

TITLE 8
ZONING REGULATIONS

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CHAPTER 1

TITLE, PURPOSE AND DEFINITIONS

SECTION:

- 8-1-1: Short Title
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8-1-1: **SHORT TITLE:** This title shall be known as the *ZONING ORDINANCE OF THE TOWN OF CLEARMONT, WYOMING.* (Ord. 69-A, 12-16-1976)

8-1-2: **SCOPE AND PURPOSE:** For the promotion of health, safety, morals and the general welfare of the community, the governing body of any city or town may regulate and restrict, by ordinance, the height, number of stories and size of buildings, and other structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, and may also establish setback building lines. (Ord. 69-A, 12-16-1976)

8-1-3: **COMPLIANCE WITH TITLE:** No structure or premises shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered contrary to the provisions of this title. (Ord. 69-A, 12-16-1976)

8-1-4: **DEFINITIONS:** The words and terms used, defined, interpreted or further described in this title may be construed as follows:

- A. The particular controls the general.

- B. The word "shall" is always mandatory and not directory. The word "may" is permissive.
- C. Words used in the present tense include the future unless the context clearly indicates the contrary.
- D. Words used in the singular include the plural, and words used in the plural include the singular unless the context clearly indicates the contrary.

The following specific words and terms are defined as follows:

ACCESSORY STRUCTURE OR USE:	A structure or use incidental or subordinate to the main use of the property, including a home occupation, which is located on the same lot (or a contiguous lot in the same ownership) with the main use.
ALLEY:	A minor right of way dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.
BOARDING HOUSE OR ROOMING HOUSE:	A building other than a hotel, cafe, or restaurant where, for compensation, directly or indirectly, lodging and/or meals are provided for three (3) or more boarders and/or roomers exclusive of the occupant's family.
BUILDING:	A structure built for the support, shelter, or enclosure of persons, animals, chattels, property or substances of any kind excluding fences.
BUILDING COVERAGE:	Any area or a portion of a lot which is covered by all buildings on that lot.
BUILDING HEIGHT:	The vertical distance measured from the lowest point of finished grade on the lot within twenty five feet (25') of the building to the uppermost point on the roof.

BUSINESS OR PROFESSIONAL OFFICE:	The office of an engineer, dentist, doctor, attorney, real estate broker, insurance broker, architect or other similar professional persons, and any office used primarily for accounting, correspondence, research, editing or administration.
CAMPING UNIT:	Any pickup camper, motor home, travel trailer, tent trailer, or similar mobile unit exceeding either eight feet (8') in body width or thirty two feet (32') in body length and designed specifically for recreational and vacation purposes.
CITY, COMMUNITY OR MUNICIPALITY:	The town of Clearmont, Wyoming.
COMPREHENSIVE PLAN:	The comprehensive plan for the town of Clearmont which has been officially adopted to provide long range development policies for the town and which includes, among other things, the plan for land use, housing and public facilities.
CORNER LOT:	A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street and where, in either case, the interior angle formed by the intersection of street lines does not exceed one hundred thirty five degrees (135°).
CUL-DE-SAC:	A street having only one outlet and being permanently terminated by a vehicle turnaround at the other end.
DISTRICT:	An area or areas within the limits of the town for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.
DRIVE-IN FACILITIES:	An establishment which is designed to provide, wholly or in part, service to customers while they remain in their automobiles parked upon the premises.

DWELLING,
MULTI-UNIT OR
MULTI-FAMILY:

A building used by two (2) or more families living independently of each other in separate dwelling units but not including hotels, motels or resorts.

DWELLING,
SINGLE-UNIT OR
SINGLE-FAMILY:

A detached principal building other than a mobile home designed for or used as a dwelling exclusively by one family as an independent living unit.

DWELLING UNIT:

One room or rooms connected together constituting a separate independent housekeeping establishment for owner occupancy or rental or lease on a monthly or longer basis, physically separated from any other rooms or dwelling units which may be in the same structure, and served by not more than one gas meter and one electric meter.

EASEMENT:

Authorization by a property owner for the use by the public, a corporation, or persons, of any designated part of his property for specific purposes.

EMPLOYEES:

All persons, including proprietors, working on the premises during the largest shift at peak season.

ESSENTIAL
GOVERNMENTAL OR
PUBLIC UTILITIES
SERVICES:

The erection, construction, alteration or maintenance by public utilities or municipal department of underground or overhead gas, electrical, steam or water transmission distribution systems, collections, communication, supplier disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

FAMILY:	An individual, or two (2) or more persons related by blood, marriage, legal adoption or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four (4) additional persons, excluding servants; or a group of not more than five (5) persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit.
FENCE, SIGHT OBSCURING:	A freestanding structure of metal, masonry, composition, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level used for confinement, screening or partition purposes or a dense evergreen planting.
FRONTAGE:	That portion of a lot, parcel, tract or block abutting upon a street.
GARAGE, PRIVATE:	An accessory building or accessory portion of the main building designed for the shelter or storage of motor vehicles owned or operated by the occupants of the main building.
GARAGE, PUBLIC:	A garage, other than a private garage, used for the housing or care of motor vehicles or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.
GOVERNING BODY:	The town council of Clearmont, Wyoming.
GRADE (GROUND LEVEL):	The average of the finished ground level at the center of all walls of the building or at the center of the structure.
GUESTROOM:	A room in a hotel, apartment hotel, motel or tourist home offered to the public for compensation in which room no provision is made for cooking and which room is used only for transient occupancy.
HEDGE:	A fence or boundary formed by a dense row of shrubs or low trees.

HOME OCCUPATION:	An occupation carried on in the dwelling or accessory building by members of the family occupying the dwelling with no servant, employee, or other person being engaged, provided the residence character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor cause the generation of other than normal noise, pedestrian and vehicular traffic.
HOSPITAL:	Any building or portion thereof used for diagnosis and treatment and care of human ailments but not including medical clinics, rest homes, convalescent homes, nursing homes and retirement homes.
HOTEL:	A building in which lodging is provided for guests for compensation in which no provision is made for cooking in the guestrooms.
JUNKYARD (SALVAGE YARD):	Any lot, parcel, or tract used for storage, keeping, sale or abandonment of junk and/or for the dismantling, demolition or abandonment of three (3) or more unlicensed motor vehicles or other junk or parts thereof.
KENNEL:	A lot or building on or in which four (4) or more dogs or cats at least four (4) months of age are kept commercially for board, propagation, or sale.
LOT:	The physical and undivided tract or parcel of land as shown on a duly recorded plat.
LOT AREA:	The total horizontal area within the lot lines of a lot.
LOT, CORNER:	See definition of Corner Lot.
LOT DEPTH:	The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, DOUBLE FRONTAGE:	A lot which runs through a block from street to street and which has two (2) nonintersecting sides abutting on two (2) or more streets.
LOT, INTERIOR:	A lot other than a corner lot.
LOT LINE, FRONT:	The property line dividing a lot from the right of way of the street. For a corner lot, the shortest street right of way line shall be considered as the front line.
LOT LINE, REAR:	The property line opposite and most distant from the front lot line and in the case of an irregular, triangular, or other shaped lot, a line ten feet (10') in length within the lot that is parallel to and at a maximum distance from the front lot line.
LOT LINE, SIDE:	Any lot line other than a front or rear lot line.
LOT WIDTH:	The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.
MOBILE HOME:	The same as defined in the mobile home ordinance of the town of Clearmont, Wyoming.
MOBILE HOME PARK:	The same as defined in the mobile home ordinance of the town of Clearmont, Wyoming.
MODULAR STRUCTURE:	An enclosed prefabricated structure transportable using separate conveyance and placed on a permanently constructed foundation for use as a dwelling or accessory building. The structure must be supported at its outside perimeter walls.
MOTEL:	A building or group of buildings on the same lot containing guest units with separate entrances from the building exterior and consisting of individual sleeping quarters, detached or in connecting rooms with or without cooking facilities, for rental to transients.

MUNICIPALITY:	The incorporated town of Clearmont, Wyoming.
NONCONFORMING STRUCTURE OR USE:	A lawful existing structure or use at the time this title or any amendments thereto become effective which does not conform to the requirements of the zone in which it is located.
PARKING, OFF STREET:	Parking of motor vehicles off the public rights of way.
PARKING SPACE:	A rectangular area with all weather surface nine feet by twenty feet (9' x 20') with maneuvering and access space required for the standard American automobile to park within the rectangle.
PERSON:	Every natural person, firm, partnership, association or corporation.
PREMISES:	A building and the land upon which the building is located.
PROPERTY LINE:	The boundary of any lot, parcel, or tract as the same is described in the conveyance to the owner, and shall not include the streets or alleys upon which the said lot, parcel or tract may abut.
PUBLIC HEARING:	A meeting called by a public body for which public notice has been given and which is held in a place in which the general public may attend to hear issues and express their opinions.
PUBLIC OR CENTRAL SEWAGE SYSTEM:	A public sewage system that is used or designed to be used for collection, treatment (primary and secondary) and discharge of domestic sewage, industrial or commercial wastes from two (2) or more residential units; two (2) or more mobile home spaces in mobile home subdivisions or mobile home parks; two (2) or more lots or properties located in platted subdivisions; or two (2) or more industrial or commercial properties.

PUBLIC OR CENTRAL WATER SUPPLY SYSTEM:	A public water supply system which serves two (2) or more residential units; two (2) or more mobile home spaces in residential units; two (2) or more mobile home spaces in mobile home subdivisions or mobile home parks; two (2) or more lots or properties located in platted subdivisions; or two (2) or more industrial or commercial properties.
RETAIL:	Sale to the ultimate consumer for direct consumption and/or use and not for resale.
RIGHT OF WAY, PUBLIC:	All streets, roadways, sidewalks, alleys, and all other areas reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel.
SALVAGE YARD:	See definition of Junkyard (Salvage Yard).
SCREENING:	Decorative fencing, evergreen hedges or earth berms maintained for the purpose of concealing from view the area behind such screening. When fencing is used for screening, it shall not be less than six feet (6') nor more than eight feet (8') in height.
SEASONAL DWELLING:	A dwelling of any type (including mobile homes) that does not constitute the primary residence of the occupants. The occupants must be prepared to substantiate the fact that the dwelling is used on a seasonal or occasional basis by providing information as to the location of their permanent dwelling and a statement that they spend less than half of their yearly residential life in the dwelling.
SERVICE DRIVE:	A driveway entering a street from a drive-in business establishment or an off street parking area, excluding residential driveways, serving fewer than ten (10) dwelling units.
SETBACK LINE:	A line which marks the setback distance from the property lines, and establishes the minimum

required front, side or rear yard space of a building lot.

- SIGN:** A presentation or representation, other than a house number, by words, letters, figures, designs, pictures, or colors publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation, or a request for aid or other type of advertising. This includes the board, metal, or surface upon which the sign is painted, included or attached. Each display surface of a sign shall be considered to be a sign.
- STORY:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet (6') above grade, such basement or cellar shall be considered a story.
- STREET:** The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and placement of utilities and including the terms "road", "highway", "lane", "place", "avenue", "alley", or other similar designations.
- STRUCTURAL ALTERATION:** Any change to the supporting members of a structure including foundations, bearing walls, or partitions, columns, beams, girders or any structural change in the roof.
- STRUCTURE:** Anything constructed or erected with a fixed location from the ground above grade but not including poles, lines, cables, or other transmission or other distribution facilities of public utilities, nor any structure less than five feet (5') in height.

USE:	The purpose for which land or a structure is used.
USE, ACCESSORY:	A subordinate use which is customarily incidental to the principal building or to the principal use of the lot.
USE, CONDITIONAL:	A use which may be permitted in a zone district upon favorable action by the governing body.
USE, NONCONFORMING:	A use which lawfully occupies a building or land at the time this title or an amendment hereto becomes effective and which does not conform with the use regulations applicable in the zone district in which it is located.
USE, PRINCIPAL:	The main use of land or structures as distinguished from a subordinate or accessory use.
VISION CLEARANCE AREA:	A triangular area on a lot at the intersection of two (2) streets or a street and a railroad, two (2) sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in the regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two (2) sides. Where the lot lines and intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding three and one-half feet ($3\frac{1}{2}'$) in height measured from the top of the curb or existing grade.
YARD:	An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title.
YARD, FRONT:	The yard between the side lot lines measured horizontally at right angles to the front lot line to the nearest point of the main building.

8-1-4

8-1-4

YARD, REAR:

The yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the main building.

YARD, SIDE:

The yard between a building and the side lot line measured horizontally at right angles to the side lot line from the side lot line to the nearest point of the main building. (Ord. 69-A, 12-16-1976; amd. 2015 Code)

CHAPTER 2

ADMINISTRATION, ENFORCEMENT AND INTERPRETATION

SECTION:

- 8-2-1: Enforcement; Appointment Of Officials
- 8-2-2: Form Of Petitions, Applications And Appeals
- 8-2-3: Permits In Areas Of Known Flooding
- 8-2-4: Temporary Permits
- 8-2-5: Time Limit On Permit
- 8-2-6: Notice Of Violation
- 8-2-7: Penalty

8-2-1: **ENFORCEMENT; APPOINTMENT OF OFFICIALS:**

- A. Enforcement: The town official, designated by the governing body as the zoning administrator, shall have the power and duty to enforce the provisions of this title. An appeal from a ruling of the zoning administrator shall be made to the town council.
- B. Zoning Administrator: Until a zoning administrator is appointed, the town council or a designated member thereof shall act as the administrator. (2015 Code)

8-2-2: **FORM OF PETITIONS, APPLICATIONS AND APPEALS:** No person, firm or corporation shall commence construction of any new structure or addition to any old structure or remodeling within the town limits without first having obtained a building permit. Applications for permits shall be made to the zoning administrator. All permits, petitions, applications and appeals provided for in this title shall be made on forms provided for the purpose or as otherwise prescribed by the town council in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. All applications for building and occupancy permits shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be used and/or built upon; the exact sizes and locations on the lot of the buildings and other

structures, existing and proposed; the existing and intended use of each building, structure, or part thereof; the number of families to be accommodated, if any; and such other information as is needed to determine conformance with the provisions of this title and of the building code. Within twenty (20) days after receipt of an application, the zoning administrator shall either grant or deny the permit. (2015 Code)

8-2-3: **PERMITS IN AREAS OF KNOWN FLOODING:** There shall be no building permits issued for a structure on a plot of land which is subject to flooding unless such proposed structure meets all criteria per title 9, "Flood Control", of this code. (2015 Code)

8-2-4: **TEMPORARY PERMITS:** The administrator may issue temporary permits for buildings to be constructed and used for storage incidental to construction of buildings on the property and for signs advertising a subdivision or tract of land or the lots thereon. (2015 Code)

8-2-5: **TIME LIMIT ON PERMIT:** A building permit shall be void after six (6) months of the day of issuance if no substantial construction has taken place. (2015 Code)

8-2-6: **NOTICE OF VIOLATION:** Notice of any violation of this title shall be served personally upon the violator by the zoning administrator. The notice may contain an order that the violator shall cease and desist from any activity which is contrary to the provisions of this title and shall order said individual to appear before the town council on a date and time certain for hearing upon the alleged violation. If, after hearing, the town council believes that there is cause to believe that a violation has occurred, further action may be taken if necessary in order to assure compliance with the provisions of this title. (2015 Code)

8-2-7: **PENALTY:** Any person violating any of the provisions of this title shall, upon conviction thereof, be subject to penalty as provided in section 1-4-1 of this code. (2015 Code)

CHAPTER 3

VARIANCE PROCEDURE

SECTION:

- 8-3-1: Variances
 8-3-2: Variance Application And Action Procedure

8-3-1: **VARIANCES:** The council may authorize in specific cases a variance from the specified terms of this title which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this title will, in an individual case, result in unnecessary hardship; and provided, that the spirit of this title shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by this title in such district. A request for a variance may be granted in such case, upon a finding by the council that all of the following conditions have been met:

- A. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district and is not created by an action of the property owner or the applicant.
- B. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
- C. That the strict application of the provisions of this title for which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- D. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
- E. That granting the variance desired will not be opposed to the general spirit and intent of this title. (2015 Code)

8-3-2: VARIANCE APPLICATION AND ACTION PROCEDURE:

The procedure to be followed in applying for a variance or an exception shall be as follows:

- A. Written application for the approval of a variance shall be filed with the town clerk upon forms and in a manner prescribed by the council. A fee of twenty five dollars (\$25.00) shall be paid to the town clerk upon the filing of each application for a variance. A written receipt shall be issued to the person making such payment.
- B. The council shall fix a reasonable time for the public hearing of the amendment; give not less than fifteen (15) days' public notice, posted at three (3) public places in town. Notice of hearing will also be mailed to owners of property, within an area enclosed by lines parallel to one hundred forty feet (140') from the exterior boundaries of the property involved, using for this purpose the names and addresses of owners as shown upon the records of the county assessor. Where all property so located is under the same ownership, owners of the property abutting that of the same ownership shall be notified in the manner as provided in this section.
- C. The council shall make its findings and determination in writing within forty five (45) days from the date of filing the application and shall forthwith transmit a copy thereof to the applicant.
- D. The council shall keep minutes of its proceedings, showing the vote of each member upon each question and shall keep records of the examinations and other official actions, which shall be a public record.
- E. In approving applications for variance, the council shall have authority to impose such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood.
- F. All appeals shall be conducted as contested cases in accordance with the provisions of the administrative procedure act of the state of Wyoming, and any additions or amendments thereto. (2015 Code)

CHAPTER 4

AMENDMENTS PROCEDURE

SECTION:

- 8-4-1: Authorization To Initiate Amendments
8-4-2: Amendment Application And Action Procedure

8-4-1: **AUTHORIZATION TO INITIATE AMENDMENTS:** The town council may from time to time, on its own motion, or on a petition from a property owner, amend, supplement, change, modify or repeal by ordinance the boundaries of districts or regulations or restrictions herein established. (2015 Code)

8-4-2: **AMENDMENT APPLICATION AND ACTION PROCEDURE:**

- A. Written application for amendment by property owner or his authorized agents shall be filed with the town clerk upon forms and in a manner prescribed by the council. A fee of fifty dollars (\$50.00) shall be paid to the town clerk upon the filing of each application.
- B. The council shall fix a reasonable time for the public hearing of the amendment; a notice shall be given by one publication in a newspaper of general circulation not less than fifteen (15) days prior to the date of the hearing; public notice will also be posted at three (3) public places in town. Notice of hearing will also be mailed to owners of property, within an area enclosed by lines parallel to one hundred forty feet (140') from the exterior boundaries of the property involved, using for this purpose the names and addresses of owners as shown upon the records of the county assessor. Where all property so located is under the same ownership, owners of the property abutting that of the same ownership shall be notified in the manner as provided in this section.

- C. Failure to send notice to a person or to receive the notice shall not invalidate any proceedings in connection with the proposed zone change.
- D. If there is a protest against the change signed by the owners of twenty percent (20%) or more of the area of the lots included in the proposed change, or those immediately adjacent within a distance of one hundred forty feet (140'), the amendment does not become effective except upon the affirmative vote of three-fourths ($\frac{3}{4}$) of all members of the governing body. In determining the one hundred forty feet (140'), the width of any intervening street or alley shall be included.
- E. The council shall make its findings and determination in writing within forty five (45) days from the date of filing the application and shall forthwith transmit a copy thereof to the applicant.
- F. The town clerk shall maintain a record of amendment to the text and map of this title in a form convenient for the use of the public. (2015 Code)

CHAPTER 5

ZONING DISTRICTS; MAP

SECTION:

- 8-5-1: Classification Of Districts
 8-5-2: Zoning Map

8-5-1: **CLASSIFICATION OF DISTRICTS:** For the purpose of this title, the town is divided into zones which have some or all of the following designations:

Districts	Abbreviated Designations
Residential districts:	
Residential district	R
Multiple-family residential district	MR
Commercial district	C
Industrial district	I

(2015 Code)

8-5-2: **ZONING MAP:**

- A. The location and boundaries of the districts designated in section 8-5-1 of this chapter are hereby established as shown on a map entitled "zoning map of the town of Clearmont".
- B. The zoning map and all notations thereon are hereby made a part of this title.
- C. The copy of the zoning map containing the zoning districts shall be maintained in the office of the town clerk. Any amendments which

change the boundaries of these districts shall also be recorded upon this map. (2015 Code)

CHAPTER 6

DISTRICT REGULATIONS

ARTICLE A. R RESIDENTIAL DISTRICT

SECTION:

8-6A-1:	Description
8-6A-2:	Permitted Uses
8-6A-3:	Lot Size
8-6A-4:	Setback Requirements
8-6A-5:	Height Of Buildings

8-6A-1: **DESCRIPTION:** The R residential district is composed of certain quiet, low density, residential areas of the town and its jurisdictions plus certain open areas where similar residential development should occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where children are members of many families and to prohibit activities of a commercial nature. To these ends, development is limited to one-unit dwellings. (2015 Code)

8-6A-2: **PERMITTED USES:**

Accessory buildings and uses.

Agricultural uses limited to raising of crops. Animals may be permitted only in compliance with title 4, chapter 1 of this code.

Churches, chapels, temples and synagogues.

Home occupations.

Hospitals, rest homes, nursing homes and convalescent homes.

Nursery and daycare schools.

Off street parking and loading as required by chapter 7 of this title.

One-unit dwellings including one-unit modular dwellings and mobile homes.

Public buildings.

Public schools.

Recreational facilities (parks, play fields, playgrounds, tennis clubs, swimming clubs and golf courses) operated by a public entity.

Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).

Vocational, private and business schools. (2015 Code)

8-6A-3: LOT SIZE: The minimum lot area shall be as follows:

- A. For all land not provided with central water and sewer facilities, the minimum lot area shall be one acre.
- B. For all land provided with either central water or sewer facilities (must include 1 of the systems), the minimum lot area shall be twenty thousand (20,000) square feet. The minimum lot area per dwelling unit shall be twenty thousand (20,000) square feet.
- C. For all land provided with central water and sewer facilities, the minimum lot area shall be six thousand (6,000) square feet. The minimum lot area per dwelling unit shall be six thousand (6,000) square feet. (2015 Code)

8-6A-4: SETBACK REQUIREMENTS:

- A. Minimum Front Yard:
 - 1. For all lots with an area of one acre or larger, the minimum front yard shall be thirty feet (30').
 - 2. For all lots with an area of less than one acre, the minimum front yard shall be twenty five feet (25').

- B. Minimum Side Yard: Eight feet (8') on one side and eight feet (8') on the other side, except that on corner lots, the setback for all buildings shall be a minimum of twenty five feet (25') on the side abutting a street or thirty feet (30') if the lot is one acre or larger.
- C. Minimum Rear Yard: Ten feet (10').
- D. Garage Or Carport: The entrance side of a garage or carport shall be set back at least twenty five feet (25') from the access street, except that in the case of an alley, the entrance shall be set back at least ten feet (10') from the rear lot line. (2015 Code)

8-6A-5: **HEIGHT OF BUILDINGS:**

- A. Maximum height for principal uses: Thirty five feet (35').
- B. Maximum height for accessory uses: Twenty feet (20'). (2015 Code)

CHAPTER 6

DISTRICT REGULATIONS

ARTICLE B. MR MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SECTION:

8-6B-1:	Description
8-6B-2:	Permitted Uses
8-6B-3:	Minimum Lot Area
8-6B-4:	Setback Requirements
8-6B-5:	Height Of Buildings

8-6B-1: **DESCRIPTION:** The MR multiple-family residential district is composed of certain medium to high density residential areas of the town and its jurisdictions plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life and to prohibit activities of a commercial nature. To these ends, development is limited to a relatively high concentration, and uses are typically one-family, two-family and multiple-family dwellings, plus certain additional uses such as schools, parks, churches, and certain public facilities which serve the residents of the district. (2015 Code)

8-6B-2: **PERMITTED USES:**

Any permitted uses in an R district.

Boarding houses, dormitories.

Mobile home parks in accordance with town mobile home regulations.

Mortuaries.

Multi-unit dwellings.

Off street parking and loading as required in chapter 7 of this title. (2015 Code)

8-6B-3: MINIMUM LOT AREA:

- A. The minimum lot area shall be six thousand (6,000) square feet for a one-unit dwelling, seven thousand five hundred (7,500) square feet for a two-unit dwelling and one thousand five hundred (1,500) square feet per dwelling unit for all additional units over two (2). The minimum lot area for all other uses shall be ten thousand (10,000) square feet.
- B. The minimum lot width shall be fifty feet (50'). (2015 Code)

8-6B-4: SETBACK REQUIREMENTS:

- A. Minimum Front Yard: Twenty five feet (25').
- B. Minimum Side Yard: Eight feet (8') on one side and eight feet (8') on the other side, except that on corner lots the setback for all buildings shall be twenty five feet (25').
- C. Minimum Rear Yard: Ten feet (10').
- D. Garage Or Carport: The entrance side of a garage or carport shall be set back at least twenty five feet (25') from the access street, except that in the case of an alley, the entrance shall be set back at least ten feet (10') from the rear lot line. (2015 Code)

8-6B-5: HEIGHT OF BUILDINGS:

- A. Maximum height for principal uses: Fifty feet (50').
- B. Maximum height for accessory uses: Twenty feet (20'). (2015 Code)

CHAPTER 6

DISTRICT REGULATIONS

ARTICLE C. C COMMERCIAL DISTRICT

SECTION:

8-6C-1:	Description
8-6C-2:	Permitted Uses
8-6C-3:	Lot Size
8-6C-4:	Setback Requirements
8-6C-5:	Height Of Buildings
8-6C-6:	Use Limitations

8-6C-1: **DESCRIPTION:** The C commercial district is composed of certain land and structures used primarily to provide retailing and personal services, including opportunities for a complete variety of goods for comparative shopping. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for providing service to the families of the town and to prohibit activities of an industrial nature. To these ends, development is primarily limited to retailing and personal services. The regulations are designed to permit development of the enumerated functions limited by standards designed to retain a favorable environment for the proper functioning of the district, plus certain public facilities which are needed to serve the occupants of the district. The uses listed in section 8-6C-2 of this article and their accessory uses are permitted outright in the C district; provided, that:

- A. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are customarily sold at retail on the premises; and
- B. Such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes. (2015 Code)

8-6C-2: **PERMITTED USES:**

Accessory buildings and uses.

Auditorium or exhibit hall, or other public assembly room.

Automobile, truck, trailer, mobile homes or boat sales, repairs, rentals and storage.

Bakery.

Bowling center.

Bus passenger station.

Business and professional offices.

Business school.

Campground, short term.

Car washes.

Churches, chapels, temples and synagogues.

Club, lodge.

Custom dressmaking, tailor shop.

Drive-in establishment offering goods and services to customers waiting in parked motor vehicles, except drive-in theaters.

Eating or drinking establishments.

Financial institutions.

Gasoline service station.

Hotels and boarding houses.

Indoor amusement and entertainment establishments.

Laundry, cleaning or pressing establishment, using nonexplosive and non-inflammable cleaning fluid.

Locksmith.

Medical and dental clinics.

Membership clubs.

Mortuaries and funeral chapels.

Motel.

New building materials sales and storage.

Newsstand.

Off street parking and loading as required by chapter 7 of this title.

Parking lot or parking garage.

Parks, play fields and playgrounds.

Pawnshop.

Pet shop.

Printing shop.

Public utility uses, facilities, services and buildings.

Railway passenger station or express office.

Restaurant, tavern, tearoom or cafe.

Retail store or business.

Secondhand store.

Shoe repair shop.

Signs as permitted below:

A. Signs permitted in the R and MR districts.

B. Signs identifying a retailing and service establishment area. One sign not exceeding fifty (50) square feet in area. Signs shall be limited to those identifying the establishment except that no business

sign shall be located within fifty feet (50') of a lot in a residential district, a public park, or a school and if illuminated, shall cast no direct light on adjacent residential property.

Studio: art, music, dance, health, photographic, radio or television broadcasting.

Theater, except drive-in type.

Watch and clock repair shop.

Wholesale office and showroom with merchandise on the premises limited to samples only.

Wholesaling activities. (2015 Code)

8-6C-3: LOT SIZE:

- A. Minimum lot area: Three thousand (3,000) square feet.
- B. Minimum lot width: Twenty five feet (25'). (2015 Code)

8-6C-4: SETBACK REQUIREMENTS:

- A. No minimum requirements except as provided in this section.
- B. The minimum yard dimensions of the residential districts shall apply on the side of a lot abutting a residential district.
- C. There shall be no side yard requirements for nonresidential uses except as provided in this section. (2015 Code)

8-6C-5: HEIGHT OF BUILDINGS:

- A. Maximum height for principal uses: Fifty feet (50'), except that within one hundred feet (100') of the R district, no structure shall exceed thirty five feet (35') in height.
- B. Maximum height for accessory uses: Twenty feet (20'). (2015 Code)

8-6C-6: USE LIMITATIONS:

- A. All business establishments shall be retail, service or wholesale establishments dealing directly with consumers.
- B. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential district.
- C. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building unless screened from the residential district by a sight obscuring fence permanently maintained at least six feet (6') in height.
- D. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise, or other adverse effects on residential properties.
- E. Motor vehicle, boat or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement except in those portions of the lot maintained as landscape area. (2015 Code)

CHAPTER 6

DISTRICT REGULATIONS

ARTICLE D. I INDUSTRIAL DISTRICT

SECTION:

8-6D-1:	Description
8-6D-2:	Permitted Uses
8-6D-3:	Lot Size
8-6D-4:	Setback Requirements
8-6D-5:	Height Of Buildings
8-6D-6:	Use Limitations

8-6D-1: **DESCRIPTION:** The I industrial district provides for nonoffensive types of industry, warehousing, processing and manufacturing activities. The regulations of this district are intended to provide intensity standards and standards of external effect compatible with the surrounding or abutting districts. (2015 Code)

8-6D-2: **PERMITTED USES:**

Accessory buildings and uses.

Administrative and executive offices.

Automobile parking lots.

Commercial uses (excluding retail store) including, but not limited to, the following: lumberyards, nursery, stock production and sales, yard equipment and supply dealers, firewood operations, building contractors and equipment, transportation centers, service garages, wholesales operations, household equipment and appliance repair, rental establishments, car washes, bulk cleaning and laundry plants, cold storage lockers, and printing services, provided adequate safeguards are taken to protect adjoining properties from objectionable or harmful substances, conditions or operations.

Drive-in theater.

Extraction of natural resources.

Facilities for the manufacturing, fabrication, processing, storing or assembly of products; provided, that such facilities are completely enclosed; and provided, that no effects from noise, smoke, glare, vibration, fumes or other environmental factors are measurable at the property line.

All other facilities for the manufacturing, fabrication, processing or assembly of products; provided, that such facilities are not detrimental to the public health, safety or general welfare; and provided, that the following performance standards are met:

A. Dust, odor, gas, fumes, glare, vibration, smoke or particulate matter. No emission of these matters shall result in a concentration at or beyond the property line which is detrimental to the public health, safety, or general welfare and which causes injury or damage to property.

B. Radiation hazards and electrical disturbances. No operation shall be conducted unless it conforms to state standards established pertaining to radiation control.

C. Noise. No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency or shrillness. Sound levels of noise radiating from property line at a distance of twenty five feet (25') or more therefrom shall not exceed seventy five (75).

D. Water pollution. No water pollution shall be emitted by manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the state.

Gasoline service stations.

General business and professional offices.

General research facilities.

Indoor eating and drinking establishments on the same lot as, and incidental to, any use allowed by right or special review.

Junkyards.

Off street parking and loading as required by chapter 7 of this title.

Outdoor amusement and entertainment establishments.

Professional services.

Public utility uses, facilities, services and buildings.

Retailing establishments.

Sales, service and storage of mobile homes, campers, boats, bicycles, motor vehicles, motorized equipment, and accessories for such vehicles, but not including salvage junkyards.

Signs, as permitted as follows: In an I district, identification and advertising signs accessory to the allowed use are permitted, except that they shall be limited to one hundred (100) square feet and none shall be located within one hundred feet (100') of a lot in a residential district, a public park, or a school unless it meets the requirements for a business sign in the C district.

Vocational schools. (2015 Code)

8-6D-3: LOT SIZE:

- A. Minimum lot area: No requirement.
- B. Minimum lot width: No requirement. (2015 Code)

8-6D-4: SETBACK REQUIREMENTS:

- A. Minimum front yard: Twenty five feet (25').
- B. Minimum side yard: Eight feet (8').
- C. Minimum rear yard: No requirement. (2015 Code)

8-6D-5: HEIGHT OF BUILDINGS:

- A. Maximum height for principal uses: Sixty feet (60'); except that within one hundred feet (100') of the R or MR districts, no structure shall exceed thirty five feet (35') in height.

- B. Maximum height for accessory uses: Twenty five feet (25'). (2015 Code)

8-6D-6: **USE LIMITATIONS:**

- A. Maximum operations, activities and storage shall be conducted wholly inside of a building, unless the nearest point of such operation or activity is more than two hundred feet (200') from the boundary of any other zoning district other than an I district, and except that storage may be maintained outside of a building in side yards or rear yards if such storage area is separated from public streets and other property (except property located in an I district) by screening of not less than six feet (6') in height.
- B. Servicing and maintenance of vehicles shall be permitted only when such is necessary to the conduct of a permitted use.
- C. If a lot in an I district adjoins a residential district, screening shall be provided at the lot lines sufficient to protect, on a year round basis, the privacy of adjoining residential uses.
- D. No building shall be used for residential purposes except that a watchman or owner of the use may reside on the premises. (2015 Code)

CHAPTER 7
OFF STREET PARKING

SECTION:

8-7-1: Parking Space Requirements

8-7-1: **PARKING SPACE REQUIREMENTS:**

Use	Standards
Residential uses:	
One-family dwellings and multi-family dwellings	2 spaces per dwelling unit (portions of driveways not located on public rights of way defined as usable off street parking spaces)
Commercial	1 space per 300 square feet of floor area, plus 1 space per 2 employees
Industrial	1 space per employee, plus 1 space per 700 square feet of patron service area

(2015 Code)

CHAPTER 8

SUPPLEMENTAL PROVISIONS

SECTION:

- 8-8- 1: District Boundaries
- 8-8- 2: Projections From Buildings
- 8-8- 3: Maintenance Of Minimum Requirements
- 8-8- 4: Access
- 8-8- 5: Screening
- 8-8- 6: Extractive Industries And Salvage Junkyards
- 8-8- 7: Buildings On Same Lot
- 8-8- 8: Drive-In Facilities
- 8-8- 9: Storage And Parking Of Mobile Homes, Trailers And
Commercial Vehicles
- 8-8-10: Home Occupations
- 8-8-11: Swimming Pools

8-8-1: **DISTRICT BOUNDARIES:** Unless otherwise specified, district boundaries are lot lines or the centerline of streets, alleys, railroad rights of way, or such lines extended where a district divides a land parcel under a single ownership into two (2) districts, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided the boundary adjustment is a distance of less than twenty feet (20'). If the adjustment involves a distance of more than twenty feet (20'), the procedure for a district change shall be followed. (2015 Code)

8-8-2: **PROJECTIONS FROM BUILDINGS:** Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features may project not more than three feet (3') into a required yard or into required open space as established by coverage standards. (2015 Code)

8-8-3: **MAINTENANCE OF MINIMUM REQUIREMENTS:** No lot area, yard or other open space, or required off street parking or loading area existing on or after the effective date hereof shall be reduced in area, dimension, or size below the minimum required by this title, nor shall any lot area which is required by this title for one use be used as the lot area, yard, or other open space or off street parking or loading area requirement for any other use. (2015 Code)

8-8-4: **ACCESS:** All lots shall abut a street other than an alley for a width of at least twenty five feet (25'). (2015 Code)

8-8-5: **SCREENING:**

- A. Junkyards (salvage yards) shall be screened with an eight foot (8') high opaque, solid fence so as to provide visual and aural separation between such use and adjacent areas.
- B. All extractive industries shall be screened by means of plant materials or solid fencing at least six feet (6') in height to provide visual and aural separation between such use and adjacent areas. (2015 Code)

8-8-6: **EXTRACTIVE INDUSTRIES AND SALVAGE JUNKYARDS:** Extractive industries and salvage junkyards shall be located a minimum of three hundred feet (300') from any residential district. (2015 Code)

8-8-7: **BUILDINGS ON SAME LOT:** Only one principal building shall be permitted on any lot. (2015 Code)

8-8-8: **DRIVE-IN FACILITIES:** Any use permitted in a zoning district which intends to conduct a portion or all of its business with persons desiring to remain in their automobiles, or which allows products to be consumed on the premises outside the principal building, must submit a site plan to be reviewed and approved by the town council. In reviewing and approving the site plan for such a use, the council must be satisfied that the traffic circulation on and adjacent to the site conforms to the following criteria:

- A. Traffic circulation shall be arranged so that internal pedestrian and vehicular movements are compatible and traffic hazards are minimized.
- B. Traffic circulation, ingress and egress shall be arranged so as to avoid hazardous or adverse effects on adjacent sites and streets. (2015 Code)

8-8-9: STORAGE AND PARKING OF MOBILE HOMES, TRAILERS AND COMMERCIAL VEHICLES: Commercial vehicles and trailers of all types, including camping units, travel and hauling trailers and mobile homes, shall not be parked or stored on any lot occupied by a dwelling or on any lot in a residential district, except in accordance with the following provisions:

- A. Not more than one commercial vehicle, not to exceed one and one-half (1^{1/2}) tons' rated capacity for each family living on the premises, shall be permitted; and, in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.
- B. Storage and parking of mobile homes and trailers shall be subject to the requirements specified in the mobile home park ordinance of the town and other pertinent ordinances. (2015 Code)

8-8-10: HOME OCCUPATIONS: Home occupations shall be governed by the following regulations:

- A. Home occupations shall not occupy more than twenty percent (20%) of the total floor area of the main building or if located in an accessory building, shall not occupy more than five percent (5%) of the total lot area.
- B. Home occupations shall be operated entirely from an enclosed structure with no exterior storage of materials or equipment.
- C. There shall be no visible evidence of the operation and it shall not change the residential character thereof.
- D. The operation shall not substantially increase traffic in the area.

- E. The operation shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar cause.
- F. One nonilluminated sign mounted flush on the dwelling units not having a surface area greater than three (3) square feet may be displayed. (2015 Code)

8-8-11: **SWIMMING POOLS:** A swimming pool may be permitted in any district as an accessory use subject to the following additional requirements:

- A. No public or private swimming pool may be located in any required front yard or side yard abutting a street.
- B. Every swimming pool must be completely surrounded by a fence or wall not less than forty eight inches (48") in height with no openings large enough to permit children to pass through other than a gate or door that can be fastened to protect against entry. A dwelling house or accessory building may be used as part of such required enclosure.
- C. All gates or doors opening through such enclosures must be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. (2015 Code)