the impact of the plan on the existing and anticipated traffic and parking conditions; the adequacy of the plan with respect to land use; pedestrian and vehicular ingress and egress; building location and height; landscaping; lighting; provisions for utilities; site drainage; open space; loading and unloading areas; grading; signage; screening; setbacks; and other related matters.

The Planning and Zoning commission shall consider oral or written statements from the applicant, the public, City staff members, or its own members. It may question the applicant and approve, deny, or table the development proposal. The application may not be tabled for more than two (2) regular meetings of the Commission.

If the Commission shall determine by motion that the proposed Site Plan will not be detrimental to the health, safety, or welfare of the community nor will cause traffic congestion or seriously depreciate surrounding property values and at the same time is in harmony with the purposes and intent of this Ordinance, the plan for the area, and the Comprehensive Plan, the Commission may grant such Site Plan Approval and impose such conditions and safeguards as they deem necessary.

Site Plan Approval applications may be denied by motion of the Commission when such motion or consent shall constitute a

finding and determination by the Commission or staff that the conditions required for approval do not exist.

(2) Minor Site Plan.

In considering applications for Minor Site Plan Approval under this Ordinance, the City staff shall consider the following: relationship of the plan elements to conditions both on and off the property; conformance to the City's Zoning Ordinance; the impact of the plan on the existing and anticipated traffic and parking conditions; the adequacy of the plan with respect to land use; pedestrian and vehicular ingress and egress; building location and height; landscaping; lighting; provisions for utilities; site drainage; open space; loading and unloading areas; grading; signage; screening; setbacks; and other related matters.

The City staff shall meet with the applicant upon request. The City staff shall also consider oral or written statements from the public or other City staff members.

If the City staff shall determine that the proposed Site Plan will not be detrimental to the health, safety, or welfare of the community nor will cause traffic congestion or seriously depreciate surrounding property values and at the same time is in harmony with the purposes and intent of this Ordinance, the plan for the area, and the Comprehensive Plan, the staff may grant such Site Plan Approval, and such conditions and safeguards may be imposed as they deem necessary. Staff shall notify the Planning Commission at its next regular meeting of any minor site plan approvals by staff.

Site Plan Approval applications may be denied by City staff upon finding and determination by the staff that the conditions required for approval do not exist.

When a Site Plan Approval Application is denied by City staff, an appeal may be taken to the Planning and Zoning Commission in the manner required for a Major Site Plan Approval Application. If unusual or significantly difficult conditions exist which affect the Site Plan, the Zoning Administrator may determine and require

that a Minor Site Plan be classified as a Major Site Plan. Such Site Plan shall then be subject to all applicable requirements of this Ordinance. (Ord. No. 89-20, 9-19-89; Ord. 2014-04, 4/15/14).

(3) Single Family Residential Site Plan. Site Plans drawn to scale for all Single Family Residential developments shall be submitted to the Zoning Administrator on paper no larger than 11" x 17" and shall include the following: a) Scale; b) North arrow; c) Address; d) Subdivision name, lot, and block number, if applicable; e) Property lines and dimensions; f) Location of all existing or proposed buildings, additions, fences, and retaining walls; g) Dimensions of all existing or proposed buildings, additions, fences, and retaining walls; h) Setbacks of all existing or proposed buildings or additions from property lines; i) Location and type of all existing or proposed parking areas; and j) Location of all recorded easements, if applicable. (Ord. 2014-04, 4/15/14)

D. Amendments to Approved Site Plans.

(1) Any amendment or modification to an approved site plan shall be submitted to the Zoning Administrator for approval. All amendments shall be shown on a revised site plan drawing.

(2) Minor Site Plans. Amendments to Minor Site Plans shall be submitted to the Zoning Administrator who may, in consultation with impacted departments and agencies, approve such amendment(s) if determined acceptable by the City.

(3) Major Site Plans. Amendments to Major Site Plans shall be reviewed as follows:

(a) Substantial Amendment. Any amendment increasing the total building area or number of parking spaces in an approved Major Site Plan by 50% (fifty percent) or more shall be considered a substantial amendment. Any amendment adding a new structure larger than 5,000 square feet to a Major Site Plan, shall be considered a substantial amendment. All substantial amendments shall be reviewed and approved by the Planning & Zoning

Commission in accordance with the provisions of 13-904.C.(1).

(b) Minor amendment. All other amendments shall be deemed minor and shall be reviewed in accordance with the provisions of 13-904.C.(2).

(Ord. No. 89-20, 9-19-89)

(95-21, Amended, 01/16/1996; Amended, Ord. 2012-02, 3/20/12)

E. Development Phasing.

Developments requiring Major or Minor Site Plan approval may be phased, provided that all of the following are met:

(1) The Site Plan submittal shall clearly delineate phase lines.

(2) A proposed timeline for development of phases shall be included on the face of the plans.

(3) Phasing shall not be used to avoid installation of improvements. All required improvements, including fencing, screening, landscaping, parking (paved or unpaved), drive aisles, etc., shall be installed in order to support each phase of development.

(4) All "future" phases of a development shall be maintained in a natural condition or shall be hydro-seeded or otherwise treated to control dust and debris.

Ord. 2012-02, 3/20/12

### **13-905 Procedure for Conditional Use Permit Approval.**

A. Generally.

Certain uses, while generally not suitable in a particular Zoning District, may, under certain circumstances, be acceptable. When such circumstances exist, a Conditional Use Permit may be granted. The Permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the permit and periodic review may be required. The permit shall be granted for a particular use and not for a particular person or firm.

B. Application for Conditional Use Permit. Applications for Conditional Use Permit Approval shall be made on a form provided by the Zoning Administrator

together with the required fee. All applications shall be signed by the property owner(s) of record. The request for a Conditional Use Permit shall follow the procedures and applicable requirements of Section 13-904. of this Ordinance. (Ord. 2012-02, 3/20/12)

(1) Conditional Uses which are listed in this Ordinance as having certain pre-established conditions as set forth in this Ordinance may be processed under the Minor Site Plan procedures and requirements unless otherwise specified.

(2) Conditional Uses having no pre-established conditions as set forth in this Ordinance shall be processed under the Major Site Plan procedures and requirements, except that electrical substations, gas regulating stations, water pump stations, water towers, and lift stations when approved as part of a P.U.D. or subdivision shall be exempt from the fees and provisions for conditional uses. In addition, retaining walls shall be processed as a Minor Site Plan.

C. Notification of Conditional Use Permit Review.

A notice of Conditional Use Permit Review shall be mailed at least seven days prior to the Planning and Zoning Commission meeting to each owner of property situated wholly or partially within 200 feet of the property to which the conditional use permit relates. The Zoning Administrator shall be responsible for mailing such notices. (Ord. No. 89-20, 9-19-89).

D. Review and Decision by Planning and Zoning Commission.

No Conditional Use Permit shall be given for a use which is not listed in this Ordinance as a Conditional Use in the particular District in which it is proposed to be located. The Commission shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect of the proposed use on the Comprehensive Plan. The Commission



may grant the application by motion, imposing such conditions and safeguards as it deems necessary, or it may deny the application.

Applications for Conditional Use Permits may be denied by motion of the Commission. If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval do exist. No application for a Conditional Use Permit which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the Commission. (Ord. No. 89-20, 9-19-89).

E. Notification of Commission Action.

The applicant shall be notified in writing of the action taken by the Commission. If the application has been granted, the Permit shall be issued upon the signature of the Chairman of the Planning and Zoning Commission and the Zoning Administrator, and any conditions, automatic termination date, or period of review shall be stated on the Permit. (Ord. No. 89-20, 9-19-89).

F. City Council Action Required. Conditionally permitted uses in the Open Space/Unclassified Zone (O-1) shall not become effective without Council approval by resolution. Ord. No. 89-20, 9-19-89).

**13-906 Procedure for Planned Unit Development (P.U.D.) Approval.**

A. Generally.

Any development proposal which meets the requirements of Section 13-812. Planned Unit Development shall be reviewed according to the provisions of this Section. All P.U.D. applications shall be reviewed and approved by the Planning and Zoning Commission and City Council prior to any physical development on the subject property.

B. Application.

The applicant is encouraged to meet with the Zoning Administrator and the Public Works Director prior to making application for P.U.D. Approval to discuss

the development concept, the review and approval process, and the submittal requirements.

Applications for Planned Unit Development Approval shall be made on a form provided by the Zoning Administrator. All applications shall be signed by the property owner(s) of record and shall be accompanied by the required fee. Concept Plan exhibits shall accompany the application. The Concept Plan shall be submitted at least seven (7) days prior to a regularly scheduled Planning and Zoning Commission meeting. (Ord. 2012-02, 3/20/12)

C. Concept Plan.

(1) Submittal Requirements.

The Concept Plan shall indicate proposed land uses, general circulation patterns, general building massing, property boundaries, existing land uses on adjacent properties, special site conditions or problems. A computation table showing proposed land use allocations in acres and percent of total site area shall be included on the Concept Plan.

(2) Planning and Zoning Commission Review.

The Zoning Administrator shall schedule an informal review by the Planning and Zoning Commission at its next regularly scheduled meeting.

The Commission shall review the Concept Plan and shall determine whether the Plan is in conformance with the City Comprehensive Plan. The Commission may instruct the applicant regarding features or design elements to be included in the Preliminary Development Plan and what exceptions or variances to this Ordinance it may be willing to allow in exchange for certain publicly beneficial design or planning features.

(3) City Council Review.

It is not required that the City Council review P.U.D. Concept Plans, however, the applicant may request a Concept Plan review by the Council following Commission review and comment. The scope of review and comment by the Council shall be the same as that of the

Commission.

D. Preliminary Development Plan.

(1) Submittal Requirements.

Based upon comments received regarding the Concept Plan, the applicant shall prepare a Preliminary Development Plan. A Preliminary Development Plan shall be submitted at least twenty-three (23) days prior to the hearing by the Planning and Zoning Commission. The following information shall be submitted to the Zoning Administrator:

a. Legal description of property and indication of gross area.

b. Nature of the applicant's interest in the land to be developed.

c. A generalized location map showing surrounding land use and traffic circulation patterns.

d. Site Conditions: An analysis of the existing site conditions which indicates at a minimum:

1. Topographic map with contour interval of no more than two (2) feet to a distance of one hundred (100) feet beyond the property boundary.

2. Location and extent of tree cover (if any).

3. Slope analysis, depicting areas zero (0) to ten (10) percent, eleven (11) to twenty (20) percent, and over twenty (20) percent.

4. Location and extent of major rock outcroppings, perennial or intermittent streams and water ponding areas.

5. Existing drainage patterns.

6. Other information considered relevant by the applicant or City staff.

e. Proposed allocations of land use expressed as a percent of the total area, as well as in acres. Uses to be indicated include:

1. Streets

2. Parking lots

3. Open Space (public)

4. Open Space

5. Private residential (if appropriate)

6. A stratification of residential use in terms of single family detached, townhouses, garden apartments, etc.

7. Commercial (if appropriate)

8. Industrial (if appropriate)

f. A dimensional development site plan at a scale not smaller than one (1) inch equals one hundred (100) feet, indicating all circulation elements, pedestrian and vehicular; structures; open space; recreational space; proposed grading; proposed landscaping.

g. Plans indicating the alignment and sizing of water lines, sanitary sewers, and storm sewer (if any), as well as easements for all utilities. Also indicated should be proposed surface drainage patterns.

h. A staging plan, if the project involves more than one construction season, which sets forth the chronological order of construction and relates the proposed uses and structures to the construction of various service facilities and gives estimated completion dates.

i. A Preliminary Plat of the proposed development if land subdivision is proposed.

j. Preliminary architectural plans indicating the elevations and exterior wall finishes of proposed buildings.

k. A three-dimensional model of the proposed development is not required but is encouraged as a means of indicating the character of the Development Plan as well as depicting site development relationships.

(2) Planning Commission Review and Hearing.

a. Notice of Hearing.

The Commission shall hold a public hearing on the Preliminary Development Plan. A notice of the time, date, place, and purpose of the hearing shall be published in the official newspaper of the City of Rock Springs at least fifteen (15) days prior to the date of the hearing.

A similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of property situated wholly or partly within two hundred (200) feet of the property to which the P.U.D. relates. The Zoning Administrator shall be responsible for placing and mailing such notices. For purposes of giving mailed notice, the Zoning Administrator shall require the applicant to furnish the names and addresses of all property owners within two hundred (200) feet of the property. The Zoning

Administrator shall make a copy of the notice and a list of the owners and addresses to which the notice was sent as a part of the record of the proceedings. Failure of individual property owners to receive notice shall not invalidate the proceedings.

In addition, within ten (10) days of the first hearing a sign indicating proposed planned unit development shall be posted by the developer on the affected property, however, failure of a sign to be posted or remain posted may not invalidate the proceedings.

b. Review.

In considering applications for P.U.D. Approval, the Commission shall consider the following: interrelationship with the plan elements to conditions both on and off the property; conformance to the City's Comprehensive Plan; the impact of the plan on the existing and anticipated traffic and parking conditions; the adequacy of the plan with respect to land use; pedestrian and vehicular ingress and egress; building location and height; landscaping; lighting; provisions for utilities; site drainage; open space; loading and unloading areas; grading; signage; screening; setbacks; and other related matters.

The Commission shall consider oral or written statements from the applicant, the public, City staff, or its own members. It may question the applicant and approve, disapprove, or table the Preliminary Development Plan. The application may not be tabled for more than two (2) regular meetings of the Commission.

If the Commission shall determine by motion that the proposed Preliminary Development Plan will not be detrimental to the health, safety, or welfare of the community nor will cause traffic congestion or seriously depreciate surrounding property values and at the same time is in harmony with the purposes and intent of this Ordinance, the plan for the area, and the Comprehensive Plan, the Commission may recommend granting Preliminary Development Plan Approval along with necessary conditions and safeguards.

The Commission shall notify the City

Council in writing of its recommendation.

(3) City Council Review and Hearing.

a. Notice of Hearing.

The City Council shall hold a hearing on the Preliminary Development Plan. A notice of the time, date, place and purpose of the hearing shall be published in the official newspaper of the City of Rock Springs at least fifteen (15) days prior to the date of the hearing.

A Preliminary Development Plan which has been recommended for denial by the Commission shall not be reviewed by the Council except upon written request by the applicant.

b. Review.

In its deliberations on the Preliminary Development Plan, the Council shall consider oral or written statements from the applicant, City staff, the public, and its own members. The Council's review shall encompass the same spectrum of considerations as did the Commission's. Following the public hearing the Council may authorize the petitioner to prepare a resolution of approval of the Preliminary Development Plan to be submitted at the next City Council meeting.

The City Council may approve the Preliminary Development Plan, deny the request, or table the request. The application may not be tabled for more than two (2) meetings in succession.

Conditions may be applied to the approval and/or periodic review of the approval may be required. Approvals if granted shall be for a particular development, not for a particular applicant.

Approval at this stage constitutes preliminary approval.

c. Public Protest Against P.U.D.

If there is a written protest against the Preliminary Development Plan signed by the owners of twenty (20) percent or more of the property within one hundred forty (140) feet of the proposed P.U.D., the Preliminary Development Plan shall not be approved except upon the affirmative vote of three-fourths (3/4) of all members of the City Council. If the above protest requirement is not met, approval may be by majority vote

of the membership of the City Council.

E. Final Development Plan.

(1) Approval.

Final P.U.D. Development Plan Approval by the Council and the issuance of a Planned Unit Development Permit shall occur only when:

a. The location and amount of public open space has specifically been agreed upon, and/or a fee-in-lieu-of public park land dedication has been agreed upon as to amount of schedule.

b. The design and construction specifications for all utilities and street improvements have complied with Articles 16-8 and 16-9 of the subdivision ordinances and have been approved by the Director of Engineering and Operations. Any impacted transportation plan streets have been addressed per section 16-805. (Ord. 2018-16, 1/2/19)

c. The Final Development Plan is certified by the Zoning Administrator to be in conformance with Preliminary Development Plan approvals. The Final Development Plan shall be a reproducible mylar copy and shall provide for all appropriate signatures.

d. A performance bond, cash escrow agreement, or other acceptable instrument has been deposited with the City in an amount as set by the City Council. This financial guarantee shall be used to ensure the full completion as specified of:

1. private streets and utilities,
2. landscaping, and
3. private owned and maintained recreational facilities.

(2) Platting Requirements.

All applicants for a Planned Unit Development permit shall be required to file with Sweetwater County a plat of said Planned Unit Development complying with all of the requirements of the Subdivision Ordinance of the City, except to the extent that the Council may give specific permission to the effect that specific portions of the Subdivision Ordinance need not be complied with. Such required plats shall contain on their face a cross-reference to the Final Development Plan. (Ord. 2019-

16, 11/5/19)

F. Method of Withdrawing an Application for P.U.D. Approval.

Any application for a Planned Unit Development Permit may be withdrawn by the applicant at any time prior to filing the Final Plat or at any time prior to physical implementation of the approved permit such as the commencement of construction on the permit site, upon written notification to the Zoning Administrator and City Clerk. The P.U.D. shall be null and void upon receipt of such notice by the City.

G. Amendments to P.U.D. Approval.

(1) Minor Changes.

Minor changes in the location and placement of buildings may be authorized by the Zoning Administrator and Director of Engineering and Operations where unforeseen circumstances such as engineering requirements dictate such change. When in question the Zoning Administrator and the Director of Engineering and Operations may determine whether the changes shall be classified as a Minor or Major change or may refer the question to the Planning and Zoning Commission if they deem it necessary.

(2) Major Changes.

Major changes, such as alterations in structural types, in the shapes and arrangements of lots and blocks, in the allocation of open space or other land uses which increase density and/or intensity of the project, and all other changes which significantly affect the overall design of the project shall be referred to the Planning and Zoning Commission for report and recommendation to the Council after which the City Council shall hold a public hearing and shall either approve or deny the changes in the Final Detailed Development Plan. If such changes are authorized, the developer shall submit a revised plan showing the authorized changes. Requirements of Section 13-906.D.3. shall apply to requests for Major Changes. Applications for a Major Change shall be made on forms supplied by the Zoning Administrator and shall be accompanied by the required fee and exhibits as required by the Zoning

Administrator.

H. Denial of P.U.D. Approval.

If an application for a Planned Unit Development Approval is denied, no new application for a P.U.D. Approval by the same applicant on the same site or portion of the site may be filed prior to sixty (60) days after the date of denial.

**13-907 Procedure for Appeals to Board of Adjustment.**

A. Application for Appeal.

Any aggrieved person or any officer or department of the City affected by a decision of an administrative officer, pertaining to this Ordinance, may appeal to the Board of Adjustment by filing an application with the Zoning Administrator. The application shall state the name and address (or City office) of the applicant and the reasons for filing the appeal. The application shall be made within thirty (30) days of the date of the decision which is being appealed. The Zoning Administrator shall then transmit to the Board the complete record of the action for which the appeal is made. Appeals to the Board may be made only in conjunction with an action.

B. Stay of Proceedings.

An appeal to the Board stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Board that by reason of facts stated in the certificate of stay, the stay would, in his opinion, cause imminent peril to life or property. In such cases proceedings shall not be stayed other than by a restraining order granted by the District Court on notices to the City Clerk and on due cause shown.

C. Notice of Hearing.

No appeal may be granted by the Board until a public hearing has been held on the application. A notice of time, date, place, and purpose of the hearings shall be published in the official newspaper of the City of Rock Springs at least ten (10) days prior to the date of the hearing.

If the appeal relates to a decision on a specific site, a similar notice shall be mailed at least ten (10) days prior to the date of the

hearing to each owner of the property situated within two hundred (200) feet of the property to which the appeal relates. The Zoning Administrator shall be responsible for mailing such notice. For the purpose of giving mailed notice, the Board may require the owner of the property affected to furnish an abstractor's certified property certificate showing the property owners within two hundred (200) feet of the property. The Zoning Administrator shall make a copy of the notice and a list of the owners and addresses to which the notice was sent as a part of the record of proceedings. The failure to receive notice by individual property owners shall not invalidate the proceedings.

D. Review and Decision by the Board.

Within thirty (30) days of the date of application but no sooner than ten (10) days from the date of public notice, the Board shall hear and decide arguments for appeal to the decision in question. The Board shall consider oral or written statements from the appellant, his agent or attorney, the public and City staff members. The Board shall also study the record of the action from which the appeal is taken. The board may, by three-fourths (3/4) majority of the entire Board, approve an appeal or by simple majority, table the appeal. If tabled, the Board shall make a decision on the appeal at its next regularly scheduled meeting. The Board may impose such conditions and safeguards on its decision as it deems necessary to satisfactorily correct the situation in question, but it may not attempt to infringe upon matters not specifically contained in the appeal.

E. Notice of Board Decision.

The Board shall issue a written notice of its decision to all concerned parties and to the City Clerk. The notice shall state the facts of the matter as determined by the Board, the reasons for its decisions, and any conditions applied to the decision.

**13-908 Zoning Permits**

A. Generally

Buildings and structures exempted under the International Codes shall be required to secure a Zoning Permit prior to

commencing construction. Specifically, those uses which require a Zoning Permit are as follows:

1. fences not over six feet high
2. retaining walls less than four feet in height measured from the bottom of the footing to the top of the wall.
3. driveways
4. one-story detached non-residential accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the roof area does not exceed 120 square feet, in accordance with the International Commercial Code. (Ord. No. 92-17, 7-7-92).
5. detached membrane structures with floor area not exceeding 250 square feet. (Ord. No. 01-06, 5-15-01).
6. one-story detached residential accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the roof area does not exceed 200 square feet, in accordance with the International Residential Code. Ord. No. 03-11, 7-1-03)
7. decks not exceeding 30 inches above the average adjacent grade. (Ord. No. 09-06, 2-3-2009).

B. Application for Zoning Permit Approval An application for Zoning Permit Approval shall be submitted along with the required fee and accompanied by a site plan, drawn to scale, containing the name and address of the applicant, the location and dimensions of the land area in question, and the size, shape and location of existing or proposed structures.

C. Review and Approval

The Zoning Administrator shall review and approve all applications where the proposed construction complies with the requirements of this Ordinance. If an application is denied, the Zoning Administrator shall specify the reasons for denial.(Ord. No. 89-20, 9-19-89)

**13-909 Parallel Conditional Use Districts**

A. Generally.

The purpose of this section is to provide a voluntary alternative procedure for the rezoning of a property for a specified use. A broad range of uses are permitted in each

general district. However, there are instances where a general zoning district designation is clearly inappropriate for a certain property, but a specific use permitted under that district and subject to restrictive conditions would be consistent with the spirit and objectives of this ordinance. Parallel conditional use districts, herein established, are intended to accommodate such situations. This voluntary procedure is intended for use with firm development proposals, and is neither intended nor suited for securing early zoning for tentative uses which may not be undertaken for a long period of time.

General Zoning District	Parallel Conditional Use District
R-1	R-1(CD)
R-2	R-2(CD)
R-3	R-3(CD)
R-4	R-4(CD)
R-5	R-5(CD)
R-6	R-6(CD)
B-1	B-1(CD)
B-2	B-2(CD)
B-3	B-3(CD)
B-R	B-R(CD)
I-1	I-1(CD)
I-2	I-2(CD)

B. Application.

Applications for establishment of a parallel conditional use districts shall be submitted and reviewed in accordance with Section 13-902. In addition, emphasis will be given to an evaluation of the characteristics of the specific use proposed in relationship to surrounding property. Plans containing the information specified in Section 13-904 plus any additional limitations or restrictions the petitioner may wish to propose may be required as determined by the Zoning Officer to accompany an application for a parallel conditional use district zoning designation.

C. Permitted Uses and Development Requirements.

Potential uses which may be

requested for a parallel conditional use district shall be restricted to only those uses permitted in the corresponding general zoning district as designated in this ordinance. Uses permitted in parallel conditional use districts shall be subject to all applicable development standards and requirements for that use listed in the corresponding general zoning districts as set forth elsewhere in this ordinance and any particular requirements or restrictions approved and made a part of the conditional use permit by the Governing Body.

**D. Issuance of A Parallel Conditional Use Permit.**

If the Governing Body approves a petition for a parallel conditional use district it shall issue a parallel conditional use permit authorizing the requested use with such reasonable conditions as the Governing Body determines to be necessary in promoting public health, safety and general welfare.

**E. Zoning Map Designation.**

Following approval by the Governing Body of a parallel conditional use district, the property for which approval was granted shall be identified on the Official Zoning Map by the appropriate conditional use district designation, (CD).

**F. Effect of Approval.**

If an application is approved, the parallel conditional use district thus established and all conditions attached thereto shall be binding upon the property and all subsequent development and use of the property shall be in accordance with the approved plan and conditions. The intent of this type of zoning is to provide a procedure for specific development proposals and as such it is intended that all property rezoned be in accordance with firm plans to develop. Therefore, two years from the date of approval, the Planning and Zoning Commission shall examine progress made to develop in accordance with approved plans. If it is determined that active efforts to so develop are neither proceeding nor have

been completed, it shall be the responsibility of the property owner to justify to the Planning and Zoning Commission any delay in development. If the Planning and Zoning Commission finds that such delay is unjustified or that the intent of the rezoning procedure as stated in this section has been violated it shall forward a report of its findings to the Governing Body which may recommend that proceedings to rezone the subject property of its former designation be initiated. (Ord. No. 93-20, 11-16-93) (Ord. 98-17, Amended, 12/17/1998)

**13-910 Limitation for Petitions**

A petition for an amendment to the zoning map or to this ordinance that has been denied shall not again be instituted earlier than one (1) year from the date of denial, unless the City Council, after considering the advice of the Planning and Zoning Commission, shall find that there have been substantial changes in conditions or circumstances bearing on the application. (95-21, Added, 01/16/1996)

**13-911 Housing Projects Sponsored by the City**

Any housing project plan or proposal which is to be sponsored, coordinated or supported by the City in any way, including funding, use of staff time or city facilities or equipment, shall meet the following requirements:

a. A public hearing shall be held before the Planning and Zoning Commission. Notices advising the public of the hearing shall be mailed to all property owners within 200 feet of the property to be developed. A public notice shall be placed in the local newspaper a minimum of 15 days prior to the public hearing. At the hearing, the Planning and Zoning Commission shall review the project, plan or proposal in an effort to determine whether the involvement of the City in the development is in the best interest of the citizens of Rock Springs and shall make a recommendation to the City Council.

b. The City Council shall hold a public hearing at which they shall

consider the recommendation of the Planning and Zoning Commission as well as the comments of the public and shall take action to approve or disapprove the City's involvement.

(97-12, Added, 12/02/1997)

### **13-912 Procedure for Exemptions**

#### **A. Generally.**

In accordance with §13-107 of this title, uses not expressly listed as permitted or conditionally permitted shall be deemed excluded, provided, however, a property owner may request the Planning and Zoning Commission grant an exemption for a proposed use based upon consistency of the proposed use with the zoning district where the use is to be located.

#### **B. Application for Exemption.**

An application for exemption shall be made on a form provided by the Zoning Administrator. The application shall be submitted a minimum of 17 days prior to the Planning & Zoning Commission Meeting. The application shall include: 1) name and address of the proposed development/use; 2) description of the proposed use; 3) zoning of the property; 4) a detailed justification indicating how the proposed use is consistent with the zoning for the property; 5) name and mailing address of property owner and developer; 6) names and addresses of property owners located within 200 feet of the proposed development; and 7) signature of the property owner(s) of record of the exemption property. (Ord. 2012-02, 3/20/12)

#### **C. Exemption Review.**

The Zoning Administrator will provide a copy of the exemption application and supporting documentation to appropriate City Departments and impacted utilities for review/comment. Said review shall typically occur within ten (10) days of application submittal.

#### **D. Notification of Exemption Review.**

A Notice of Proposed Exemption to the Zoning Ordinance shall be mailed at least seven days prior to the Planning and Zoning Commission meeting to each owner of property situated wholly or partially

within 200 feet of the property for which the exemption is proposed. Said notice will be made by the Zoning Administrator in conformance with the procedures outlined in §13-905.C. of this Ordinance.

#### **E. Review and Decision by the Planning & Zoning Commission.**

(1) The Zoning Administrator will provide the Planning & Zoning Commission with review comments and a staff analysis of the proposed exemption.

(2) The Commission shall consider oral or written statements from the applicant, the public, City staff or its own members. It may approve the exemption, approve the exemption with such conditions as are deemed necessary, deny the exemption or table the exemption request. The exemption request may not be tabled for more than two (2) regular meetings of the Commission. The Commission shall determine by motion that the proposed exemption is consistent with the intent of the zoning district where the use is proposed and that the proposed use will not be detrimental to the health, safety or welfare of the community, nor will cause traffic congestion or seriously depreciate surrounding property values and at the same time is in harmony with the purposes and intent of this Ordinance, the plan for the area, and the Comprehensive Plan.

#### **F. Notification of Commission Action.**

The applicant shall be notified in writing of the action taken by the Commission. If approved, the Exemption shall be granted upon the signature of the Planning & Zoning Commission Secretary. Any conditions of approval shall be included upon the Exemption Notice.

#### **G. Maintenance of Ordinance.**

The Zoning Administrator shall keep a record of Zoning Exemptions and shall, periodically, propose revisions to this ordinance based upon the exemptions approved by the Commission.

(Ord. No. 2009-14, 10/6/2009).