



**Zoning  
Ordinance 719**

Town of Mills  
P.O. Box 789  
704 4<sup>th</sup> Street  
Mills, Wyoming 82644

**ORDINANCE NO. 719**

**AN ORDINANCE REPEALING THE EXISING TITLE 16 AND TITLE 18 OF  
THE MILLS MUNICIPAL CODE DEALING WITH SUBDIVISIONS AND  
ZONING AND REPLACING IT, IN ITS ENTIRETY, WITH A NEW CHAPTER  
17 DEALING WITH ZONING AND SUBDIVISIONS.**

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERING BODY OT  
THE TOWN OF MILLS, WYOMING, THAT THE MILLS MUNICIPAL CODE  
IS HEREBY AMENDED AS FOLLOWS:**

The following text is hereby adopted in it is entirety, on the date set forth below, and which, further repeals, in their entirety, Title 16, Title 17 and Title 18 of the Mills Municipal Code, that existed prior to the date below listed, with the newly adopted ordinance, which replaces Title 16, Title 17 and Title 18 of the existing Mills Municipal Code commencing below with that text first reading "Table of Contents"



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TOWN OF MILLS

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## CHAPTER 17.04

### GENERAL PROVISIONS

#### 17.04.010

TITLE - This Ordinance shall be known and cited as the "Zoning Ordinance of the town of Mills, Wyoming," and shall be referred to hereafter as the "Ordinance."

#### 17.04.020

PURPOSE – In accordance with Sections 15-1-701 through 15-1-801 of the Wyoming Statutes, 1977, and the authority granted to the Town thereby, the Town of Mills has established this Ordinance to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and to aid in realizing the policies, objectives and goals of the Town's comprehensive plan.

The land use regulations and districts, as herein set forth, have been made in accordance with a comprehensive zoning study with reasonable consideration, among other things, to the character of each district and its peculiar suitability for particular uses with a view to conserving the value of properties and encouraging the most appropriate use of land throughout the Town of Mills.

This title is further established to promote public health, safety, welfare and the orderly growth of the town, and this title shall apply to any tract of land which is within the town, but is not subdivided, and to all areas outside of the town limits which may annex to and become a part of the town. (Ord. 274 §1 (part), 1979).

Therefore, the Town Council of the Town of Mills declares that this Ordinance is adopted for the following additional specific purposes:

- A. To promote coordinated, sound development, taking into consideration the Town's unique geographic setting;
- B. To prevent the overcrowding of land, poor quality in development, waste and inefficiency in land use, danger and congestion in travel and transportation, and any other use of development which might be detrimental to the stability and livability of the Town;
- C. To encourage innovations in residential development so that the growing demand for housing may be met by greater variety in type and design of dwellings and by the conservation and more efficient and attractive use of open space;

- D. To advance a more effective use of land and a higher quality in site planning reflecting improvements in the technology of land development.

#### SCOPE

- A. This Ordinance applies within the town limits of the Town of Mills, as now and hereafter established.
- B. The provision of this Ordinance may be regarded as the minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity and welfare.
- C. This Ordinance is not intended to abrogate or annul any building permit, certificate of occupancy, variance or other lawful permit issued and in full force and effect on the effective date of this Ordinance.

#### APPLICATION

- A. No building, structure or land may hereafter be used or occupied, and no building or structure or part thereof may hereafter be erected, constructed, moved or altered except in conformity with all the regulations applicable to the district in which it is located.
- B. No part of a lot area, open space, off-street parking area or yard required about or in connection with any building for the purposes of complying with this Ordinance may be included as part of a lot area, an open space, off-street parking area, or yard similarly required for any other building or use.
- C. It is the intent and requirement of this Ordinance that every principal building located within a zoning district in the Town of Mills be located on a separate lot as defined in Section 17.04.030. The only circumstances under which more than one principal building shall be allowed on one lot is in the Planned Unit District or by special review for shopping centers in the E-B and D-B Districts. Nothing in these ordinances shall be read to preclude detached garages, shops, or outbuildings from being constructed as appropriate and approved.



**17.04.025**

**OFFICIALS AND RESPONSIBILITIES**

- A. Mayor – The Mayor of the Town of Mills shall be responsible to ensure Town of Mills officials are abiding by the provisions of the code. The Mayor shall at all times work to find a balance of the concerns of town officials with the property rights of the public.
- B. Mayor Designee – The Mayor Designee shall be responsible for the administration of all aspects of planning, zoning, and annexation within the Town of Mills. The Mayor Designee shall work with staff to identify safety and nuisance issues with any project reviewed. The Mayor Designee shall be empowered to make decisions to find an acceptable solution to both the town and the property owner. The Designee shall work closely the Mayor on any possible disputes that may arise. All decisions made by the Mayor Designee can be appealed to the Town Council, generally within 30 days of the decision.
- C. Planning & Zoning Board – The Planning & Zoning Board of the Town of Mills shall consist of five (5) members who are residents of the Town of Mills. The Mayor shall appoint the board members, and the Council shall vote to confirm or deny the appointments. The term of the Planning & Zoning Board Members shall be two (2) years, with no more than 3 terms expiring at any one time. The Town shall advertise openings for these positions in as many ways as possible but will not be required to do so in the newspaper.

The Planning & Zoning Board shall be responsible to review any proposed zone changes in the Town at least one time before the third reading of any ordinance pertaining to a zone Change. Upon review, they thru the Mayor Designee shall give the Town Council a “Do Pass” or a “DO NOT PASS” recommendation. The final determination will be made by a vote of the Town Council on any issue.

The Planning & Zoning Board may also be asked by the Mayor to review other building project in the Town that He/She deems would be in the best interest of the Town Council to have a recommendation before a vote on a particular project.

The Planning & Zoning Board shall meet at least once a month, but the Mayor may call for a special meeting of the Zoning Board to facilitate an expedited schedule for a number of reasons deemed necessary.

Each Planning & Zoning Board Member shall be paid an amount to be set by resolution for each meeting that they attend.

**17.04.030**

**DEFINITIONS**

**ABANDONMENT:** An action to give up one's rights of interested in property.

**ACCESSORY BUILDING, STRUCTURE OR USE:** A building, structure or use located or conducted upon the same lot (or on a contiguous lot in the same ownership) as the principal building, structure or use to which it is related, and which is:

- A. Clearly incidental to, and customarily found in connection with, such principal building or use; and
- B. Is operated and maintained for the use of occupants, employees, customers or visitors of the lot with the principal use.

***A-WEIGHTED SOUND LEVEL (dba):*** A measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1,000 Hz and above 5,000 Hz. This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies, relative to the mid-range of the frequency spectrum. This area of sensitivity also corresponds to the human speech band. (Ord. 558, §1, 2009)

**ADMINISTRATIVE OFFICER:** The person or persons designated by the Mayor and approved by Town Council to enforce and administer the provisions of this Ordinance or his duly appointed representative(s).

**ALLEY:** A public or private access way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

**ALTERATIONS:** As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by horizontal extensions or by increasing in height, or the moving from one location or position to another.

**ANIMALS – DOMESTIC:** A domesticated animal is one which has extensively and historically been a part of a family or household for pleasure, companionship and protection. Domesticated animals are household pets, and are inclusive of fowl, reptiles and fish such as: dogs, cats, parakeets, and tropical fish.

**ANIMALS – RANCH:** Animals which have historically been bred, reared and utilized for the production of meat, wool, leather and similar products.

**ANIMAL HOSPITAL (VETERINARY) OR CLINIC:** A building or portion of a building designed or used for the examination, treatment or care of animals, which includes open pens or runs.



**APARTMENT:** A room or suite of rooms within a building, provided with separate cooking and bathroom facilities and intended as a single dwelling unit.

**APARTMENT HOUSE:** A building or portion of a building designed or used as a residence for three or more families living independently of each other in separate dwelling units, with continuous long-term occupation by renters.

**AUTOMOBILE REPAIR STATION:** A building or premises or portion thereof used principally for the repair of mechanical components and body repair of automobiles, which may also include retail sale of automotive fuels and lubricants.

**AUTOMOBILE SERVICE STATION:** A building, premises or portion thereof used for retail sales of automotive fuels, lubricants, and accessories without facilities for major mechanical or body repair.

**BASEMENT:** A story of a building having more than one half of its height below the average level of the adjoining grade.

**BLOCK:** An area of land completely bounded by streets, railroad rights-of-way, natural barriers, subdivision or municipal boundaries or a combination thereof.

**BOARD:** The Planning and Zoning Board of the Town of Mills, Wyoming.

**BOARDING OR ROOMING HOUSE:** A building other than a hotel, café or restaurant where, for compensation, directly or indirectly, lodging and/or meals are provided for three or more boarders and/or roomers exclusive of the occupant's family.

**BUILDING:** Any structure, whether temporary or permanent, having a roof supported by walls or columns designed or intended for the shelter or enclosure of persons, animals, property or substances of any kind.

**BUILDING – ATTACHED:** A building attached to another building by a common wall and a common roof.

**BUILDING – DETACHED:** A building having no common wall connection with another building.

**BUILDING – EXISTING:** A building erected prior to the adoption of this Ordinance for which a legal building permit has been issued.

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the finished grade at the midpoint of the lot frontage to the highest point of coping of a flat roof, the deck line of a mansard roof, or to the mean height level between the eaves and ridge for gable, hip, or gambrel roofs.

**BUILDING – NON-CONFORMING:** A building or structure or portion thereof existing at the time of adoption of this Ordinance which does not comply with the provision of the Ordinance applicable to the District in which it is located.

**BUILDING – PRINCIPAL:** One building housing the principal or primary use permitted for the lot upon which it is located.

**CAMP TRAILER:** A recreational vehicle 8' x 32' or less designed to be used independent of utilities or attached temporarily to utilities - towed by a car or truck - and not permitted as a permanent residence on a residential lot.

**CHURCH:** A building designed for public worship which is maintained and controlled by an organized religious body.

**CLINIC:** A building used by two or more medical doctors or dentists who diagnose, treat, and care for injured or ill persons on an outpatient basis, including associated laboratories.

**CLUB OR LODGE:** A building designed for use by a non-profit association of persons who are bonafide members paying annual dues with the premises restricted to the use of members and guests.

**COMMON AREA:** Any area or space designed for joint use of tenants or owners occupying a planned unit development or other development.

**COMMON WALL:** An unbroken wall shared by two or more separate buildings.

**COMPREHENSIVE PLAN:** The plan or any part thereof adopted by the Town Council to guide development of land use, utilities, streets, community facilities, and other physical aspects of the Town.

**CONSTRUCTION – NEW:** Structure for which the “Start of Construction” occurred on or after the effective date of this Ordinance.

**CONSTRUCTION – START OF:** The first placement of permanent construction of a structure, not including grading, excavation or placement of accessory buildings, For mobile homes, start of construction is when the mobile home is placed on site and hooked up to utilities.

**COUNCIL:** The Town Council of the Town of Mills, Wyoming.

***DECIBEL (db):*** The measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 db (A-weighted). In general, this means the quietest sound we can hear is near 0 db (A-weighted) and the loudest we can hear without pain is near 120 db (A-weighted). (Ord. 558, §1, 2009)



**DISTRICT:** A portion of the area of the Town in which certain uniform regulations, requirements, and combinations thereof apply under the provision of this Ordinance.

**DWELLING:** Any building or portion thereof designed or used exclusively for human habitation, for one or more families, exclusive of hotels, motels, clubs, hospitals, and other uses.

**DWELLING UNIT:** A room, group of rooms, or other continuous designated space within a building designed for complete independent living facilities for one family, including permanent provision for living, sleeping, eating, cooking, and sanitation.

**DWELLING – SINGLE-FAMILY:** A principal building designed for or used exclusively as a dwelling by one family as an independent housekeeping unit.

**DWELLING – TWO-FAMILY:** A principal building designed for or used as a dwelling exclusively by two families each living as an independent housekeeping unit.

**DWELLING – MULTI-FAMILY:** A principal building designed for or used as a dwelling exclusively by two or more families each living as an independent housekeeping unit.

**DWELLING – TOWNHOUSES:** Three or more single family attached dwellings with common walls, each having direct outside access.

**EASEMENT:** A vested or acquired right to use land, other than as a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land.

**FAA:** The Federal Aviation Administration of the United States Department of Transportation. (Ord. 558, §1, 2009)

**FAMILY:** (1) A single individual doing his own cooking and living upon the premises as a separate housekeeping unit; or (2) a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment as domestic servants; or (3) a group of not more than three unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club fraternity, or hotel).

**FENCE:** A structure erected as a dividing marker, barrier or enclosure.

**FLOOR AREA:** The area included within outside walls of a building or portion thereof, including habitable penthouses and attic space but not including vent shafts, courts, halls, basements, or uninhabitable areas.

**FLOOR AREA – GROSS LEASABLE:** The total area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured by the bases of interior walls, excluding common area such as stairways, storerooms, mechanical rooms, landings, etc.

**GARAGE – PRIVATE:** A building or portion thereof for the storage of three or less motor vehicles for persons living on the premises. Apartment houses may provide one space for each unit in a large structure.

**GRADE:** The elevation of the mid-point of the front lot line.

**GUY CABLE:** Any cable or wire that extends from a small wind energy system for the purpose of supporting the system structure. (Ord. 558, §1, 2009)

**HOME OCCUPATION:** An occupation or activity carried on by residents of a dwelling which is not harmful to the residential aspect of the neighborhood.

**HOSPITALS:** Any building or portion thereof used for diagnosis, treatment, and care for injured or ill persons on an inpatient basis, including sanitariums but not including clinics, rest homes, convalescent homes or nursing homes.

**HOTEL:** A building designed or used for occupancy normally as the temporary lodging place of individuals, having at least six guest rooms, where a general kitchen and dining room may be provided, with access through a common lobby.

**IMPROVEMENT:** Site grading, street work, utilities, or structures built on a lot.

**JUNK YARD:** Any area where scrap, metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto and building salvage yards.

**KENNEL – COMMERCIAL:** Any lot or premises on which four or more domestic animals over four months of age are boarded, bred or sold.

**LANDSCAPING:** The use of vegetation and inorganic durable materials such as those identified below to enhance the visual attractiveness of a site and improve erosion control.

**LAUNDRY:** (1) Laundromat – a business that provides home-type washing, drying and ironing machines for hire to be used by the customers on the premises. (2) Commercial Industrial Laundry – a Business that provides washing, drying and ironing services operated by the employees on the premises.

**LOADING SPACE:** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle



while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

**LOT:** A portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or use and its accessories, together with such yards as are required under the provisions of this Ordinance, having not less than the minimum area, usable open space, and off-street parking spaces required by this Ordinance for a lot in the district in which such land is situated, and having at least thirty (30) feet of frontage on a street. A lot must be an integral unit of land held under unified ownership in fee or in co-tenancy, or under legal contract tantamount to such ownership.

**LOT – AREA:** The total square footage of the land area within the lines of a lot, measured as a horizontal plane.

**LOT – DEPTH:** The main horizontal distance between the front and rear lot lines measured generally parallel to the side lot lines.

**LOT – WIDTH:** The mean horizontal width of the lot measured at right angles to its depth.

**LOT – CORNER:** A lot situated at the intersection of two or more intersecting streets with a boundary thereof bordering each street.

**LOT – COVERAGE:** The area of a lot covered by the ground floor of the principal and accessory buildings, measured in square feet.

**LOT – LINES:** The lines bounding a lot as defined herein.

**LOT LINE – FRONT:** The line separating the lot from the street. The street on which a building's frontage is oriented shall determine the location of the front lot line provided the front setback is not less than the average setback of existing buildings.

**LOT LINE – SIDE:** Any lot line other than front or rear lot lines. A side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

**LOT LINE – REAR:** The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line.

**LOT OF RECORD:** A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the County Clerk, Natrona County, Wyoming.

**LOT – THROUGH:** A lot having frontage on two parallel or approximately parallel streets.

MANUFACTURED HOME: A single family residential dwelling constructed after June 15, 1976, in accordance with the "National Manufactured Home Construction and Safety Standards Act of 1974," 42 U.S.C. Section 5401, et. seq., as amended and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities and which includes the plumbing, heating, air conditioning and electrical systems contained therein. (Ord. 549, §1, 2009)

METEOROLOGICAL TOWER: A facility consisting of a tower and related wind-measuring devices, which is used solely to measure winds preliminary to construction of a *Small Wind Energy Conversion System*. Meteorological Towers shall not be allowed for time periods in excess of twelve months and shall be removed prior to the installation of the wind energy conversion system for which they are measuring. A request to install a meteorological tower shall be included in the application to install either a *Micro Wind System* or a *Small Wind Energy Conversion System*. (Ord. 558, §1, 2009)

MICRO WIND SYSTEM: A building-mounted wind system (either a Vertical or Horizontal Axis Turbine) that has a Rated Nameplate Capacity of 10kW or less, (3kW or less for residential properties), and projects no more than fifteen feet (15') above the highest point of the roof. Such building-mounted wind systems shall be regulated by applicable building and electrical codes and shall not be considered a *Small Wind Energy Conversion System*. A *Micro Wind System* shall not be considered in determining total building height for zoning or setback purposes. Multiple turbines are permitted, provided the total cumulative Rated Nameplate Capacity does not exceed 10kW (or 3kW for residential properties). (Ord. 558, §1, 2009)

MOBILE HOME: A single family residential dwelling manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the National Manufactured Home Construction and Safety Standards Act, that is transportable in one or more sections, that in traveling mode is eight (8) body feet or more in width and thirty-two (32) body feet or more in length, or when erected on a site two hundred fifty-six (256) or more square feet, and is built on a permanent chassis and designed to be used as a permanent residence on a temporary or permanent foundation when connected with the permanent utilities including plumbing, heating, air conditioning and electrical systems. (Ord. 549, §1, 2009)

MOBILE HOME PARK: A single lot on which two or more mobile homes are parked either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park; includes courts, developments, communities. Three mobile homes located on two lots constitute a mobile home park.

MOBILE HOME PARK – ESTABLISHED: Any mobile home park licensed by the Town prior to June 1, 1981 and operating under the requirements of said license. Any such mobile home parks shall comply with the requirements of the license and all other applicable codes and requirements. (Ord. 381 §1, 1988.)



**MODULAR CONSTRUCTION:** Construction certified by the manufacturer as meeting the uniform building code and designed to be placed on a permanent foundation after transport to the building site and not classified as a mobile home.

**MODULAR HOME:** A structure, transportable in one or more dependent sections, designed for use as a single family residential dwelling unit, not built on a permanent chassis, capable of being transported from place of fabrication to the site on which it is to be erected, where it is placed on a permanent foundation and, when assembled, meets all of the provisions of the Uniform Building Code, International Building Code, or International Residential Code for residential units. (Ord. 549, §1, 2009)

**MOTEL OR MOTOR HOTEL:** A series of attached, semi-attached or detached sleeping or living units for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities, said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

**MOTOR VEHICLE SALES:** Any business where two or more motor vehicles, including but not limited to automobiles, trucks, motorcycles, and recreational vehicles are parked for sale. (Ord. 406 §1, 1992.)

**NURSERY – DAY CARE CENTER:** An establishment providing specialized group care on a planned regular basis for five or more children aged two through seven years, inclusive, who are away from their homes any part of the day.

**NURSING HOME:** A building intended for use as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care.

**OFFICE:** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**OWNER:** The Owner of Record as recorded in the Office of the County Clerk.

**PARKING SPACE:** A hard surfaced public or private area required for the storage of a passenger vehicle or commercial vehicle under 1-1/2-ton capacity.

**PAWN SHOP:** Any business where items of value are delivered or deposited as security for a loan. (Ord. 406 §1, 1992.)

**PERSON:** Any agent, individual, firm, partnership, corporation or other similar entity having legal rights and responsibilities.

**PLAT:** The subdivision plat recorded at the Office of the County clerk showing the location of property and property boundaries.

**PREMISES:** A lot, together with all the uses and buildings thereon.

PROPERTY LINE: The legal boundaries of a lot or other property.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a “nameplate” on the equipment. (Ord. 558, §1, 2009)

RECREATIONAL VEHICLE: A vehicular type unit designed as temporary living quarters for recreational, camping, living, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Use of recreational vehicles as permanent dwellings or as a primary residence on a lot is prohibited. (Ord. 542, 2007)

RECYCLING CENTER: A building and/or premises used for the recycling, purchase, and donation of metals, paper, and glass to be packaged and sold for recycling purposes; exclusive of automobile parts, bodies, batteries, petroleum products and all materials defined as hazardous by federal, state and local regulations as they pre-exist or are hereafter amended, and exclusive of any operation that salvages motor vehicles or other similar equipment. (Ord. 400, 1992.)

RESTAURANT: A public eating establishment at which the primary function is the preparation and serving of food.

RESTAURANT – DRIVE-IN: Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, non-alcoholic beverages or any other food directly to patrons in parked vehicles.

ROOF: The external upper covering of a building.

SECURITY QUARTERS: Apartments, as a part of the main structure, or mobile homes necessary for safety or security reasons in conjunction with the principal use, located on the same lot as the principal use and occupied only by persons responsible for security of the principal use and on the payroll of the industry or business conducting the principal use. A mobile home may be located where permitted by the Town as security quarters in an Industrial District (Ord. 351, 1983)

SETBACK: The shortest distance in linear feet measured on a horizontal plane between the foundation wall of a building on a lot and a lot line.

SHALL: When used in this Ordinance means mandatory.

SIGN: Any letters, figures, design, symbol, trademark, or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever and painted, printed, or constructed and displayed in any manner whatsoever out of doors for advertising, identification, or announcement purposes.



SMALL WIND ENERGY CONVERSION SYSTEM: A wind energy conversion system consisting of a tower, a turbine, and associated control or conversion electronics that generates power for an individual property for the purpose of reducing on-site energy consumption with a Rated Nameplate Capacity of 25kW or less per tower. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers. Excess electrical power generated, and not presently needed for on-site use, may be utilized by the utility company. (Ord. 558, §1, 2009)

STREET: A general term denoting a public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designation for a street as: a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, courts, or as otherwise designated, but excluding any alley or a way for pedestrian use only.

STORAGE: The depositing of and keeping goods, wares, and merchandise in any structure, building, or lot.

STORY: That part of a building between a floor and the ceiling immediately above, not including a basement.

STRUCTURE: Anything constructed or erected with a fixed location on the ground excluding utility poles, lines, cables, and other transmission or distribution facilities of public utilities.

SUBDIVISION: A division of a lot, tract, parcel or other unit of land into three or more lots, plots, units, sites, or other subdivision of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. The word "subdivide" or any derivative thereof shall have reference to the term subdivision, including mobile home courts the creating of which constitutes a subdivision of land. (Ord. 274 §1 (part), 1979.)

TOWER HEIGHT: The total height above finished grade of the fixed portion of the tower, including the wind turbine blades. (Ord. 558, §1, 2009)

TURBINE: The parts of a wind system including the blades, generator and tail. The definition of a turbine includes both Horizontal Axis Wind Turbines (HAWT) and Vertical Axis Wind Turbines (VAWT). (Ord. 558, §1, 2009)

USE: The activity or purpose for which a lot and structures thereon is designed or intended to be occupied.

USE – NON-CONFORMING: Any use within a building or on a lot which does not conform with the provisions of this Ordinance for permitted uses, including lot size minimum, lot area per dwelling unit, or required off-street parking.

USE – PERMITTED: A use which is in compliance with the regulations of and allowed without a special permit in a zoning district.

USE – PRINCIPAL: The primary purpose for which lot is used, as opposed to subordinate accessory uses.

WAREHOUSES: A structure or part of a structure, used for storing goods as a commercial use or associated with a commercial use.

YARD: An open space not occupied or obstructed by any structure or portion of a structure, except fences as regulated and otherwise expressly provided for herein.

YARD – FRONT: A yard extending across the full width of the lot between the front lot line and the nearest line or point of the principal building.

YARD – REAR: A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

YARD – SIDE: A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

ZONING MAP: The official zoning district map or maps of the Town of Mills adopted by the Town Council, which shall be a part of this Ordinance together with all amendments subsequently adopted.

## CHAPTER 17.08

### ZONING DISTRICTS AND DISTRICT REGULATIONS

#### 17.08.010

##### ESTABLISHMENT OF ZONING DISTRICTS

In order to carry out the provision of this Ordinance, the Town of Mills is hereby divided into zoning districts determined by the actual development conditions existing at the time of adoption of this Ordinance.

##### ZONING DISTRICT MAP AND BOUNDARIES, INTERPRETATION

The boundaries of the zoning districts are established as shown on the Town of Mills Zoning District Map. The zoning districts and boundaries are hereby adopted and established as shown on the Zoning District Map, together with all notations, references, data, district boundaries and other information thereof, and are made a part of this Ordinance by reference.

- A. The building official shall interpret the boundary locations upon request of any person in such instances as lack of detail, legibility or any uncertainty of the intended location of the district boundaries. Any person claiming grievance to such interpretation may appeal to the Town Council:
1. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, the center lines of alleys, or the center lines of highways, such district boundaries shall be construed as being the center line of that street, alley, or highway.
  2. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
  3. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located at the railroad right-of-way line.
  4. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be construed to be the center line of the stream, otherwise at the limit of the jurisdiction of the Town unless otherwise indicated.
  5. Where district boundaries are indicated as approximately following section lines, quarter section lines, quarter-quarter section lines or survey and claim lines, such lines shall be construed to be such boundaries.



6. Whenever any street, alley or other public way is vacated in the manner authorized by law, the ongoing district adjoining each side of such street, alley, or public way shall automatically extend to the center of such vacation and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.

## 17.08.020

### ZONING DISTRICTS

#### ESTABLISHED

The purpose of the Established Zoning Districts is to recognize that those areas of the Town which have developed over a period of years have a mix of uses and lot sizes, and that the regulations imposed by the Ordinance are intended to preserve and protect the established character of these neighborhoods.

#### APPLICATION

All platted lots which were platted on the date 170 days prior to the date of this Ordinance shall be zoned Established. Lots platted after this date shall be zoned Developing. Lots platted at this time, but not built upon, shall be zoned Established.

#### E-R ESTABLISHED RESIDENTIAL

INTENT: The intent of the Established Residential District is to allow a continued mix of single-family frame and mobile home residences on smaller lots as originally platted, in order to preserve the existing character of the District and allow for the best use of the platted lots.

#### E-B ESTABLISHED BUSINESS

INTENT: The intent of the Established Business District is to provide for continued highest and best use of the existing lots in the Town having a commercial or business use.

#### E-I ESTABLISHED INDUSTRIAL

INTENT: The intent of the Established Industrial District is to provide for continued highest and best use of the existing lots in Town having an industrial use.

#### DEVELOPING

INTENT: The intent of the Developing Zoning District is to establish regulation of land uses in areas changing from vacant or rural to urban with an increase in the intensity of land use in order to provide for safe and efficient use of the land.



D-R DEVELOPING RESIDENTIAL

INTENT: The intent of the Developing Residential District is to provide for a predominantly single-family residential area with clustered multi-family residential development allowed by special permit.

D-MH DEVELOPING MOBILE-HOME-SINGLE LOT OR MOBILE HOME PARK

INTENT: The intent of the Developing Mobile Home District is to provide for neighborhoods of single lot mobile homes and to provide for development of Mobile Home Parks.

D-B DEVELOPING BUSINESS

INTENT: The intent of the Developing Business District is to provide for areas of business and commercial uses which are conducive to commercial development.

D-I DEVELOPING INDUSTRIAL

INTENT: The intent of the Developing Industrial District is to provide for large areas suitable for industrial development and industrial parks.

MSR MIXED SIZE RESIDENTIAL

INTENT: The intent of the Mixed Size Residential district is to provide different building lot sizes within the same subdivision to allow the developer flexibility to provide different size single family dwelling units in a residential area.

UA URBAN AGRICULTURE

INTENT: The intent of the Urban Agriculture District is to provide for large areas suitable for residential areas that feature an agricultural character, and which allow for the keeping of Livestock as otherwise defined in these ordinances.

UR URBAN AGRICULTURE RESIDENTIAL

INTENT: The intent of the Urban Residential District is to establish and protect a low to medium residential neighborhood. Mobile homes are not allowed. This designation provides for stable and attractive suburban residential neighborhoods that have a full range of public services and facilities. To complement the primary residential nature of these zones, some nonresidential uses are allowed.

## **GENERAL DISTRICTS**

### **PLI PUBLIC LAND-INSTITUTIONS**

INTENT: The intent of the Public Land-Institutions District is to provide for major public land areas and major public and semi-public institutional uses, including existing land reserves for future public and institutional use; and preservation of publicly established historical sites.

### **PUD PLANNED UNIT DEVELOPMENT**

INTENT: The intent of the Planned Unit Development District is to encourage flexibility of development of land in order to promote its most appropriate use; to improve the design, character, and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open areas.

The Planned Unit District is applicable to any property within the Town which fits the requirements of the intent and scope of the Planned Unit Development section of this Ordinance.

### **17.08.030**

### **DISTRICTS – PERMITTED USES**

To facilitate public understanding of this Ordinance and for the better administration and convenience of use thereof, the following schedule of “uses allowed by right,” “uses permitted by special review,” and “bulk requirements,” regulations for the various zoning districts is hereby adopted and declared to be a part of this Ordinance and may be amended in the same manner as any other part of this Ordinance.

- A. Uses. In each zoning district, any use category not expressly permitted shall be deemed excluded. If a question arises as to whether a specific use does or does not come within the following expressed use categories, any person may apply to the Town Council for a determination as to whether a specific use is expressly permitted.

**17.08.030**  
**PERMITTED USES**

**PERMITTED USES**  
**RESIDENTIAL DISTRICTS**

A USE ALLOWED BY RIGHT  
USE PERMITTED BY SPECIAL  
S REVIEW

\* USE PROHIBITED

RESIDENTIAL

		ESTABLISHED	DEVELOPING	DEVELOPING MOBILE HOMES	URBAN RESIDENTIAL	URBAN AGRICULTURE
		E-R	D-R	D-MH	UR	UA
1.	SINGLE-UNIT FRAME DWELLINGS:	A	A	*	A	A
2.	SINGLE MOBILE HOME:	A	*	A	*	S
3.	MOBILE HOME PARKS	*	*	S	S	S
4.	MULTI-UNIT DWELLINGS:	S	S	*	S	S
5.	DAY CARE SCHOOLS, CENTERS, AND CHILDREN'S NURSERIES:	S	S	S	A	S
6.	REST HOMES, CONVALESCENT HOMES, NURSING HOMES, AND RETIREMENT HOMES:	S	S	*	S	S
7.	HOME OCCUPATIONS:	A	A	A	A	A
8.	PUBLIC ELEMENTARY, JUNIOR AND SENIOR HIGH SCHOOLS:	S	S	S	A	A
9.	PAROCHIAL OR INDEPENDENT, PRIVATE ELEMENTARY, JUNIOR AND SENIOR HIGH SCHOOLS:	S	S	S	A	A
10.	CHURCHES:	S	S	S	A	A
11.	PUBLIC PARKS, PLAYFIELDS, PLAYGROUNDS AND GOLF COURSES	A	A	A	A	A
12.	RECREATIONAL BUILDINGS AND USES-OPERATED BY A PRIVATE, NON-PROFIT AGENCY:	S	S	S	A	A
13.	ESSENTIAL MUNICIPAL AND PUBLIC UTILITY USES, FACILITIES, SERVICES AND BUILDINGS-EXCLUDING BUSINESS OFFICES, REPAIR STORAGE AND PRODUCTION FACILITIES:	S	S	S	A	A
14.	ACCESSORY BUILDINGS AND USES:	A	A	A	A	A



**17.08.030 (Continued)**  
**PERMITTED USES**

**BUSINESS AND INDUSTRIAL DISTRICTS**

- A USE ALLOWED BY RIGHT
- S USE PERMITTED BY SPECIAL REVIEW
- \* USE PROHIBITED

	<u>BUSINESS</u>		<u>INDUSTRIAL</u>	
	ESTABLISHED	DEVELOPING	ESTABLISHED	DEVELOPING
	E-B	D-B	E-I	D-I

		E-B	D-B	E-I	D-I
1.	OFFICES - INCLUDING PROFESSIONAL FINANCE, INSURANCE AND OTHER SERVICES:	A	A	S	S
2.	RETAIL OUTLETS - INCLUDING, BUT NOT LIMITED TO: SUPERMARKETS, VARIETY, SPORTING GOODS, HARDWARE OR RADIO AND TELEVISION STORES, DEPARTMENT STORES, MAJOR COMPARISON GOODS STORES, OR FURNITURE WAREHOUSE STORES:	A	A	S	S
3.	<i>MOBILE HOME PARKS: (Ord. 534, 2007)</i>	<u>A</u>	<u>A</u>	S	S
4.	<i>RV PARKS: (Ord. 534, 2007)</i>	<u>A</u>	<u>A</u>	*	*
5.	PERSONAL SERVICE OUTLETS - INCLUDING, BUT NOT LIMITED TO: BARBER AND BEAUTY SHOPS, SHOE REPAIR SHOPS, SELF-SERVICE LAUNDRIES, DRY CLEANING OUTLETS, TRAVEL AGENCIES AND PHOTOGRAPHIC STUDIOS:	A	A	S	S
6.	MOTELS, HOTELS - INCLUDING NEWSSTANDS, GIFT SHOPS AND SIMILAR INCIDENTAL USES CONDUCTED ENTIRELY WITHIN THE PRINCIPAL BUILDING:	A	A	S	S
7.	MEDICAL AND DENTAL CLINICS:	A	A	S	S
8.	EATING AND DRINKING ESTABLISHMENTS:	A	A	A	*
9.	BANKS AND FINANCIAL INSTITUTIONS:	A	A	S	S
10.	AUTOMOBILE SERVICE AND REPAIR STATIONS:	A	A	A	A
11.	INDOOR AMUSEMENT AND ENTERTAINMENT ESTABLISHMENTS:	A	A	S	S
12.	DAY CARE:	S	S	S	S
13.	RECYCLING CENTERS: (Ord. 400, 1992)	S	S	S	S

**17.08.030 (Continued)**  
**PERMITTED USES**

**BUSINESS AND INDUSTRIAL DISTRICTS**

- A USE ALLOWED BY RIGHT
- S USE PERMITTED BY SPECIAL REVIEW
- \* USE PROHIBITED

	<u>BUSINESS</u>		<u>INDUSTRIAL</u>	
	ESTABLISHED	DEVELOPING	ESTABLISHED	DEVELOPING
	E-B	D-B	E-I	D-I

14.	SECURITY QUARTERS: APARTMENTS, AS A PART OF THE MAIN STRUCTURE, OR MOBILE HOMES NECESSARY FOR SAFETY OR SECURITY REASONS IN CONJUNCTION WITH THE PRINCIPAL USE, LOCATED ON THE SAME LOT AS THE PRINCIPAL USE AND OCCUPIED ONLY BY PERSONS RESPONSIBLE FOR SECURITY OF THE PRINCIPAL USE AND ON THE PAYROLL OF THE INDUSTRY OR BUSINESS CONDUCTING THE PRINCIPAL USE. A MOBILE HOME MAY BE LOCATED WHERE PERMITTED BY THE TOWN AS SECURITY QUARTERS IN AN INDUSTRIAL DISTRICT (Ord. 351, 1983; <u>Ord. 561, 2009</u> )	<u>S</u>	<u>S</u>	<u>A</u>	<u>A</u>
15.	BUSINESS USES - INCLUDING, BUT NOT LIMITED TO: DUPLICATING SERVICES, FURNITURE AND APPLIANCE REPAIR, PAINT STORES, RENTAL ESTABLISHMENTS, CAR WASHES, DISCOUNT STORES AND WHOLESALING SERVICES:	A	A	A	S
16.	MORTUARIES AND FUNERAL CHAPELS	A	A	S	S
17.	BOARDING AND ROOMING HOUSES AND DORMITORIES:	A	A	S	S
18.	SALES, SERVICE AND STORAGE OF MOBILE HOMES, CAMPERS, BOATS, BICYCLES, MOTOR VEHICLES, MOTORIZED EQUIPMENT, AND ACCESSORIES FOR SUCH VEHICLES, BUT NOT INCLUDING JUNK YARDS. <u>A SIX-FOOT PRIVACY FENCE AT LEAST 75% OPAQUE MUST BE INSTALLED FOR SERVICE AND STORAGE AREAS.</u> (Ord. 556, 2009)	A	A	<u>A</u>	S

**17.08.030 (Continued)**  
**PERMITTED USES**

**BUSINESS AND INDUSTRIAL DISTRICTS**

- A USE ALLOWED BY RIGHT
- S USE PERMITTED BY SPECIAL REVIEW
- \* USE PROHIBITED

	<u>BUSINESS</u>		<u>INDUSTRIAL</u>	
	ESTABLISHED	DEVELOPING	ESTABLISHED	DEVELOPING
	E-B	D-B	E-I	D-I

19.	NON RETAIL, HEAVY COMMERCIAL/ LIGHT INDUSTRIAL USES INCLUDING, BUT NOT LIMITED TO: NURSERY STOCK, PRODUCTION AND SALES, YARD EQUIPMENT AND SUPPLY DEALERS, FIREWOOD OPERATIONS, BUILDING CONTRACTORS AND EQUIPMENT, TRANSPORTATION CENTERS, SERVICE GARAGES, TRUCKING SERVICES, DISPOSAL TRUCK STORAGE, WAREHOUSES, WHOLE-SALE OPERATIONS, HOUSEHOLD EQUIPMENT AND APPLIANCE REPAIR, ANIMAL HOSPITALS, KENNELS, BULK CLEANING AND LAUNDRY PLANTS, PRINTING SERVICES, ELECTRICAL, PLUMBING AND HEATING, ROOFING, OTHER CONSTRUCTION CONTRACTORS, COLD STORAGE LOCKERS, LUMBER DEALERS AND YARDS - PROVIDED ADEQUATE SAFEGUARDS ARE TAKEN TO PROTECT ADJOINING PROPERTIES FROM OBJECTIONABLE OR HARMFUL SUBSTANCES, CONDITIONS, OR OPERATIONS:	S	S	A	A
20.	PAWN SHOPS: (Ord. 406 §2, 1992)	S	S	S	S
21.	MOTOR VEHICLE SALES: (Ord. 406, 1992)	S	S	S	S
22.	RESEARCH FACILITIES, TESTING LABORATORIES, AND FACILITIES FOR THE MANUFACTURING FABRICATION, PROCESSING OR ASSEMBLY OF PRODUCTS PROVIDED THAT NO EFFECTS FROM NOISE, SMOKE, GLARE, VIBRATION, FUMES OR OTHER ENVIRONMENTAL FACTORS ARE MEASURABLE AT THE PROPERTY LINE.	S	S	A	A
23.	HEAVY INDUSTRIES: ASPHALT, CONCRETE JUNK YARDS, EXPLOSIVES REFINERIES, CREOSOTE, GYPSUM, ROCK QUARRYING, AND ROCK CRUSHING PROVIDED ADEQUATE SAFEGUARDS ARE TAKEN TO PROTECT ADJOINING PROPERTIES FROM OBJECTIONABLE OR HARMFUL SUBSTANCES, CONDITIONS, OR OPERATIONS.	S	S	S	S



**17.08.030 (Continued)**  
**PERMITTED USES**

**BUSINESS AND INDUSTRIAL DISTRICTS**

A USE ALLOWED BY RIGHT  
 S USE PERMITTED BY SPECIAL REVIEW  
 \* USE PROHIBITED

	<u>BUSINESS</u>		<u>INDUSTRIAL</u>	
	ESTABLISHED	DEVELOPING	ESTABLISHED	DEVELOPING
	E-B	D-B	E-I	D-I

		E-B	D-B	E-I	D-I
24.	VOCATIONAL, BUSINESS AND PRIVATE SCHOOLS, EXCLUSIVE OF DORMITORIES IN INDUSTRIAL DISTRICTS.	A	A	A	A
25.	CHURCHES:	A	A	S	S
26.	PUBLIC PARKS, PLAYFIELDS AND PLAYGROUNDS:	A	A	S	S
27.	ESSENTIAL MUNICIPAL AND PUBLIC UTILITY USES, FACILITIES, SERVICES AND BUILDINGS:	A	A	A	A
28.	APARTMENT BUILDINGS	S	S	S	S
29.	ACCESSORY BUILDINGS AND USES;	A	A	A	A

**SECTION 17.08.040 ZONING DISTRICT MINIMUM LOT REQUIREMENTS  
(RESIDENTIAL)**

DISTRICT REGULATIONS	E-R Established Residential	D-R Developing Residential	MSR Mixed Size Residential	UAR Urban Ag. Residential	UA Urban Agriculture	D-MH Developing Mobile Home Park	PUD Planned Unit Development
MINIMUM LOT AREA	5,600 SQUARE FEET	6,000 PLUS 2,000 PER UNIT THREE OR MORE	4,200 SQUARE FEET	ONE HALF ACRE	TWO ACRE	4,000 SQUARE FEET PER SPACE	Min. Requirements Outlined in Sec. 17.08.050
MINIMUM LOT WIDTH	40 FEET	60 FEET	42 FEET	NONE	NONE	40 FEET	
FRONT YARD SETBACK	20 FEET	20 FEET	20 FEET	25 FEET	30 FEET	20 FEET	
REAR YARD SETBACK	15 FEET	25 FEET	15 FEET	20 FEET	30 FEET	10 FEET	
SIDE YARD SETBACK	5 FEET	5 FEET	5 FEET	10 FEET	20 FEET	7.5 FEET	
CORNER SIDE YARD SETBACK	15 FEET	15 FEET	15 FEET	20 FEET	20 FEET	15 FEET	
SIDE YARD ADJOINING RES. DISTRICT	-	-	-	N/A	N/A	15 FEET	
MIN. DISTANCE BETWEEN BUILDINGS ON ADJACENT LOTS	10 FEET	10 FEET	10 FEET	20 FEET	40 FEET	15 FEET	
PRINCIPAL BLDG. HEIGHT LIMITATION	3 STORIES MAX. 40'	3 STORIES MAX. 40'	3 STORIES MAX. 40'	3 STORIES MAX. 40'	3 STORIES MAX. 40'	3 STORIES MAX. 40'	3 STORIES MAX. 40'
GARAGE SETBACK	FRONT 25' REAR 5' SIDE 5' Door to Alley 10'	FRONT 25' REAR 5' SIDE 5' Door to Alley 10'	FRONT 25' REAR 5' SIDE 5' Door to Alley 10'	FRONT 30' REAR 20' SIDE 10'	FRONT 30' REAR 30' SIDE 20'	FRONT 25' REAR 5' SIDE 5' Door to Alley 10'	
ACCESSORY BUILDING SETBACK	FRONT 25' REAR 5' SIDE 5'	FRONT 25' REAR 5' SIDE 5'	FRONT 25' REAR 5' SIDE 5'	FRONT 30' REAR 20' SIDE 10'	FRONT 30' REAR 30' SIDE 20'	FRONT 25' REAR 5' SIDE 5'	
ACCESSORY BUILDING MAX. SIZE (Ord. 557, 2009)	<u>15% OF THE LOT AREA</u>	<u>15% OF THE LOT AREA</u>	<u>15% OF THE LOT AREA</u>	<u>15% OF THE LOT AREA</u>	<u>15% OF THE LOT AREA</u>	<u>15% OF THE LOT AREA</u>	<u>15% OF THE LOT AREA</u>

**SECTION 17.08.040 ZONING DISTRICT MINIMUM LOT REQUIREMENTS  
(BUSINESS / INDUSTRIAL)**

DISTRICT REGULATIONS	E-B Established Business	D-B Developing Business	E-I Established Industrial	D-I Developing Industrial	PLI Public Lands Institutional		
MINIMUM LOT AREA	4,000 SQUARE FEET	6,000 SQUARE FEET	6,000 SQUARE FEET	20,000 SQUARE FEET	NONE		
MINIMUM LOT WIDTH	40 FEET	50 FEET	40 FEET	100 FEET	NONE		
FRONT YARD SETBACK	NONE	NONE	20 FEET	30 FEET	25 FEET		
REAR YARD SETBACK	NONE	NONE	10 FEET	15 FEET	25 FEET		
SIDE YARD SETBACK	NONE	NONE	10 FEET	15 FEET	25 FEET		
CORNER SIDE YARD SETBACK	5 FEET	20 FEET	20 FEET	30 FEET	25 FEET		
SIDE YARD ADJOINING RES. DISTRICT	5 FEET	15 FEET	15 FEET	50 FEET	25 FEET		
MIN. DISTANCE BETWEEN BUILDINGS ON ADJACENT LOTS	10 FEET	10 FEET	10 FEET	30 FEET			
PRINCIPAL BLDG. HEIGHT LIMITATION	3 STORIES MAX. 40'	3 STORIES MAX. 40'	3 STORIES MAX. 40'	3 STORIES MAX. 40'	3 STORIES MAX. 40'		
GARAGE SETBACK	FRONT 25' REAR 5' SIDE 5' Door to Alley 10'	FRONT 25' REAR 5' SIDE 5' Door to Alley 10'	FRONT 25' REAR 5' SIDE 5' Door to Alley 10'	FRONT 25' REAR 5' SIDE 5' Door to Alley 10'	FRONT 25' REAR 5' SIDE 5' Door to Alley 10'		
ACCESSORY BUILDING SETBACK	FRONT 25' REAR 5' SIDE 5'	FRONT 25' REAR 5' SIDE 5'	FRONT 25' REAR 5' SIDE 5'	FRONT 30' REAR 20' SIDE 10'	FRONT 30' REAR 30' SIDE 20'		
ACCESSORY BUILDING MAX. SIZE <i>(Ord. 557, 2009)</i>	<u>20'</u> <u>HIGHEST</u> <u>POINT</u>	<u>20'</u> <u>HIGHEST</u> <u>POINT</u>	<u>20'</u> <u>HIGHEST</u> <u>POINT</u>	<u>20'</u> <u>HIGHEST</u> <u>POINT</u>	<u>20'</u> <u>HIGHEST</u> <u>POINT</u>		



**PERMITTED USES  
PUBLIC LAND - INSTITUTIONS**

- A USE ALLOWED BY RIGHT
- S USE PERMITTED BY SPECIAL REVIEW
- \* USE PROHIBITED

		<b>PLI</b>
1.	PUBLICLY ESTABLISHED HISTORICAL SITES AND BUILDINGS:	A
2.	MUNICIPAL, COUNTY, STATE AND FEDERAL USES, FACILITIES, SERVICES AND BUILDINGS:	A
3.	PUBLIC COLLEGES AND UNIVERSITIES:	A
4.	HOSPITALS:	A
5.	PARKS, PLAYFIELDS, PLAYGROUNDS AND GOLF COURSES OPERATED BY A PUBLIC AGENCY:	A
6.	CEMETERIES:	A
7.	ESSENTIAL PUBLIC UTILITY USES, FACILITIES SERVICES AND BUILDINGS:	A
8.	CHURCHES:	S
9.	ACCESSORY BUILDINGS AND USES:	A

**SUPPLEMENTARY BULK AND AREA REQUIREMENTS**

- A. No part of a yard required for a building or lot for the purpose of complying with the provisions of this Ordinance shall be included as a yard for another building or lot.
- B. Cornices, eaves, and other similar architectural features may extend into a required yard not more than two feet.
- C. Open, unenclosed porches at ground level may extend into a required yard not more than six feet.
- D. The side yard on the street side of a reverse corner lot shall be not less than the required front yard for the district in which the lot is located.

**17.08.045**  
**MOBILE HOMES**

**17.08.045 (a) INTENT**

It is deemed necessary for the preservation of the safety, health, life, and general welfare of the residents of the Town of Mills that regulations be established governing the location of manufactured, modular, and mobile homes within the Town to provide adequate minimum area requirements, utilities, wind protection and inspections thereof;

**17.08.045 (b) CERTIFACATION.**

Any manufactured (mobile) home, located or proposed to be located or installed in a manufactured (mobile) home park or on a subdivided lot, shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. For manufactured (mobile) homes built prior to June 15, 1976, a label certifying compliance with the standard for manufactured homes (mobile), NFPA 501, ANSI 119.1, in effect at the time of manufacture is required before any such home may be located or installed with the Town (Ord. 503, §1, 2004)

**17.08.045 (c) STANDARDS GOVERNING ALL MOBILE HOME LOCATIONS**

It is unlawful within the Town of Mills for any persons to place or park any manufactured or mobile home on any street, alley, highway or other public place, or on any tract of land owned by any person, firm, or corporation, occupied or unoccupied, except as provided in this Ordinance.

All manufactured and mobile homes located in the Town of Mills shall be located to comply with all of the following minimum standards:

1. The manufactured or mobile home is:
  - a. Newer than twenty (20) years old as measured from the date of proposed installation, location or relocation, and built according to the standards established by the United States Department of Housing and Urban Development (HUD) under the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401, et seq., as amended (currently codified at 24 C.F.R. 3280) in effect at the time of manufacture and bearing certification to that effect ("Applicable HUD Standards") and is certified for the appropriate wind, thermal and roof standards for Wyoming ; or
  - b. The manufactured or mobile home is twenty (20) years or older, as measured from the date of proposed installation, location or relocation, and has been issued a building permit and specific approval to be installed, located, or relocated by the Town of Mills Code Enforcement Officer ("CEO"). The CEO shall inspect all 20-year and older manufactured and mobile homes in



conformance with the installation, location and relocation criteria found in this Ordinance. No manufactured or mobile home shall be installed, located, or relocated that does not meet the Applicable HUD Standards in effect at the time the home was manufactured, or that does not meet minimum criteria of this Ordinance.

2. Each manufactured or mobile home must be supported on pins or blocking constructed of masonry, block, brick, or concrete. Installation instructions as provided by the manufacturer of the manufactured or mobile home shall be deemed a typical blocking installation. Any foundation system design, other than typical blocking, shall be stamped and signed by a Wyoming licensed professional engineer.
3. Each manufactured or mobile home shall be skirted with a waterproof, rigid, durable skirting material within 30 days of placement.
4. Each manufactured or mobile home shall be equipped so as to permit access to utility connections. All skirting shall be provided with a door or panel to permit ready access to utility connections.
5. Each manufactured or mobile home shall be anchored with tie downs meeting the minimum standards as set forth in Section 15.16.190 of the Mills Municipal Code or their equivalent.
6. All water, sewer, electrical and natural gas connections shall be inspected and approved by the supplying utility prior to use.
7. The manufactured or mobile home meets the minimum standards for fire safety and protection in conformance with the applicable HUD standards at the time of original construction or as established by the Wyoming State Fire Marshall.
8. All appurtenant construction such as decks, walks, steps, handrails, sheds, accessory buildings, and other similar construction is subject to the applicable building code regulations adopted by the Town.
9. A minimum of two 10' x 20' off-street parking spaces must be provided for each manufactured or mobile home on the same lot or lots on which the mobile home is located. If off-street parking for a non-conforming manufactured or mobile home, as defined below, is provided between the dedicated street or right-of-way and the non-conforming mobile home, then the distance between the dedicated street or right-of-way and the hitch, or wall if there is no hitch, of the non-conforming mobile home must be at least 20 feet.
10. No non-conforming manufactured or mobile home, as defined below, shall be located within 10 feet of any dedicated alley right-of-way line, and the 10-foot setback area shall not be used for off-street parking.



11. No manufactured or mobile home shall be moved, located, or relocated within the Town of Mills without having first secured a written permit for the movement, location, or relocation of said manufactured or mobile home from the Town of Mills Building Official.

#### 17.08.045 (d) LOCATION OF MANUFACTURED AND MOBILE HOMES RESTRICTED

No manufactured or mobile home shall be located, placed, or installed at any location within the Town of Mills except as follows:

1. A single manufactured or mobile home, if it is the only principal building on a single lot of record, may be located in an Established Residential (E-R) District or in a Developing Mobile Home District – Single Lot District (D-MH), if the location of the mobile home meets all other requirements of the District.
2. A manufactured or mobile home may be located in an established mobile home park provided the established mobile home park meets all licensing requirements and all other applicable regulations and codes.
3. A manufactured or mobile home may be located in a developing mobile home park in a Developing Mobile Home District (D-MH).
4. A manufactured or mobile home may be located where permitted by the Town as security quarters in an Industrial District as provided for in Section 17.08.030 of the Mills Municipal Code.
5. No manufactured or mobile home shall be located within 10 feet of any other building on the same or adjacent lot.
6. Manufactured or mobile homes shall not be allowed, permitted or used for an accessory purpose or as a storage building after the effective date of this Ordinance. Those manufactured or mobile homes utilized as accessory structures or for storage prior to the effective date of this Ordinance shall be deemed legal non-conforming uses and permitted to continue until such time as the use of those structures are discontinued for 180 days.

#### 17.08.045 (e) INSPECTION AND PERMITTING REQUIREMENTS

No manufactured or mobile home located within the Town of Mills shall be permanently occupied unless inspected by the Town Code Enforcement Officer or designated Town Inspector except in conformance with the following inspection/permitting requirements:

1. A manufactured or mobile home shall not be installed, located or relocated within the Town of Mills without the issuance of a building permit from the Town of Mills. Building permits for additions, alterations, modifications or any physical change to a manufactured or mobile home are required regardless of location.

2. The Code Enforcement Officer has the authority to inspect all new, installed, located, and relocated manufactured and mobile homes for compliance with the provisions of this Ordinance.
3. After the effective date of this Ordinance, no person shall occupy any new or relocated manufactured or mobile home nor permit any other persons to occupy the same unless the manufactured or mobile home has been installed, located, or relocated in compliance with this Ordinance or is a legal non-conforming use under this Ordinance.

17.08.045 (f) AUTHORITY OF THE CODE ENFORCEMENT OFFICER

In addition to any other enforcement powers that the Code Enforcement Officer may have, the Code Enforcement Officer may issue a written order to any person to:

1. Immediately cease and desist any work or activity to install, locate, or relocate any manufactured or mobile home in violation of this Ordinance; or
2. Immediately cease and desist from the use or occupancy of any manufactured or mobile home installed, located, or relocated in violation of this Ordinance. Such written order shall constitute an administrative action which may be appealed to the Mills Town Council as a contested case within thirty (30) days of the written order.

17.08.045 (g) INSPECTION CRITERIA FOR MANUFACTURED HOMES OLDER THAN 20 YEARS

All manufactured and mobile homes 20 years and older as measured from the date of proposed installation must be inspected by the Town of Mills Code Enforcement Officer prior to moving, locating, relocating or installation and a building permit application must be provided to the Town of Mills. No such manufactured or mobile home may be occupied prior to the issuance of a building permit and payment of appropriate fees. Each such manufactured or mobile home shall be inspected for compliance with the following minimum criteria before a building permit will be issued.

1. All electrical wiring shall be in compliance with the applicable codes in place at the time the building was manufactured. Any new, altered, modified or replaced wiring shall be in compliance with the current, adopted version of the National Electrical Code.
2. Shall have appropriate operational fire alarms installed.
3. All floors shall be solid and stable. Any penetrations of the floor shall be sealed.
4. All roofs shall be solid and stable without any sag.



5. No evidence of significant wood rot or mold shall exist.
6. The exterior of the building shall be properly maintained and painted.
7. Any additions, modifications, or alterations to the building shall have been constructed with appropriate building permits.
8. The manufactured or mobile home maintains the same structural integrity as it did when it was manufactured.
9. No broken windows.
10. All HVAC systems shall be working and installed in accordance with the regulations in place at the time the building was manufactured. All new installations shall be in conformance with the most recent adopted edition of International Building Codes.
11. Must have proof that the manufactured or mobile home meets the established thermal, wind and roof load requirements for Wyoming.
12. Manufactured or mobile homes not meeting these criteria shall be either left in place and considered a non-conforming structure, be moved or relocated outside of the Town of Mills or be repaired to meet the criteria. The level of repair needed may differ widely from home to home. The CEO shall determine if the repairs are minor or major. For those repairs determined to be minor, the repairs may be made without a building permit. For those homes that are determined to require major repairs, a building permit must be issued for those repairs. All repairs and construction shall be in conformance with the International Building Codes as adopted. The CEO may permit a manufactured or mobile home needing repairs to be relocated provided a building permit has been issued for the repairs. The CEO may require surety from the applicant to cover the cost of removing the manufactured or mobile home from the Town of Mills if repairs are not completed. All repairs must be completed within six months of the building permit issuance and prior to any occupancy of the repaired structure. Failure of the applicant to complete repairs in the designated time will constitute a violation of this Ordinance. The Town of Mills may utilize the surety to cause the manufactured or mobile home to be removed from the Town of Mills as a result of a violation. All repaired manufactured or mobile homes must pass a final inspection by the CEO prior to being moved, located, relocated or installed in the Town of Mills.

17.08.045 (h) NON-CONFORMING USES AND NON-CONFORMING STRUCTURES

1. Non-conforming manufactured or mobile homes legally located within the Town of Mills on the effective date of this Ordinance and in use for residential purpose may continue at that certain location and continue to be utilized for residential purpose. The non-conforming manufactured or mobile home may not be relocated to any other property unless it has been inspected and brought into conformance with this



Ordinance and issued a building permit. At such time as any legal non-conforming manufactured or mobile home ceases to be utilized for residential purposes or is vacant for a period of 180 days, it must be removed from the property.

2. Manufactured and mobile homes located within the Town on the effective date of this Ordinance which have not been certified under the “National Manufactured Housing Construction and Safety Standards Act of 1974,” 42 U.S.C. 5401, et seq., as amended, are hereby declared legal non-conforming structures, but shall not be replaced by another manufactured or mobile home that is not in compliance with applicable HUD standards unless the replacement manufactured or mobile home has been inspected and brought into conformance with this Ordinance and issued a building permit. (Ord. 549, 2009)

### **17.08.050**

### **MOBILE HOME PARKS**

#### APPLICATION

##### Established

Any Mobile Home Park licensed by the Town and in operation on the Date of Adoption of this Ordinance shall continue operation in compliance with the requirements of the license as issued and shall be defined as “Established.”

##### Developing

Any Mobile Home Park as defined in Section 17.04.030, being licensed and in operation on the Date of Adoption must be licensed, developed and operated under the requirements of this Ordinance and shall:

- A. Be located on property zoned D-MHP;
- B. Comply with all of the requirements of the D-MHP District, Section 17.04.040 of this Ordinance; and
- C. Shall be licensed by the Town in accordance with this Ordinance.

##### Licensing

##### Definitions

Mobile Home, Mobile Home Park as defined in Section 17.04.030.

##### License required – Application – Transfer – Inspection

It shall be unlawful for any person to establish a mobile home park within the Town or to operate and maintain any such mobile home park without first obtaining a license for establishment or operation. The application for the license shall be filed with the Town Clerk and shall contain the following information:

- A. The name and address of the applicant;
- B. The legal description of the location of the proposed mobile home park;
- C. A complete site plan for the proposed park which complies with Section 17.16.010 of this Ordinance on Site Plan Contents;
- D. Information as may be requested by the Town's inspecting officer to enable him to determine whether the park will be supplied with sanitation, fire prevention and other legal requirements of the Town;
- E. Blanks for the application of licenses with property space for insertion of the above required information shall be available at the office of the Town Clerk and shall be furnished upon request of any person wishing to apply for a license. Application for the license shall be accompanied by the license fee as established by Ordinance Resolution, and should be filed with the Town Clerk;
- F. The site plan shall be reviewed in accordance with Section 17.16.010, Special Review Permits, and a license shall be issued upon approval of the application;
- G. Revocation of license. The Town's designated inspecting officer shall have authority to order the revocation or suspension of any license issued under the chapter when the licensee has been found guilty by the police magistrate of the Town of violating any provision of this chapter. Any license so revoked or suspended, may be restored or reinstated whenever the circumstances leading to the conviction have been remedied and the inspecting offer satisfied from all the facts and circumstances that the trailer coach park will thereafter be maintained and operated in full compliance with the law; (Ord. 140 §12, 1963.)
- H. Posting of license. The license certificate issued for operation of any trailer coach park shall be posted conspicuously in the office, or on the premises, of the park for which issued, at all times; (Ord. 140 §13, 1963.)
- I. Penalty for violation. Any person who shall violate any section or provision of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 1.01.115. Each day that a violation is permitted to continue in existence after expiration of the time allotted by the inspecting officer constitutes a separate offense; (Ord. 222 §2 (part), 1973; Ord. 140 §15, 1963.)



- J. Service Building. Service buildings may be maintained on the mobile home park site as approved on the site plan provided, they meet all applicable codes and ordinances and are for use of the tenants of the mobile home park only.

### Camping Parks

Camping parks, designed as a commercial use for temporary lodging of travel trailers and campers shall be established and maintained as a special review use in the E-B and D-B Districts in compliance with Chapter 16, Town of Mills Code. Service building shall be provided in camping parks and shall include restrooms, showers, and dump stations. All service buildings shall comply with all applicable codes and ordinances.

## **17.08.060**

### **PLANNED UNIT DEVELOPMENT**

#### INTENT

The intent of the Planned Unit District is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character, and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open areas.

#### SCOPE

- A. The Planned Unit Development section shall be applicable to any tract of land one-half acre in size or larger under single ownership or unified control which is to be developed as a single operation according to a development plan approved by the Town Council.
- B. The permitted uses for the Planned Unit District are those uses which are permitted by right or by special review in the D-R, Developing Residential District.
- C. District Regulations, such as lot sizes, setbacks, etc., may be varied in accordance with minimum requirements herein established to provide for appropriate use of the individual qualities of the site.

#### MINIMUM STANDARDS

- A. Maximum Density – fifteen dwelling units per acre.
- B. Height Limitation – 3 stories or 40 feet, whichever is less.
- C. Minimum Distance Between Buildings – 20 feet.
- D. Off Street Parking – two spaces per dwelling unit. The parking provisions listed in Section 17.12 shall apply to all Planned Unit Developments.



- E. Open Space Requirements – a minimum of 20 percent of the total area of the site shall be reserved as common open space. Common Open Space is defined as open air areas designed for use by owners of the property, including recreational facilities, parks, garden areas, but not including streets, roadways or parking areas.
- F. All other general regulations adopted by this Ordinance shall apply to development within any PUD Development.

### FORMAL APPLICATION

An application for approval of a planned unit may be filed by a person having an interest in the property to be included in the planned unit. The application will be made on a form provided by the Town and must include a consent by the owners of all property to be included in the planned unit. The application must be accompanied by a site plan and a written statement of design.

- A. Site Plan – A complete site plan showing the major details of the proposed planned unit prepared at a scale of not less than 1" – 50", shall be submitted in sufficient detail to evaluate the land planning, building design and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information:
  - 1. The existing topographic character of land; at a two-foot contour interval;
  - 2. Proposed land uses;
  - 3. The location and size of all existing and proposed buildings, structures, and improvements;
  - 4. The maximum height of all buildings;
  - 5. The density and type of dwellings;
  - 6. Locations and dimensions of the internal traffic and circulation systems, off-street parking areas, number of parking spaces, service areas, loading areas, and major points of access to public rights-of-way;
  - 7. The location, heights and size of proposed signs, lighting and advertising devices;
  - 8. Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas, and as sites for schools or other public buildings;
  - 9. Areas within the 100-year flood plain;

10. A general landscape plan at the time of initial submission to be followed by a detailed landscaping plan, once the site plan has been approved, showing the spacing, sizes and specific types of landscaping material.
- B. Written Statement – The written statement to be submitted with the planned unit application must contain the following information:
1. A statement of the present ownership and a legal description of all the land included in the planned unit;
  2. An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to describe the objectives;
  3. A development schedule indicating the approximate date when construction of the planned unit or stages of the planned unit can be expected to begin and be completed;
  4. Copies of any special agreements, conveyances, restrictions, or covenants, which will govern the use, maintenance and continued protection of the planned unit and any of its common park area;

#### REVIEW

- A. The building official shall receive all site plans and forward such plans to the Town Planner and Department Heads for review upon determination that the application is complete.
- B. The Town Planner and Department Heads shall review the application and refer the site plan to the Zoning Board for review.
- C. Upon receipt of the Zoning Board and Department Heads recommendations, the Town Council shall hold a public hearing on the application and shall grant the application, whole or in part, with or without modifications and conditions, or deny the application.

#### SITE PLAN APPROVAL – REQUIREMENTS

The Town Council must be satisfied that the site plan for the planned unit has met each of the following criteria or can demonstrate that one or more of them is not applicable and that a practicable solution consistent with the public interest has been achieved for each of these elements:

- A. That there is an appropriate relationship to the surrounding area and there must be a minimum 30-foot buffer zone in any planned unit development that is adjacent to a low-density residential use district. The buffer zone must be kept free of buildings or structures and must be landscaped, screened, or protected by natural features, so that adverse effects on surrounding areas are minimized;



- B. Circulation in terms of an internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience, access, noise and exhaust control. Private internal streets may be permitted if they can be used by police and fire department vehicles for emergency purposes. Bicycle traffic shall be considered and provided for when the site is used for an area for living purposes. Proper circulation in parking areas in terms of safety, convenience, separation and screening;
- C. Functional open space in terms of optimum preservation of natural features including trees and drainage areas, recreation, views, density relief, convenience and function;
- D. Variety in terms of: housing type, densities, facilities and open space;
- E. Privacy in terms of the needs of: individuals, families and neighbors; and,
- F. Pedestrian traffic in terms of: safety, separation, convenience, access to points of destinations, and attractiveness.
- G. Building type in terms of: appropriateness to density, site relationship and bulk;
- H. Building design in terms of: orientation, spacing, materials, color and texture, storage, signs and lighting; and,
- I. Landscaping of total site in terms of: purpose such as screening or ornamental, types used and materials used, if any; maintenance, suitability and effect on the neighborhood.
- J. All site plans for planned units, including modifications or conditions, shall be approved by the Town Council. The applicant shall file the approved planned unit site plan with the building official, who shall indicate on the zoning district map that a planned unit has been approved for the area included in the site plan.

#### BUILDING OFFICIAL'S REVIEW

At least once every twelve months, the building official shall review all building permits which have been issued for the planned unit and shall examine the construction which has taken place on the site. If he finds a violation of any of the provisions of this chapter, or of the terms and conditions of the planned unit approval, he shall forward a report of this information to the Town Council. The Town Council shall hold a hearing on the report of violations submitted by the building official, having first given notice, to the planned unit applicant and all owners of abutting property. Upon review of the alleged violations, the Town Council may, if it deems necessary, require that appropriate action be taken to remedy the violations, amend or modify the planned unit, or revoke approval of the planned unit.

#### COMPLETION OF PLANNED UNIT



- A. The building official shall issue a certificate for the planned unit certifying the completion of the planned unit, and shall note the issuance of the certificate on an office copy of the district zoning map and on the site plan;
- B. After completion, the use of the land and the construction, modification, or alteration of any buildings within the planned unit will be governed by the approved site plan; kept for reference by the building official;
- C. Except as follows, no changes may be made in the planned unit after its approval:
  - 1. Minor changes in the location, siting, or character of buildings and structures may be authorized by the building official, if required by engineering or other circumstances not foreseen at the time the final development program was approved. No change authorized by the building official under this section may increase the size of any building or structure by more than ten percent, nor change the location of any building or structure by more than ten feet in any direction; provided, notwithstanding anything in the foregoing, the building official may not permit changes beyond the minimum or maximum requirements set forth in this Ordinance;
  - 2. All other changes in the planned unit and planned unit site plan must be made under the procedures that are applicable to the initial approval of a planned unit.

#### SUBDIVISION AND RESALE

- A. A planned unit may be subdivided or resubdivided for purposes of sale or lease.
- B. An application for approval of the subdivision or resubdivision must be made if the subdivision or resubdivision will create a new plat line. The procedures applicable to the initial approval of a planned unit are also applicable to the approval of a subdivision of a planned unit.
- C. The subdivision or resubdivision may be approved if it does not increase the dwelling unit density of the planned unit and if the planned unit, following the subdivision or resubdivisions, is in compliance with the standards for planned units provided in this article.

#### FEE

The Town council may establish a fee schedule for planned unit applications to cover the cost of processing and review.

**17.08.065**

## **MIXED SIZE RESIDENTIAL**

### INTENT

The intent of the Mixed Size Residential district is to provide different building lot sizes within the same subdivision to allow the developer flexibility to provide different size single family dwelling units in a residential area.

### **Chapter 17.08.070**

## **AG URBAN AGRICULTURE**

### 17.08.070(a) - Purpose.

The purpose of the AG district is to establish and preserve areas for semi-rural, low density residential, and related or compatible uses. It is also the intent to provide within this zone, an adequate amount of space for livestock and poultry, as is essential to meet appropriate health standards.

### 17.08.070(b) - Permitted uses.

In an AG district, no building, structure, or other land use shall be permitted or used except for the following:

1. The keeping and raising of food animals and pleasure animals; and the cultivation of gardens, orchards, and crops;
2. Conventional site-built single-family dwellings and manufactured homes with siding material consisting of wood or wood products, stucco, brick, rock, or horizontal lap wood, steel or vinyl siding;
3. Bed and breakfast;
4. Greenhouses and nurseries;
5. Parks, playgrounds, historical sites, golf courses, and other recreational facilities;
6. Tree farms, commercial;
7. Neighborhood assembly uses;
8. Church.

### 17.080.070(c) - Conditional uses.

The following shall be permitted as conditional uses within an AG district:

- A. Mortuaries;
- B. Kennels;
- D. Lighted recreational facilities;

- E. Personal service shops;
- F. Public utility and public service installations and facilities, excluding business offices and repair and storage facilities;
- G. Riding academies;
- H. Stables;
- I. Other agricultural and nonagricultural uses compatible with this district and as approved by the commission, with the exception of gaming/gambling uses as defined in this title;

17.08.070(c) - Minimum standards.

A. Lot Area.

- 1. Single-family dwellings, where public water and sewer are not provided, two acres;
- 2. Single-family dwellings, where public water and sewer are provided, one acre;

B. Yard requirements.

- 1. Front and rear yard, thirty feet;
- 2. Side yard, thirty feet;

C. Space Requirements for Livestock. The following tables are the minimum standards for dry lot confinement and pasture for various classifications of livestock:

- 1. Beef cattle: soil surfaced open shed floor area (dirt floor preferred), three hundred square feet for each cow or steer,
- 2. Horses, soil surfaced open shed floor area, dirt floor, three hundred square feet for each horse,
- 3. Chickens, controlled environment, two and one-half square feet for each chicken,
- 4. Sheep, lot soil, twenty-five square feet of open lot for each sheep,
- 5. Hogs, unsurfaced lot, one hundred square feet for each hog.

**Chapter 17.08.080**

**UR URBAN AGRICULTURE RESIDENTIAL**

17.08.080(a) - Purpose.

The purpose of the UR District is to establish and protect low to medium density residential neighborhood. Mobile homes are not allowed. No business usage is allowed. It is further intended that this district should be suitable for a municipality.

17.08.080(b) - Permitted uses.

In an UR district, no building, structure, or other land use shall be permitted or used except for the following:



1. Conventional site-built single-family dwellings, exclusive of mobile homes and exclusive of trailers.
2. Accessory residential uses, including home occupations.
3. Family Child Care Home.
4. Parks, playgrounds, historical sites, golf courses, and other recreational facilities;
5. Public utility facilities including substations and pumping stations
6. Accessory buildings and uses.
7. Neighborhood assembly uses;
8. Church.

17.080.080(c) - Conditional uses.

The following shall be permitted as conditional uses within an UR district:

1. Kennels;
2. Lighted recreational facilities;
3. Personal service shops;
4. Public utility and public service installations and facilities, excluding business offices and repair and storage facilities;
5. Accessory Apartments

17.080.080(d) - Minimum standards.

A. Lot Area.

Single-family dwellings, where public water and sewer are provided, one half acre;

B. Yard requirements.

1. Front yard, twenty-five feet;
2. Rear yard, twenty feet;
3. Side yard, 10 feet;

C. Livestock not permitted

CHAPTER 17.12

SUPPLEMENTARY REGULATIONS

17.12.010

OFF-STREET PARKING AND LOADING

INTENT

The intent and purpose of this article is to alleviate or prevent congestion of the public streets and to promote safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles used in accordance with the land use of individual properties within the town.

REQUIREMENT

Off-street parking spaces are required as an accessory use in each district in accordance with the permitted uses of the specific districts and the regulations outlined in this article.

LOCATION

Parking areas, whether open or enclosed, must be provided on the same lot containing the permitted use for which they are required, unless parking is provided on a separate lot under the same ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. All parking shall be located within 300 feet of the use it serves in residential districts and 500 feet in commercial and industrial districts.

DESIGN

All off-street parking shall be designed in accordance with the following requirements:

- A. An access of a minimum of 10 feet in width shall be provided to all off-street parking spaces.
- B. Except for parking areas provided for single family dwellings, all parking areas must be paved with asphalt, concrete, or similar permanent surface.
- C. Except for parking areas provided for single family units, suitable curbs or barriers shall be provided to protect public sidewalks, buildings, and other areas, and to preclude parking in areas where parking is not permitted.
- D. All parking aisles and parking spaces shall be entirely within the lot lines and located such that no vehicle will overhang into a public right-of-way.

- E. Each parking space shall be not less than 20 feet long and 10 feet wide.
- F. The minimum requirements for off-street parking lots are shown by the following table:

**PARKING TABLE**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
45°	10'0"	21.3'	12.5'	14.2'	55.1'	47.7'
60°	10'0"	22.3'	17.5'	11.5'	62.1'	57.1'
90°	10'0"	20.0'	22.0'	10.0'	62.0'	-----

- A Parking angle
- B Stall width
- C 20' minimum stall-to-curb
- D\* Aisle width
- E Curb length per car
- F Curb-to-curb
- G Center-to-center width of double row with aisle between

\* Additional width may be required where the aisle serves as the principal means of access to on-site buildings or structures.

- G. FRACTIONAL MEASUREMENTS. When the computation of required spaces results in a fraction, any fraction of a space less than one-half shall be disregarded, and any fraction over one-half shall require provision of a full parking or loading space.
- H. Two or more uses may combine to provide the required parking spaces jointly, however, the parking spaces provided in this manner shall equal the total space required if each use were to provide parking separately.
- I. As determined by the Board, landscaping or screening may be required to buffer a parking lot from a residential use.

**OFF-STREET LOADING**

Off-street loading space shall be provided for any business or industrial use which has a gross leasable floor area of 10,000 square feet or more. One off-street loading space shall be provided for each 10,000 square feet of gross leasable floor area. Each space shall be a minimum of 14 feet wide by 40 feet long with an unobstructed height of 14 feet. No area used for off-street loading shall be used also as off-street parking space.



## ADMINISTRATION OF PARKING REQUIREMENTS

- A. The Town Council shall make the final determination as to the number of spaces required for off-street parking and loading.
- B. For uses not specified or specifically defined, the Town Council ~~Board~~ shall determine parking requirements.
- C. The Town Council ~~Board~~ is authorized to review parking plans, and after proper hearing and investigation, permit an exception or modification of established requirements when reason is found that such action is necessary to prevent unreasonable hardship in development of any lot because of unique topographical or other features.
- D. Change of Use. In the event of any change in the use of a lot, all off-street parking and loading requirements of the new use shall be met.
- E. Addition. Any addition to a structure or any increase in the intensity of use within the building through the addition of dwelling units, seating capacity, or other specified measure used for parking requirements, shall require provision of off-street parking and loading adequate to meet the increased need.
- F. A waiver may be granted from the requirement of this chapter when specific enforcement would result in unnecessary hardship.
  - 1. Submission of a written request from the owner of record addressed to the Town Planner or designee stating the rationale for the request and providing any documentation, diagrams, renderings or photographs necessary to convey the intent of the waiver request.
  - 2. Notification of the request and the date, time and place of the Council meeting where the waiver will be considered shall be mailed to property owners within a 140' radius of the subject property. No public hearing shall be required; however, the council shall receive comments from meeting participants who desire to address the request.
  - 3. In rendering their decision, the Council shall consider such factors as proximity to other development and types of uses, man-made or natural barriers such as streets, drainages, draws, existing vegetation, slopes, etc., which achieve the intent of the buffering or landscaping requirement at a lower rate than is required by this Title. The Council may also consider alternative solutions which achieve the intent of landscaping and/or buffering.
  - 4. Requests for a reduction of off-street parking requirements shall be considered on the basis of use, number of employees, availability of on-street parking or shared parking with adjacent property owners.
  - 5. The Council shall have the authority to approve, modify or deny all waiver requests.

## **PARKING REQUIREMENTS PERMITTED USES**

### **RESIDENTIAL**

Single-Family Dwelling – Two spaces.

Mobile Homes – Two spaces.

Multi-Family Dwelling – Two spaces per dwelling unit.

Rentals or Apartments in a Single-Family Dwelling – One per unit.

Apartments Over a Business – One per apartment.

Home Occupation – One space for each 200 square feet of space within the building used for the home occupation, with a minimum of two spaces.

### **NON-RESIDENTIAL**

Automobile Sales and Service – One space per 1,000 square feet of indoor and outdoor sales area.

Banks – Financial Institutions – Five- and one-half spaces per 1,000 square feet of gross, leasable floor area.

Drive-in Banking Facilities – Five spaces per window for stacking, in addition to required parking spaces.

Boarding and Rooming Houses, and Dormitories – One space per apartment or dwelling unit.

Bowling Alley – Four spaces per alley, plus requirements for other associated uses.

Business Uses – Including, But Not Limited To: Duplicating Services, Furniture and Appliance Repair, Paint Stores, Rental Establishments, Car Washes, Discount Stores, and Wholesaling Services - One space per 400 square feet, plus one space per employee.

Cemeteries – As determined by the Town Council Board.

Churches – One space per four seats in the Sanctuary or primary room of worship.

Day Care/Nursery Schools – One space per five students plus one-half space per employee.

Drive up Facilities for Eating and Drinking Establishments, Retail Sales and Other Commercial Uses – Requirements of the use, plus five spaces for stacking vehicles at each drive-up window.



Eating and Drinking Establishments – One space for each three seats or for each 50 square feet of floor area used for assembly or seating, whichever is greater.

Essential Public Utility Uses, Facilities, Services and Buildings – As determined by the Town Council.

Gasoline Services Station – One space per pump, two per lift, and one per 1,000 square feet of retail sales area.

Grocery Stores – Five- and one-half spaces per 1,000 square feet of gross, leasable floor area.

Hospitals – One space per two beds plus one space per staff member and doctor.

Industrial Uses: All Except Warehousing – One space per 500 square feet gross leasable floor area, plus one- and one-half spaces per employee on the largest shift, plus one space per company vehicle. For uses with one shift only; one space per employee plus one space per company vehicle.

Industrial Uses: Warehousing – One space per 1,000 square feet of gross, leasable floor area, plus one- and one-half spaces per employee on the largest shift, plus one space per company vehicle. For uses with one shift only; one space per employee plus one space per company vehicle.

Medical and Dental Clinics – One space per 200 square feet of gross leasable floor area or five spaces per doctor or dentist, whichever is greater.

Membership Clubs, Fraternal Organizations - One space per 50 square feet of space for general assembly, plus requirements of all associated uses within the building.

Mortuaries and Funeral Chapels – One space per 400 square feet of gross leasable floor area plus one per four seats in the Chapel.

Motels, Hotels – Including Newsstands, Gift Shops and Similar Incidental Uses Conducted Entirely Within the Principal Building – One space per room, plus one space per employee.

Non Retail, Heavy Commercial/Light Industrial Uses Including But Not Limited To: Nursery Stock Production and Sales, Yard Equipment and Supply Dealers, Firewood Operations, Building Contractors and Equipment, Transportation Centers, Service Garages, Trucking Services, Disposal Truck Storage, Warehouses, Wholesale Operations, Household Equipment and Appliance Repair, Animal Hospitals, Kennels, Bulk Cleaning and Laundry Plants, and Printing Services, Electrical, Plumbing and Heating, Roofing and Other Construction Contractors, Cold Storage Lockers and Lumber Dealers and Yards – Provided Adequate Safeguards are Taken to Protect Adjoining Properties from Objectionable or Harmful Substances, Conditions or Operation – One space per 400 square feet of gross leasable floor area, plus one space per employee.

Nursing Homes – One space for each four beds, plus one per employee.



Office – General – One space per 300 square feet of gross leasable floor area.

Offices – Including Professional, Finance, Insurance and Other Services – Two spaces per 1,000 square feet of gross leasable floor area.

Parks, Playfields, Playgrounds and Golf Courses Operated by a Public Agency – As determined by the Board.

Personal Services Outlets, Including But Not Limited To: Barber and Beauty Shops, Shoe Repair Shops, Self-Service Laundries, Dry Cleaning Outlets, Travel Agencies, and Photographic Studios – Five and one-half spaces per 1,000 square feet of gross leasable floor area.

Municipal, County, State and Federal Uses, Facilities, Services and Buildings – One space per 200 square feet of gross leasable floor area.

Public Colleges and Universities – As determined by the Town Council Board.

Publicly Established Historical Sites and Buildings – As determined by the Town Council Board.

Research Facilities, Testing Laboratories, and Facilities for the Manufacturing, Fabrication, Processing, or Assembly of Products: Provided That No Effects from Noise, Smoke, Glare, Vibration, Fumes or Other Environmental Factors are Measurable at the Property Line – One space per 500 square feet of gross leasable floor area, plus one- and one-half spaces per employee on the largest shift, plus one space per company vehicle. For uses with one shift only; one space per employee plus one space per company vehicle.

Retail Outlets, Including, But Not Limited To: Supermarkets, Variety, Sporting Goods, Hardware, or Radio and Television Stores, Department Store, Major Comparison Goods Store or Furniture Warehouse Store – Five and one-half spaces per 1,000 square feet of gross leasable floor area.

Sales, Services and Storage of Automobiles, Mobile Homes, Campers, Boats, Bicycles, Motor Vehicles, Motorized Equipment, and Accessories for such Vehicles, But Not Including Junk Yards – One space per 1,000 square feet of indoor and outdoor sales area plus spaces required for associated servicing uses.

### **SCHOOLS – PUBLIC AND PAROCHIAL**

Elementary – One space per 1,000 square feet of building area, plus one space per employee.

Junior High – One space per 1,000 square feet of building area, plus one space per employee.

Senior High – One space per 200 square feet of building area, plus one space per employee, plus one space per 3 seats in an auditorium or gymnasium.

Schools, Vocational, Business and Private – One space per 200 square feet of building area, plus one space per employee, plus one space per 3 seats in an auditorium or gymnasium.

Theaters, Public Auditoriums – One space per 3 seats.

### **17.12.020**

#### **FENCES, WALLS, AND HEDGES**

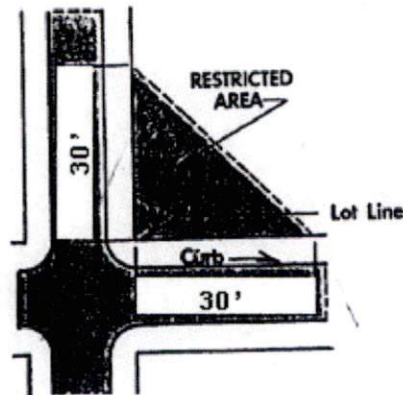
A fence, wall, hedge, column, pier, post, or any similar type structure or any combination of such structures, may be permitted in the required yards of the zoning districts subject to the following conditions and requirements. The intent of the conditions and requirements is to provide privacy and protection without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles.

- A. All fences and walls are subject to Building Code requirements.
- B. It shall be the responsibility of the property owner to locate all property lines.
- C. No fence, hedge or wall may extend beyond or across a property line unless in joint agreement with the abutting property owner.
- D. No person shall erect or cause to be erected or maintain any barbed wire, razor wire, or other similar sharp pointed metal fence along or adjacent to any public street below the height of six feet from ground level, provided, however, in residential districts barbed wire, razor wire, or other similar sharp pointed metal fences are entirely prohibited. Barbed wire or other sharp, pointed or electrically charged fence shall be permitted, with approval of the Town Council in areas zoned Urban Agriculture.
- E. No fence between the building front and the front property line shall exceed 42 inches, except as outlined in Section I.
- F. Fences, walls or compact hedges shall not exceed 7 feet in height. Heights, including retaining walls or other structures, shall be measured as follows:
  - 1. In required yards abutting a street, it shall be the total effective height measured from the finished grade on the side nearest the street;
  - 2. In other required yards, it shall be the total effective height above the finished grade measured on the side nearest the abutting property;
  - 3. On property lines the height may be measured from the finished grade of either side when the abutting property owners are in joint agreement.
- G. Any fence, hedge or wall placed within 15 feet of the intersection of a public sidewalk (or proposed location of such walk) and an alley or driveway, shall not restrict or obscure the



visibility through such fence, hedge, or wall by more than 25 percent of its total vertical plane area. Such fence, hedge or wall shall maintain at least 75 percent of the unobstructed view when viewed at an angle of 90 degrees from the direction of the fence, hedge or wall, at a distance of 30 feet.

- H. On corner lots, no fence, hedge, structure, wall or landscaping display shall interfere with the unobstructed view over 36 inches above the nearest street in a restricted triangular area formed by the three points established by:
1. The intersection of the property lines at the corner, and by measuring 30 feet back from this intersection on each property line;
  2. Rail type or chain link fences not exceeding 42 inches in height, with not more than two 4-inch rails, mounted on a minimum number of 4-inch posts, may be permitted in the restricted triangular area.
- I. In E-B, D-B, E-I, and D-I Districts, chain link fence seven feet in height may be constructed along all lot lines. Only open chain link fence shall be permitted between the building front and street at a height over 42 inches. Seven-foot open chain link fence may be permitted in the sight distance triangle defined in H, upon approval of the Town Council Board. Neither the fence nor anything inside the fence shall impair the sight distance triangle.



- J. Tree branches which overhang the public sidewalk shall be kept trimmed to a height of at least eight feet above sidewalk level.
- K. Tree branches which overhang public streets shall be kept trimmed to a height of not less than fourteen feet above the street.
- L. The Town Council may waive any of the above requirements where cause can be shown that the need of security or safety would be served by variance of the requirements. (Ord. 405, §1, 1992.)



**17.12.030**

**PETS AND DOMESTIC ANIMALS**

- A. Pets, such as dogs, cats, birds, fish and other animals generally kept within a dwelling shall be a permitted accessory use in any district.
- B. Other domestic animals may be a permitted accessory use in any district, subject to petition, public hearing and other regulatory procedures of the Town Council.

**17.12.040**

**SIGN REGULATIONS**

PURPOSE: The purpose of this section is to protect the public welfare in regulating the size, height, number, location, illumination and construction of signs permitted in the various zone districts of the Town of Mills. Conditions within the various zone districts that necessitate the regulation of signs include:

- A. Conflicts between traffic control signs and signals and various private signs resulting in vehicular and pedestrian safety problems;
- B. Signs are sometimes placed in locations or constructed in a manner that creates a danger to the public during periods of high winds or inclement weather;
- C. The uncontrolled use of signs defeats the sign's informational or advertising functions as competitors escalate sign size and expense in an effort to fairly attract attention;
- D. The uncontrolled use and proliferation of signs creates visual pollution that destroys the beauty of the Town, the attractiveness of commercial areas and the ability of the public to safely and quickly interpret the intended message.
  - 1. Measurement. The area of a sign shall include the surface upon which the information of the sign is presented, excluding only structural supports. Only one side of a double facing sign shall be considered in the total sign area permitted for any building, use or lot.
  - 2. Residential Districts. Permitted signs may be anywhere on the premises, provided no sign is within any road right-of-way and must be totally within the lot on which the sign is mounted.
    - a. Ground mounted signs shall have a maximum height of five (5) feet.
    - b. Wall mounted signs shall be flush and not project above the roof line.

- c. Lighting of a sign shall be by white light.
  - d. Permitted signs for single family residences shall indicate only the occupant's name and address and shall have a total area not exceeding two square feet.
  - e. Permitted signs for multi-family dwellings shall have a maximum area of six (6) square feet and shall be for identification purposes only.
3. Business and Industrial Districts. Permitted signs may be located on a lot such that no sign shall intrude into any public right-of-way and supports shall be at least ten (10) feet from any public right-of-way line.
- a. Any business use shall be permitted one wall sign for each side of a building fronting a public street. Wall signs shall project not more than one (1) foot from the building wall and shall run parallel to the wall.
  - b. Maximum area of a wall sign shall be one square foot of sign area per linear foot of street frontage to a maximum of 300 square feet per frontage.
  - c. One free standing sign shall be permitted per lot. Any free-standing sign shall have a clearance of ten (10) feet above the ground, to provide for a clear field of vision and pedestrian safety.
  - d. Maximum area of any free-standing sign in square feet shall be determined by multiplying the length of the lot frontage, in feet, by 1.5. No sign shall have an area larger than 300 square feet.
  - e. Any sign shall have a clearance of ten (10) feet over sidewalks and fifteen (15) feet over driveways and alleys.
  - f. Marquee signs shall have a clearance of ten (10) feet above the ground and no part of the changeable copy shall project above or below the marquee face.
  - g. No sign shall exceed thirty (30) feet in height from ground level.
4. Illumination. The light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas and the light rays shall not spill over the property lines into a residential zone except by indirect reflection. Neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
5. Miscellaneous Signs. Signs listed in this section shall be permitted in any zone district on private property, shall not require a permit but are subject to the general requirements of this article. These signs are classified as identity signs.



- a. **CONSTRUCTION SIGNS:** Construction signs which identify the architects, engineers, contractors, and other individuals or firms involved with construction, but not including any advertisement of any product or signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of sixteen square feet for each firm. The signs shall be removed within fourteen (14) days of the beginning of the intended use of the project or as individual subcontractors expire, whichever is sooner.
- b. **REAL ESTATE:** Real estate signs advertising the sale, rental or lease of residential property may be four (4) square feet and may be sixteen (16) square feet for other property provided they are on the premises for sale, rental or lease. Such signs shall be removed within seven (7) days of the sale, rental or lease.
- c. **POLITICAL CAMPAIGN:** One sign per premises of up to thirty-two (32) square feet on non-residential property may be permitted announcing candidates for public office. In residential areas or districts political campaign signs of up to sixteen (16) square feet, one per premises, may be permitted. These signs shall be confined within the private property and removed within seven days after the election for which they were made.
- d. **STREET BANNERS:** Street banners advertising a public entertainment or event, if approved by the Town Council and only for locations designated by the Town Council during and for fourteen (14) days before and seven days after the event.
- e. **SIGNS:** Signs commonly regarded as “garage,” or “yard sale” signs shall be permitted only on private property and shall be restricted to a maximum area of four (4) square feet. The sign shall be dated when posted and shall be removed the day following the garage or yard sale.
- f. **PRIVATE TRAFFIC DIRECTIONS:** Signs directing traffic movement onto a premises or within a premises, not exceeding three (3) square feet in area for each sign may be permitted. Horizontal signs on and flush with paved areas are exempt from these standards.
- g. **HOME OCCUPATIONS:** Signs not exceeding three (3) square feet in area for home occupations attached flat against the building, stationary and not illuminated, announcing only the name and occupation of the resident are permitted.



## 17.12.050

### MICRO WIND SYSTEMS AND SMALL WIND ENERGY CONVERSION SYSTEMS:

#### GENERAL REQUIREMENTS

- A. Minimum Lot Size – The minimum lot size for a *Small Wind Energy Conversion System* shall be 20,000 square feet. There is no minimum lot size requirement for *Micro Wind Systems*.
- B. Maximum Tower Height – The maximum tower height for a *Small Wind Energy Conversion System* on a property between 20,000 square feet and one-acre in size shall be seventy feet (70'). The maximum tower height on properties between 1.01-acres and five-acres in size shall be one hundred feet (100'). On properties larger than five-acres, there is no limitation on tower height, except as imposed by FAA regulations.
- C. Minimum Setbacks – Minimum setbacks for a tower shall be equal to the height of the tower. No part of the *Small Wind Energy Conversion System* structure, including, but not limited to, guy wire anchors, may extend closer than ten feet (10') to the property line.
- D. Sound – *Micro Wind Systems* and *Small Wind Energy Conversion Systems* shall not exceed 60 dbA, measured five feet (5') above ground level at the closest property line. The sound level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- E. Turbine Clearance – No portion of any turbine shall extend within twenty feet (20') of the ground. No portion of any turbine may extend over parking areas, driveways or sidewalks.
- F. Automatic Over-Speed Controls – All *Micro Wind Systems* and *Small Wind Energy Conversion Systems* shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the *Micro Wind System* or *Small Wind Energy Conversion System*.
- G. Utility Notification – No *Micro Wind System* or *Small Wind Energy Conversion System* shall be installed until evidence has been given that the electrical utility company has been informed of and approved the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- H. Tower color – Tower colors shall be white, off-white, gray, or neutral subdued tones, such as earth tones of green or brown. Towers shall not be finished in bright or vivid colors, nor shall the tower be used for advertising of any kind.
- I. Lighting – *Micro Wind Systems* and *Small Wind Energy Conversion Systems* shall not be artificially lighted, except as required by the FAA.

- J. Climb prevention – *Small Wind Energy Conversion Systems* shall not be climbable up to fifteen feet (15') above the ground surface.

#### APPLICATION REQUIREMENTS

The applicant shall provide the following materials to the Community Development Department as part of a building permit application, for *Micro Wind Systems* and *Small Wind Energy Conversion Systems*:

- A. A completed application provided by the Community Development Office.
- B. Proof of ownership for the property where the proposed tower will be constructed, and all applicable fees, as established by the Town Council.
- C. A scaled 8-1/2" x 11" or larger plot plan of the proposed *Small Wind Energy Conversion System*, to include property lines, setbacks, physical dimensions of the property, and locations of structures and the tower, base, footings, generator, blades, guy wires, and all associated equipment.
- D. An engineering analysis of the *Micro Wind System* and/or tower showing compliance with all applicable current building codes and certified by a licensed professional engineer.
- E. Certification that the design is in compliance with the current National Electrical Code and local electrical code. Building permit applications for *Micro Wind Systems* and *Small Wind Energy Conversion Systems* shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to the National Electrical Code and local electrical codes.
- F. Evidence satisfactory to the Community Development Director, that the proposed system meets the following standards:
  - 1. That the *Micro Wind System* or *Small Wind Energy Conversion System* is UL listed, and/or meets the Institute of Electrical and Electronic Engineers (IEEE) standards, or other Nationally Recognized Testing Lab (NRTL);
  - 2. Information demonstrating that the wind turbine is approved under an emerging technology program, such as International Electro technical Commission (IEC) or any other small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. Non-certified wind turbines must submit a description of the safety features of the turbine prepared by a professional mechanical engineer.



## REVIEW AND APPROVAL

After the submittal of all required application materials, the Community Development Department shall review the submittal and shall issue a building permit for *Micro Wind Systems and Small Wind Energy Conversion Systems* if the application materials meet all requirements of this ordinance, and all applicable building and electrical codes.

## ABANDONED FACILITIES

- A. Any *Micro Wind System* or *Small Wind Energy Conversion System* that is not operated on a functional basis for a period of six (6) consecutive months shall be deemed abandoned. The building official may order the repair or removal of said *Micro Wind System* or *Small Wind Energy Conversion System*, in accordance with these provisions. The applicant, owner, or other person responsible for the facility shall repair or remove the same within thirty (30) days of receipt of notification by certified mail. If said facility is not either operational or removed after thirty (30) days from the date of notification, the Town may remove the system at the owner's expense.
  
- B. The Town reserves the right to enter upon and disconnect, dismantle or otherwise remove any *Micro Wind System* or *Small Wind Energy Conversion System* should it become an immediate hazard to the safety of persons or property due to emergency circumstances, as determined by the Town Manager or his designee, such as natural or man-made disasters or accidents, when the applicant, owner, or other person responsible for the facility is not available to immediately remedy the hazard. The Town shall attempt to notify any such applicant, owner, or other person responsible for the facility of such action within forty-eight hours. The applicant, owner, or other person responsible for the facility shall reimburse the Town for all costs incurred for action taken pursuant to this Section. (Ord. 558, 2009)

## CHAPTER 17.16

### ADMINISTRATION

#### 17.16.010

#### SPECIAL REVIEW

##### INTENT

Although each zoning district is primarily intended for a predominant type of use (e.g., dwellings in residential districts), there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may dictate that the circumstances of development should be individually reviewed. It is the intent of this section to provide review of such uses so that the community is assured that they are compatible with their locations and surrounding land uses and will further the purpose of this Ordinance.

##### APPLICATION OF SECTION

Special review requirements shall be applicable to all uses designated "S," "Uses Permitted by Special Review" in the permitted use section of this Ordinance.

##### APPLICATION FOR SPECIAL USE PERMIT

- A. Application Required: Any person desiring to obtain a special review permit shall complete a special review permit application and shall be filed with the Town on a form approved by the Town Council. Notwithstanding the content of the application form, the Council may require additional information as necessary to obtain a complete description of the project and identify potential impacts. No person shall begin development or operation of a special review permit without first applying for and obtaining a special review permit, as outlined herein. An application fee, as set by Resolution, by the Council, shall accompany the application. Consultation with the Town Planner regarding the preparation of the application is recommended.
- B. Notice and Public Hearing: The Council is the decision-making body for special review permit permits. The Council shall conduct a public hearing to obtain information pertaining to the request and the appropriateness of the special review permit. Notice of the hearing is required as follows:
  1. Notice of the public hearing shall be given at least ten (10) days prior to the hearing by publication in the Town's official newspaper and by USPS first class mail to the owners of all properties within one hundred forty feet (140') of the subject property. The notices must identify the date, time, location, and



purpose of the public hearing. The property owner list shall be based on the ownership data from the Natrona Regional Geospatial Cooperative (NRGC) geographic information system mapping service (or equivalent) on the day of application.

2. The person sending the notices by mail shall complete an affidavit of mailing which identifies the document, the property owners to which it was sent, and the date mailed.
  3. The Town Planner is granted authority to require or perform optional notice to inform other property owners, lessees, utility providers, or others that may be affected by the special review permit, of the public hearing. Optional notice is not subject to the ten (10) day requirement, may take any form, and is completely discretionary. Optional notice, or lack thereof, shall not be grounds for appeal.
- C. Standards of Review: The Council has authority to approve, impose conditions on, or deny special review permit applications. The Council shall base its determination upon the following considerations. Negative impacts shall be justification to impose conditions on or deny the application.
1. Is the site large enough to accommodate the proposed use and meet all of the dimensional standards and development regulations of the zoning district in which the project is located?
  2. Is the use, at the scale or density proposed, compatible with all other uses in the immediate area and with permitted uses that may be established in the area?
  3. Does the proposed use involve activities, processes, materials, equipment, hours of operation, or any other operational characteristics that would be materially detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, dust, glare, odors, hazards, or similar impacts?
  4. Does the proposal include provisions for necessary and desired public utilities and facilities such as potable water, fire hydrants, sewer, electrical power, streets, stormwater facilities, and sidewalks/pathways?
  5. Will the proposed use create excessive additional costs for public facilities and services that would be materially detrimental to the economic welfare of the community?
  6. Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of significant importance?
  7. Is the proposed use consistent with the applicable provisions of the Mills Comprehensive Plan?

- D. **Conditioning Authority:** The Council is authorized to impose conditions on the proposed use as necessary to ensure compliance with the provisions of this title and to mitigate or avoid negative impacts to neighboring properties or the general public health, safety and welfare of the community. Examples of such conditions may include, but are not limited to:
1. Limiting the size, height, location, or scale of the project or any component thereof.
  2. Limiting the hours of operation of the use, or any component thereof;
  3. Requiring sound-reduction methods;
  4. Requiring screening of loading areas, storage areas, and other unsightly features;
  5. Requiring dust control or surfacing improvements;
  6. Limiting the duration of the special review permit to give opportunity for future review as the surrounding area becomes more developed;
  7. Requiring the provision of on-site or off-site public facilities or services to serve the use.
- E. **Outstanding Violations:** The Council may withhold or delay issuance of a special review permit if there is an outstanding zoning violation that exists on the subject property, until the violation is remedied.
- F. **Filing of Permit:** If the special review permit is authorized by the Council, the Town shall approve the special review permit by Resolution. The Resolution is to include the date the special review permit was approved by the board; a description of what was approved; any conditions, limitations and restrictions imposed on such special review permit; and, the "time limitations and expiration" language found below. The permit shall be signed by the Town Council and recorded with the Natrona County Clerk's Office within fifteen (15) days, or as otherwise specified by the Council. Recording cost is at the applicant's expense.
- G. **Time Limitations and Expiration:**
1. Unless specified otherwise by the Council, development of a permitted special review permit shall commence within two (2) years of the granting of the special review permit, or the authorization shall expire. If the special review permit is associated with a building, commencing development shall be in the form of obtaining a building permit and starting construction on the project. If no building is associated with the special review permit, the special review permit activity shall commence within the specified deadline.



2. If a special review permit has been discontinued for one (1) year or more, the special review permit shall automatically become null and void and the activity shall not be reestablished except in accordance with the provisions and procedures of this title.
- H. Transfers: Special review permits are an entitlement to the specific property for which the approval was granted and upon property sale the entitlement, if not otherwise revoked or expired pursuant to this section, transfers to the new owner(s) without further application or approval, provided, however, the new owner(s) shall be bound by the same time limits and conditions of approval as the original permit holder(s). A special review permit is not transferable from one (1) property to another.
- I. Modifications: A request to modify, expand, or otherwise change an approved special review permit in a manner that is not in substantial conformance with the approved site plan and permit shall be processed as a new application.
- J. Revocation, Suspension or Modification by Council:
1. A special review permit may be revoked, suspended, or modified by the Council for cause upon notice to the permit holder and public hearing, for either a breach or violation of any condition of approval or limitation of the permit; or, if the special review permit is operated in a manner so as to create a public nuisance as defined and regulated by this Code.
  2. If the Council desires to revoke, suspend, or modify a special review permit, either on its own action or after a formal complaint, the Council shall notify the permit holder of its intention and provide the permit holder with the opportunity to contest the revocation, suspension, or modification in the context of a public hearing.
  3. Notice of the public hearing shall be mailed to the property owner by certified, return receipt mail, at least fourteen (14) days before the public hearing. Notice shall also be provided to neighbors and the public in the same manner set forth for application of a special review permit.
  4. The Council shall make findings of fact and conclusions of law if they decide to revoke, suspend, or modify the special review permit. If the Council does not decide to take such action, no findings of fact and conclusions of law shall be made.

#### ADDITIONAL REGULATIONS

The Town Council shall, from time to time, establish additional written specific regulations not inconsistent with the provisions of this section relating to procedures, and to criteria and relevant development features of any other special review uses.

## 17.16.015

### SITE PLAN AND LANDSCAPING REQUIREMENTS

#### APPROVAL CRITERIA

- A. The staff, Zoning Board and Town Council shall approve site plans that meet the standards found in this chapter and the following criteria:
- B. Is compatible with the goals and policies of the Town of Mills land use plans.
- C. Promotes the efficient use of land by sound arrangement of buildings, safe and functional points of access, well planned parking circulation, and adequate sidewalks and pathways for pedestrians.
- D. Provides for usable open space within multi-family complexes, such as bicycle paths, playground areas, courtyards, areas for active recreation, swimming pools, landscaping, outdoor seating or picnic areas, and similar open space.
- E. Preserves and utilizes existing landscape features and amenities where possible and blends such features with the new structures and other improvements.

#### DEFINITION

The site plan is a plot plan of the entire area to be developed. It shows the location and size of buildings, the area of the land under consideration, street names and widths, parking area size, and all other items required on the site plan checklist. A site plan is required for all Planned Unit Developments; new multifamily residential buildings consisting of 8 or more dwelling units; new public, commercial, or industrial buildings; new churches; exterior additions to existing public, commercial, and industrial buildings, and exterior additions to existing churches. Off-street parking lots (new or being added to) also require site plan approval.

#### PROCEDURES

- A. Individuals are required to meet with the town planner or his designee at least seven days prior to submitting an application for review, in order to discuss their proposals and the site plan application. A landscaping plan must be submitted to and approved by the Town of Mills prior to issuance of any building permits.
- B. Following the applicant-staff meeting, a complete site plan application can be submitted to the town planner. The application shall consist of:
  - 1. An original and two copies of the site plan application form;



2. Ten copies or a PDF of a site plan containing all information required on the checklist;
  3. For sites that are 1 acre or more: A drainage plan providing for surface drainage and the effect the surface drainage will have on the area under consideration and adjoining areas and proving compliance with the Town's urban Storm Water Management Plan.
  4. For developments generating 75 or more vehicle trips per peak hour period: A traffic study prepared by a registered professional engineer shall be provided to the Town of Mills. Trip generation data shall be calculated using the trip generation guide (Institute of Transportation Engineers, most recent edition). If the data is not available, applicant shall provide an estimation which may either be accepted or rejected by the town planner.
  5. Natural hazards shall be identified and what action shall be taken to alleviate the problems.
  6. Buffering measures for the areas between all multifamily, townhouse and condominium dwellings adjacent to single-family dwellings, and for all PUD, commercial, industrial, and multifamily developments.
- C. The procedure for submittal, approval or denial, and appeal for PUD site plans is set forth in the Town of Mills Code and applicable State Statutes.
- D. Site plan applications for new or exterior additions to buildings, churches, and off-street parking lots up to 5,000 square feet in building/parking lot area may be approved by the town planner or designee. The one exception involves commercial buildings, which will be reviewed by the Town Zoning Board and Town Council as outline in "E" below. The application shall be reviewed for completeness within three working days of receipt. If not complete, the town planner shall notify the applicant and list the items needed to complete the application. After the application is complete, the town planner or designee shall approve, approve with contingencies, or deny the application within five working days and notify the applicant of the decision. If the application has been approved either with or without contingencies, the applicant shall sign the agreement and may obtain a building permit from the Town of Mills. If the application has been denied, the applicant shall not be issued a building permit. Decisions may be appealed in writing to the Town Council within ten calendar days of the decision. Denials that are not timely appealed shall become final.
- E. Site plan applications for commercial buildings of any size and for all new or exterior additions to buildings, churches, and off-street parking lots over 5,000 square feet in building/parking lot area, and multifamily developments over 8 units, must be approved by the Town Zoning Board and Town Council. Applications

must be submitted to the Town Clerk by 5:00 p.m. at least 15 days before the Town Zoning Board meeting at which the application is to be discussed.

1. The town planner or designee shall review the application for compliance with the site plan application requirements within three working days of submittal. If not complete, the application will be returned to the applicant within three days. Written notification shall include the reasons for the determination and shall list the items needed to complete the site plan, the drainage study, and/or the traffic study. If it is complete, the application shall be accepted, and the date of acceptance written on all copies.
2. Incomplete applications shall not be placed on the Board agenda until it is resubmitted in complete and accurate form.
3. The town planner shall notify the applicant in writing at least five calendar days prior to the Zoning Board meeting at which the application will be considered. A meeting will also be scheduled between the applicant and the town planner to discuss the staff's comments to the Board.
4. The application will be considered by the Zoning Board at its meeting, and the town planner will provide review comments to the Board. The applicant will be given the opportunity to discuss the site plan, and other comments regarding the site plan may also be made.
5. The Board shall take one of the following actions, approve, approve with conditions, deny, or table the application.
6. If the site plan is approved (with or without conditions), the applicant must sign a site plan agreement stating terms of approval and his/her willingness to comply with those terms. If the application is tabled, it shall be considered at the next regularly scheduled Board meeting and a decision to approve, approve with conditions, or deny shall be made. Appeal of decisions may be made in writing to the Town Council within ten calendar days of the decision.
7. The Town Council may consider the appeal at the next regularly scheduled Council meeting that is held after receipt of the written appeal within 15 business days of the Council meeting at which the appeal was heard. The Council shall make a final determination upon the appeal. (Ord. 514, 2005)

### **LANDSCAPING REGULATIONS**

The Town of Mills shall require landscaping in certain instances for the following reasons:

- A. To encourage quality development within the Town;



- B. To provide a smooth land use transition between adjoining properties;
- C. To screen service yards, parking lots, and other areas which may be a nuisance;
- D. To improve erosion control;
- E. To encourage a strong sense of commitment to the Town by its residents, business owners, developers, and public agencies; and
- F. To provide for the health, safety and welfare of the residents of the Town of Mills.

#### DEFINITION

Landscaping – The use of vegetation and inorganic durable materials such as those identified below to enhance the visual attractiveness of a site and improve erosion control.

In order to meet the requirements of the Town Subdivision and Zoning Ordinances, landscaping shall include, but not be limited to, the following:

- A. Formal turf areas;
- B. Trees, shrubs, bushes, ground cover or planting;
- C. Sprinkler systems;
- D. Decorative rock, natural or manmade;
- E. Rooftop gardens, exposed aggregate tile or similar decorative materials used in walkways (excluding sidewalks on public property), driveway approaches, and architectural features attached to the building;
- F. Decorative lighting (Standard street lighting or lighting used primarily for security purposes is not considered decorative);
- G. Benches, tables, fountains, planters, kiosks, bus shelters, waterfalls, and manmade streams;
- H. Decorative fences and retaining walls (i.e., railroad ties, brick, flagstone);
- I. Ponds, excluding detention and retention ponds;
- J. Berms and mounds.

#### PROCEDURES

- A. The owners of all proposed/new public, commercial, or industrial buildings, or parking lots (including churches); all exterior additions to existing public, commercial, or industrial buildings, or enlargement of a parking lot (including churches); or any new residential buildings or exterior additions to existing residential buildings with the exception of single-family and two-family dwellings, must submit and obtain approval of a complete landscaping application before any building permit is issued. Landscaping applications are to be submitted to the Mayor or a designee. A complete landscaping application consists of:
1. A planting list;
  2. A time frame for installation or planting;
  3. One copy of a landscaping plan complying with the list of landscaping criteria; and
  4. The original copy of the landscaping application form.
- B. At the time the owner submits a landscaping application, the owner shall sign an agreement with the Town to comply with both the landscaping criteria below and an approved landscaping plan, and to complete the landscaping within the time frame stated in the agreement. Upon approval of a landscaping plan by the Mayor or a designee, the signed agreement shall be filed with the Town Clerk.
- C. Within five working days of receiving a landscaping application, the Mayor or a designee will review the application for completeness and compliance with the landscaping criteria. Applications determined to be incomplete will be returned to the applicant within the five-day period by U.S. Mail to the address provided in the application, along with written notification of additions and corrections necessary for compliance. If written notification of non-compliance is not mailed within such time, the landscaping application is considered complete.
- D. Applications for landscaping on sites 5,000 square feet or less in buildings/parking lot area shall be reviewed and acted upon by the Mayor or a designee. Upon his or her approval of the application, the Town Code Enforcement Officer will be notified that a building permit can be issued.
- E. The Mayor or a designee will forward landscaping applications for all commercial buildings and other applications for sites over 5,000 square feet in building/parking lot area to the Town Zoning Board for their comments and recommendations. Those comments will be given to the Mayor or a designee for final action. If the application is approved, the Mayor or designee will contact the Town Code Enforcement Officer within five days of receiving the Board comments, and the Code Enforcement Officer may issue a building permit.



Appeals of the decisions of the Mayor or a designee must be requested, in writing, to the Town Council within five working days of the date upon which the owner was notified of the decision.

The Town Council may consider the appeal at the next regularly scheduled Council meeting to be held after receipt of the written appeal. Within fifteen working days of the Council meeting at which the appeal was heard, the Council shall make a final determination upon the appeal.

#### LANDSCAPING CRITERIA

The landscaping plan must comply with the following criteria:

- A. Minimum size of plant and other materials shall comply with the criteria and specifications set forth in Building Casper's Urban Forest, A Tree and Shrub Selection and Care Guide;
- B. Inorganic ground cover should consist of rock, lava, and bark installed over a minimum six mill screen type material to prevent weed infiltration;
  - 1. Bark chips – a minimum of one inch in size and a minimum of two inches in depth;
  - 2. Crushed stone – a minimum of one inch in size and a minimum of two inches in depth;
- C. Inorganic landscaping shall not be more than sixty percent of the landscaped area unless first approved by the Mayor or a designee;
- D. Landscaping of off-street parking lots and loading and unloading spaces shall be located to break up the expanse of paving, and shall be of such quality as to improve and enhance the site and its surrounding areas;
  - 1. Parking lots of one or more acres in size shall have interior planting areas provided at a ratio of one planting area for every fifty parking spaces,
  - 2. Each planter area shall be a minimum of 100 square feet, and shall contain at least two trees or one tree and two shrubs,
  - 3. The interior planting areas shall be not less than twenty-four feet from the perimeter of the parking lot,
  - 4. Parking lot landscape islands and perimeter buffer strips may be included in the minimum percentage of the land to be landscaped computation,

5. The total landscaping to be provided need not exceed the minimum percentage outlined in the Minimum Landscaping percentages table within this section;
- E. Landscaping shall be required along the perimeter lot line(s) of all off-street parking lots which abut any public way, residential property, or property zoned for a less intensive use;
1. Parking lots of one or more acres in size shall be buffered by a landscaping strip that is at least ten feet in width, which shall be located between the parking area and the abutting property or roadway and may encroach on the abutting street right-of-way with the consent of the right-of-way owner,
  2. The landscaping shall be of a height and density to partially screen the parking lots from adjoining properties or public streets,
  3. Parking lot landscape islands and perimeter buffer strips may be included in the minimum percentage of the land to be landscaped computation,
  4. The total landscaping to be provided need not exceed the minimum percentage outlined in the Minimum Landscaping Percentages Table within this section;
- F. No artificial trees, bushes, hedges, flowers, or shrubs may be used in landscaping any exterior areas, unless having received prior written approval from the Mayor or a designee;
- G. No synthetic ground cover, such as astro turf, is to be used for exterior landscaping unless warranted by soil conditions and unless prior written approval has been received from the Mayor or a designee;
- H. All planted areas must be provided with sprinkler irrigation systems;
- I. The owner or occupant, his successors and assigns, are responsible for irrigating, fertilizing, spraying, pruning, and general maintenance of all plantings and landscaped area. After two years, the owner or occupant, his successors and assigns, may substitute alternate landscaping upon approval by the Mayor or a designee;
- J. Upon demand of the Code Enforcement Officer or his designee, the owner shall replace and replant any plant material approved with the site plan or conditional use permit that dies within two years of planting or is not in conformity with the approved landscaping plan. The requirement to replace plant material shall not be assigned to the owner of a vacant property until such time as an active commercial or residential use is established on that property;



- K. Landscaping shall not:
1. Interfere with the installation, maintenance, and repair of any public utilities;
  2. Restrict pedestrian or vehicular access, or
  3. Constitute a traffic hazard (see attached illustration);
- L. The owner shall attempt to use the list of recommended plantings when selecting landscaping materials. The plant list identifies vegetation conducive to growth in the Casper area, and is available from the Town Planner or Code Enforcement Officer;
- M. A minimum percentage of the site shall be landscaped. A list of minimum percentages is attached;
- N. The landscape plan should be prepared by a landscape architect, landscape contractor, or other qualified person;
- O. The landscape plan must be prepared on a scale of 1" = 10' or a multiple thereof and must include:
1. North arrow, scale and date of preparation,
  2. Street address and location of land under consideration,
  3. Location and width of all interior and abutting roads, highways, rights-of-way, and railroad rights-of-way,
  4. Easements on the 1 and under consideration,
  5. Adjoining property lines and rights-of-way,
  6. The location, type, and size of all existing plant materials that are to remain on the site,
  7. The location, type size, and quantity of proposed plant and other landscaping materials, and
  8. All other significant features. (Ord. 513, 2005)

**LANDSCAPING APPLICATION FORM**

OWNER: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OWNER'S AUTHORIZED REPRESENTATIVE:  
NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

\*\*\*\*\*

NAME OF DESIGNER OR LANDSCAPE PLAN:  
\_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

AMOUNT PROPOSED FOR LANDSCAPING \$: \_\_\_\_\_

PERCENTAGE OF LAND UNDER CONSIDERATION  
REQUIRED TO BE LANDSCAPED: \_\_\_\_\_

PERCENTAGE OF INORGANIC LANDSCAPING: \_\_\_\_\_

TYPES OF IRRIGATION/SPRINKLING PROVISIONS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TYPE AND NUMBER OF TREES AND PLANTINGS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF COMPLETION: \_\_\_\_\_

The following owner's signature signifies that all information on the landscaping plan application is correct and accurate to the best of the owner's knowledge and that the owner has thoroughly read and understands all landscaping information and requirements and shall honor all commitments made therein.

SIGNATURES OF PROPERTY OWNER: \_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE OF PLANNING DIRECTOR: \_\_\_\_\_

DATE: \_\_\_\_\_



**MINIMUM LANDSCAPING PERCENTAGES**

<b><u>Size of Site</u></b>	<b><u>Minimum Percentage of Land to be Landscaped</u></b>
<b><u>Residential Sites:</u></b>	
Multifamily sites of 9,000 square feet Or more*	20%
<b><u>Commercial Sites:</u></b>	
0 to 19,999 square feet	10%
20,000 square feet to 1 acre	8%
Over 1 acre	6%
<b><u>Industrial Sites:</u></b>	
0 to 19,999 square feet	6%
20,000 square feet to 1 acre	5%
Over 1 acre	4%

**17.16.020**

**HOME OCCUPATIONS**

Home Occupations - A home occupation shall be allowed as a permitted accessory use provided the following conditions are met:

- A. Such use must be conducted entirely within a dwelling and carried on by not more than two individuals, one of whom is the principal occupant.
- B. Such use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof;
- C. The total area used for such purposes may not exceed one half of the first-floor area of the user's dwelling unit;
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, including advertising signs or displays, or advertising that solicits or directs persons to the address; except for one sign, not exceeding three (3) square feet in the area, attached flat against the building, not illuminated, and announcing only the name and occupation of the owner.
- E. There shall be no exterior storage on the premises of materials or equipment used as part of the home occupation.
- F. No equipment or process shall be used in such home occupation which creates any glare, fumes, odors, or other objectionable conditions detectable to the normal senses off the lot.
- G. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- H. Off-street parking shall be provided for all home occupations adequate to accommodate the needs of the home occupation of not less than two parking spaces plus the parking spaces required by the dwelling unit. Such parking shall be provided on the same lot as the home occupation.
- I. Barber and beauty shops are permitted home occupations subject to a maximum of one operator, who is the principal resident of the dwelling, who also must be a licensed and approved barber or cosmetologist. (Ord. 380, 1987)
- J. Home occupations shall be permitted as an accessory use subject to the above requirements. If a complaint is filed with the Building Official by a property owner within a radius of 140 feet of the property, a public hearing before the Town Council shall be required to determine the continuance of the home occupation.



- K. Any home occupation shall be operated in compliance with all applicable local, state and federal laws. (Ord. 380, 1987)

**17.16.025**

**SECURITY QUARTERS**

Apartments, as a part of the main structure, or mobile homes necessary for safety or security reasons in conjunction with the principal use, located on the same lot as the principal use and occupied only by persons responsible for security of the principal use and on the payroll of the industry or business conducting the principal use.

As a Special Review Use in the Established and Developing Industrial Districts, EI and DI.

Such uses shall be approved through public hearing under the Special Review Use procedures with such contingencies as the Council may determine, including, but not limited to the following:

- A. One dwelling unit per lot, whether mobile home or stick built;
- B. The unit must be provided with public water and sewer;
- C. Two off-street parking spaces must be provided for the unit in addition to those required for the industrial use;
- D. All parking areas must be provided for the unit in addition to those required for the industrial use;
- E. All new construction and mobile homes must comply with the building and fire codes and meet yard requirements of the Zoning District in which the unit located;
- F. When a mobile home is located on a lot, the following shall apply:
  - 1. A mobile home shall be located on a foundation or skirted;
  - 2. Skirting shall be equipped with a door or panels to permit access to utility connections;
  - 3. Skirting shall be waterproof, rigid, durable and fire-resistant material and furnished in a manner compatible with the exterior of the mobile home.
- G. Anchors and tie-downs are required, and their design must be submitted to the building inspector for his approval;

- H. Security lighting must be provided on site as approved by the Council;
- I. All such uses shall be approved as special review uses and may be subject to annual review by the Council.

**17.16.030**

**PLANNING AND ZONING BOARD**

**ESTABLISHMENT**

There is hereby established a planning and zoning board to be known as "The Planning and Zoning Board of the Town of Mills, Wyoming," and hereafter referred to in this section as "The Board."

**ORGANIZATION**

- A. The Board shall consist of five members, who shall be residents of the Town of Mills, and who shall be appointed by the Town Council.
- B. Terms of office shall be three (3) years and shall be fixed so that two or three shall expire each calendar year. Appointments to fill vacancies shall be made by the Council and shall be made only for the unexpired portion of the term. The Council may remove any member of the Board for cause upon written charges and after a public hearing.
- C. The Board shall elect a Chairman and Vice-Chairman from its own membership. Officers shall serve annual terms and may succeed themselves.
- D. Election of officers shall take place at the first meeting of each calendar year.
- E. The Building Official shall be the Secretary of the Board, and the Building Official and Town Planner, appointed by the Council, shall be the staff of the Board.
- F. The Board may adopt requirements by rule to carry out the provisions of this Ordinance.
- G. Meetings shall be held on a regular basis at the call of the Chairman or at such other times as the Board may determine.



**17.16.035**

**VARIANCES**

- A. The Town Council shall have the authority, in specific instances and on petition of the Landowner, to grant a variance from the provisions of this Ordinance; when, owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardships. Such variation of the provisions of the Ordinance shall be determined by the Town Council to not be contrary to the public interest and that the spirit of the Ordinance shall be observed, and substantial justice done.
- B. The Town Council shall have the authority to vary or adjust the provisions of the Ordinance.
- C. The Council may grant a variance in the instance of:
  - 1. Unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or physical conditions peculiar to the affected property; or
  - 2. Other circumstances where the landowner establishes that a hardship exists on the affected property.
- D. The Council may grant a variance only if it makes findings that substantial compliance with the following is established:
  - 1. That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property; or
  - 2. That there exist other certain circumstances or conditions peculiar to the property;

And because of such circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the Zoning Ordinance.

- E. The Council must make findings:
  - 1. That much unnecessary hardship has not been willfully created by the applicant;
  - 2. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property;

3. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provisions which are in question.
- F. In the instance where unusual hardship is claimed, other than that created by unique physical circumstances, a variance may be granted only after substantial compliance is established with one or more of the criteria established in Paragraphs D and E, and only on the affirmative vote of at least 4 Council members. The burden of establishing a unique hardship and compliance with necessary criteria shall be the petitioners.
- G. Upon request to grant variances where it has been shown that an illegal construction or a non-conforming building or use has existed for a period of at least five (5) years in violation of this chapter and the Town has not taken steps toward enforcement, the Council may grant a variance to the applicant.
- H. Application for Variances. All applicants for a variance shall follow the procedures for Zone Change Requests as outlined in Section 17.16.040 of this Ordinance. Review and hearing of variance petitions shall be in accordance with Section 17.16.040.
- I. A variance, unless otherwise noted, shall be granted for a period of 170 days only, after which time the owner must make a reapplication. (Ord. 355, 1984.)

#### **17.16.040**

### **AMENDMENTS AND ZONE CHANGES**

#### **GENERAL**

The Town Council may, from time to time on its own motion, by petition of any person or persons of interest, or on initial recommendation from the Zoning Board, amend, supplement, or repeal the regulations and provisions of this Ordinance; provided that where property is sought to be rezoned on proposal other than the Town Council or Zoning Board, the person proposing the rezoning of property shall have a property interest in the total area of the property.

#### **ZONE CHANGE – PETITION**

- A. The owner of interest of property to be rezoned shall submit a petition requesting amendment of the zoning district map to the Town Clerk. The Clerk shall verify that the petition contains the following information:
  1. Legal description of the property to be rezoned.



2. Existing and proposed zoning districts applicable to the property.
  3. Signatures of the owners of the property to be rezoned.
  4. Names, addresses and signatures of a minimum of 50 percent of the owners of record (as shown by County records) of real property within 140 feet of the property to be rezoned.
    - a. The signing of the zone change petition indicates the owner favors the zone change.
    - b. No signature may be withdrawn from a petition.
- B. The Town Clerk, after verifying completeness of the petition shall forward the petition to the Zoning Board for review.

HEARING. Upon receipt of a Zone Change Petition from the Town Clerk, the Zoning Board shall, at its next regular meeting, establish a date of public hearing to hear evidence and information on the proposal. The Mayor shall also request that the Mayor Designee present the petition to the Zoning Board for a "Do Pass" or "Do Not Pass" recommendation at some point before the 3<sup>rd</sup> reading of the ordinance.

NOTICE OF HEARING

- A. The Zoning Board shall publish notice of the date, time, and place of hearing and summary of the proposed amendment in a newspaper of general circulation within the Town. Such notice shall be published at least 15 days prior to the date of such hearing.
- B. A notice reciting rezoning applied for, and directing further inquiry to the Town Clerk, shall be posted at least fifteen days prior to the hearing on the property proposed for rezoning along the part thereof fronting a public street.
- C. A written notice of the public hearing shall be sent by first class mail at least fifteen days prior to the date of the hearing to owners of property within the area proposed for rezoning and to either an owner or to an occupant of each separately owned property adjacent within 140 feet of the area proposed for rezoning.
- D. Such notice by posting and by mailing is for convenience of the public only, and any omission thereof or defect therein shall in no way impair the validity of the proceedings for the proposed amendment.
- E. Exception – General Revision – When said zoning district map is in any way to be changed or amended incidental to or as a general revision of the Zoning Ordinance, whether such revision be made by repeal of the existing Zoning Ordinance and

enactment of a new Zoning Ordinance, or otherwise, said notice in this section by posting and mailing shall not be required.

#### ZONING BOARD REVIEW

The Zoning Board, after the public hearing thereon, shall make an advisory report to the Town Council, recommending action on the proposal. Any proposed amendment or change initiated by the Council shall be referred to the Zoning Board for review. Any amendment proposed by the Zoning Board shall be made to the Council as a recommendation accompanied by an advisory report.

#### NATURE OF REVIEW

The Zoning Board reviews each proposed amendment for conformity with the Land Use Plan, and the effect of the amendment on the stated intent of this Ordinance and established district.

#### PROCEDURE BEFORE TOWN COUNCIL

After receiving the advisory report from the Zoning Board, the Town Council shall hold a public hearing before acting on the proposed amendment. Notice of the time, date, and place of the hearing shall be published by the Town Clerk, at least fifteen days prior to the hearing, in a newspaper of general circulation with the Town.

#### A NOTICE RECITING ZONING

A notice reciting rezoning applied for, and directing further inquiry to the Town Clerk, shall be posted at least fifteen days prior to the hearing on the property proposed for rezoning along the part thereof fronting on a public street.

#### ACTION BY COUNCIL

The Town Council shall, after conducting a public hearing on the Zone Change Petition, approve or deny the zone change.

The zoning district map shall be amended to reflect the decision of the Council. If there is a protest against the change of an amendment of a zoning district boundary signed by twenty (20) percent or more of the area of lots within a distance of 140 feet of the subject property, the amendment shall become effective only upon an affirmative vote of three-fourths of the members of the Town Council.



## COSTS

For individual applications for rezoning, the Town Council may establish a fee to be charged for advertising and processing set by resolution.

## ANNEXED TERRITORY

- A. Zoning of land in the process of annexation may be done in accordance with the procedure and notice requirements of this article. The proposed Zoning Ordinance shall not be passed on final reading prior to the date when the annexation Ordinance is passed on final reading, but the Ordinance annexing the property can also zone the property. If the zoning process is commenced prior to the effective date of annexation Ordinance, the legal protest area for rezoning shall be determined solely on geographic location, irrespective of whether the land in such legal protest area is within or without or partly within and partly without the limits of the Town of Mills.
- B. Any area annexed shall be brought under the provision of this Ordinance and the map thereunder within ninety (90) days from the effective date of the annexation Ordinance irrespective of any legal review which may be instituted challenging the annexation. During such ninety-day period, or such portion thereof as is required to zone the territory, the Town of Mills shall refuse to issue any building or occupancy permit for any portion or all of the newly annexed area.

## 17.16.050

### NON-CONFORMING USE

#### NON-CONFORMING USE, BUILDING LOT

It is the intent of this section to permit the continuation of uses and use of lots and buildings which were lawful prior to the time that this Ordinance was adopted, but which would be prohibited under the Ordinance. It is also the intent of this section that no use, building, or lot determined to be non-conforming shall be enlarged or expanded after the adoption of this Ordinance.

#### NON-CONFORMING USE DEFINED

Non-conforming use, lot and building shall be hereby defined as:

- A. Non-conforming Use. Any use within a building or on a lot which does not conform with the provision so this Ordinance for permitted uses, including lot size minimum, lot area per dwelling unit, or required off-street parking.

- B. Non-conforming Building. Any building which does not conform to the provisions of this Ordinance, including minimum setbacks, heights, or number of principal buildings per lot.
- C. Non-conforming Lot. Any lot which does not conform to the provisions of this Ordinance, including lot size, width, or frontage.

#### GENERAL PROVISIONS

- A. If for any reason other than seasonal agricultural or residential use, any non-conforming use, or use of any non-conforming building or lot is discontinued for a period of more than 170 days, any future use of the building or lot shall conform with the provisions of this Ordinance. (Ord. 355 §2, 1984.)
- B. No structure may be enlarged or altered in any way which increases its non-conformity.
- C. There may be a change of ownership, management, or tenancy of a non-conforming use, building, or lot, providing there is no change in the character of the non-conforming use.
- D. If any non-conforming building or a building containing a non-conforming use, is destroyed by fire or any other means such that the extent of repairs will cost more than 50 percent of the total valuation of the building, exclusive of the foundation, any reconstruction shall be in conformance with the provision of the International Building code. The Building Official shall make such determination.
- E. Any repair of a damaged non-conforming building shall be commenced within 6 months of the time of such damage and shall be completed within 17 months of the initiation of construction.
- F. Minor additions, alterations, or repairs to improve the appearance, safety, or efficiency of the building, which do not constitute an expansion of the use within the building shall be permitted.
- G. A non-conforming use shall be allowed to be extended within the total area of a building, providing such extension shall not occupy any land or area outside of the building.
- H. When any non-conforming use or structure shall be moved for any reason any distance, it shall conform to the provisions of this Ordinance.



**17.16.060**

**INTERPRETATION, ENFORCEMENT, SEVERABILITY AND PENALTY OF ORDINANCE**

Interpretation of Ordinance – Where this Ordinance imposes a greater restriction upon the land, buildings, or structures than is imposed or required by existing provisions of law, Ordinance, contract or deed, the provisions of this Ordinance shall apply.

Enforcement of Ordinance and Authority of the Mayor – This Ordinance shall be enforced by the Mayor or his authorized representative, who shall have the authority to grant building permits and certificates of occupancy, to make inspections and all decisions necessary to carry out property enforcement of the provisions of this Ordinance. No oversight or dereliction on the part of the Mayor or his authorized representative or on the part of any official or employee of the Town shall legalize, authorize or otherwise excuse the violation of the provisions of this Ordinance.

Violations – Penalty as provided in Section 1.01.100, 1.01.115, and 1.01.120 of the Mills Town Code; any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code shall be guilty of a misdemeanor. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued, or permitted by any such person, and he shall be punished accordingly. (Ord. 164 §1, 1966.)

Penalty Upon Conviction – Upon conviction by the municipal court of a violation of any Ordinance of the Town of Mills, the municipal court shall have the power and authority of imposing fines not exceeding two hundred dollars for each violation of a Town Ordinance. (Ord. 222 §2 (part), 1973.)

Failure to Pay Fine, Costs – Upon the rendition of judgment against any defendant for violation of any provision of this code, the police magistrate or Justice of the Peace shall make an order and enter the same upon his docket. If the defendant shall neglect or refuse to satisfy such judgment and costs of suit, he shall be confined in the town jail or other place of confinement provided for that purpose, one day for each one dollar and fifty cents of such judgment and costs. During such confinement, he may be required to labor upon the streets or do other work for the Town under the supervision and direction of the Mayor. Execution shall be issued immediately upon the rendition of judgment. (Ord. 163 §2, 1966.)

Severability of Part of Ordinance – If for any reason any part, section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Effect of Repealing Ordinance – When any Ordinance repealing a former Ordinance, clause or provision is repealed, the repeal shall not be construed to revive the former Ordinance, clause or provision, unless it is specifically stated.

Building Permits – No permit shall be issued by the Mayor or his authorized representative for the excavation or erection of a building, or part of a building, or for repairs to or alteration of, or moving a building or part of a building or for the use of any premises, until after a statement of its intended use has been filed by the applicant and unless the plans and intended use indicate that the building and premises are to conform in all respects to the provisions of this chapter, or unless such proposed building or use shall have been duly authorized by the Council.

All applications for building permits shall be accompanied by a plat in duplicate showing the lot to be built upon, the location of the building and lot and other information as may be required to comply with the current edition of the International Building Code. An original copy of such applications and plat shall be kept in the office of the Mayor or his authorized representative and a duplicate copy shall be kept at the building at all times during construction. The Mayor or his authorized representative shall require that lot lines be defined on the ground before construction of, or excavation for a building is commenced.

Certificate of Occupancy – Except for one-family dwellings, no buildings shall be changed in use, nor shall any new structure or building be occupied or used unless the owner first shall have obtained a certificate of occupancy from the Mayor or his authorized representative. Provided the use shall be in conformance with the provisions of the Ordinance, a certificate of occupancy shall be issued within three days of the time of notification that the building is completed and ready for occupancy. A copy of all certificates of occupancy shall be filed by the Mayor or his authorized representative and shall be available for examination by any person with either proprietary or tenancy interest in the property or building.

### **17.16.070**

#### **FEES**

A recording fee shall be established to defray the cost of recording the site plans. The initial fee, which may be amended from time to time by resolution of the Town Council, shall be as follows:

- A. The developer shall pay a site plan fee shall be set by resolution, whether such site plan approval is provided for by Ordinance or by Agreement between the Town of Mills and the Developer.



- B. A site plan recordation fee shall be set by resolution will be assessed for recording the site plan in the County Clerk's office, said fee to be collected by the Town Clerk prior to the recordation of the site plan.
- C. A zone change or variance fee shall be set by resolution and shall be paid prior to consideration of the zone change or variance, by either the Planning Board or the Town Council of the Town of Mills. (Ord. 338, 1982.)

## CHAPTER 17.18

### ANNEXATIONS AND SUBDIVISIONS

#### 17.18.010

##### GENERAL PROVISIONS

17.04.010(a) Definitions. As used in this title, the following words and phrases shall have the meanings ascribed to them in this section:

- (1) "Sell" or "sale" includes sale, contract to sell, lease, assignment, auction, award by lottery, or any offer or solicitation of any offer to do any of the foregoing, concerning a subdivision or any part of a subdivision.
- (2) "Subdivider or developer" means any person who lays out any subdivision or parts thereof either for the account of the owner or others;
- (3) "Subdivision" means a division of a lot, tract, parcel or other unit of land into three or more lots, plots, units, sites or other subdivisions of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. The word "subdivide" or any derivative thereof shall have reference to the term subdivision, including mobile home courts, the creation of which constitutes a subdivision of land. (Ord. 274 §1 (part) , 1979).

#### 17.18.020

##### PROCEDURE

17.18.020(a) Compliance with procedure. Any person desiring to subdivide or plat any land which is within, or partially within, the town limits, or any person wishing to annex property to the town limits, shall comply with the provisions set forth in this chapter. (Ord. 274 §2 (part) 1979).

17.18.020(b) Platting requirements—Procedures.

- (a) A letter of application for annexation and/or subdivision outlining: The area to be annexed or subdivided, the proposed zoning, and the proposed park/public use contribution, to be signed by the owners of the property.
- (b) The developer shall submit a preliminary plat to the town clerk, to be reviewed by the Town Planner and forwarded to the council with recommendations. Upon approval of the preliminary plat, the Town Council shall establish a date of public hearing for zoning the property (if required).
- (c) The council reviews the preliminary plat and approves or denies the plat. If approved,



- the council will establish a date of public hearing for zoning the property.
- (d) Upon approval by the council of the preliminary plat, the developer shall prepare and submit a final plat to the Mayor or His/Her Designee for review and recommendation to the council. The council shall review and approve or deny the plat.
  - (e) The developer shall submit water and sewer plans, road construction specifications, a drainage plan, and other material required with the preliminary plat.
  - (f) Approval of the subdivision or annexation shall be:
    - (1) A council vote approving the final plat;
    - (2) The signatures of the mayor and the town engineer on the master copy of the final plat, certifying that the plat and engineering plans meet town standards;
    - (3) An ordinance adopted by the council approving the subdivision and/or annexation plat and establishing zoning;
  
    - (4) A written agreement between the town and the developer outlining obligations of both for construction of improvements within the subdivision.
    - (5) The final plat shall be submitted and recorded by the County Clerk.

17.18.020(d) Preliminary plat requirements.

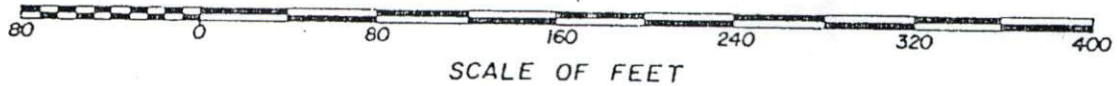
- (a) The developer shall submit seven copies of the preliminary plat to the town clerk prior to the meeting at which it will be considered.
- (b) The plat shall be drawn on a stable base material, and copies submitted to the clerk shall be blue-line reproductions.
- (c) Preliminary plat contents:
  - (1) The name of the subdivision, which shall not duplicate the name of an existing subdivision in Natrona County;
  - (2) The legal description of the subdivision by section, township and range;
  - (3) A metes and bounds description of the property;
  - (4) The plat shall be drawn at a scale of one-inch equals fifty feet, or one-inch equals one hundred feet, and the scale shall be represented by a bar scale;
  - (5) The existing and proposed contours at a maximum interval of two feet;
  - (6) All existing drainages, utility lines, roadways, easements, and other natural and manmade features;
  - (7) All proposed lot, roadway and easement locations, including all dimensions and lot sizes;
  - (8) All existing soil types and distributions;
  - (9) All proposed water, sewer and storm sewer distribution and collection facilities;
  - (10) A vicinity sketch, oriented with the plat, which shows existing streets, highways, drainage courses, adjacent subdivisions, section lines, other natural and manmade features, land ownership and land use. The vicinity sketch shall be drawn to a scale of one-inch equals two thousand feet or larger, and shall extend one-half mile in all directions from the perimeter of the subdivision;
  - (11) The scale, true north arrow and date of preparation;
  - (12) The names and addresses of the owner/subdivider, land surveyor and professional engineer. (Ord. 333 §3, 1982: Ord. 274 §2 (part), 1979).

17.18.020(e) Final plat requirements.

- (a) The final plat (linen or Mylar original and seven paper copies) shall be submitted to the town clerk two weeks prior to the council meeting at which it is to be considered. The plat shall be signed by the owner and surveyor when submitted.
- (b) The final plat shall be drawn on tracing cloth or other suitable base material. Acceptable size: (Wyoming State Statutes Annotated, 1977) Size C—twenty-two inches by thirty-six inches.
- (c) The final plat shall be prepared, and accuracy certified by a registered land surveyor of the state.
- (d) Final plat contents:
  - (1) The name of the subdivision, which shall not duplicate the name of an existing subdivision in Natrona County;
  - (2) The legal description of the subdivision by section, township and range;
  - (3) The plat shall be drawn at a scale of one-inch equals fifty feet, or one-inch equals one hundred feet, and the scale shall be represented by a bar scale;
  - (4) All lots, blocks, roadways, easements and other proposed features with distances, bearings and ties for all surveyed lines. Addresses shall be assigned to all lots;
  - (5) All lots or blocks must be properly identified by number and all streets identified by name or number. All easements and existing utilities shall be shown with distances, ties and bearings;
  - (6) Boundary control points shall be appropriately named on both the plan and monument, and angle points should be numbered;
  - (7) True bearings and distances of all lines and any differences between bearings and distance on this survey and the recorded distances and bearings of other adjoining surveys shall be noted;
  - (8) A vicinity sketch, oriented with the plat, which shows existing streets, highways, drainage courses, adjacent subdivisions, section lines, and other natural and manmade features. The vicinity sketch shall be drawn to a scale of one-inch equals two thousand feet or larger, and shall extend one-half mile in all directions from the perimeter of the subdivision;
  - (9) The surveyor's certificate, including:
    - (a) Date of survey,
    - (b) Statement that all corners are properly monumented,
    - (c) Closure (minimum 1:10,000)
    - (d) Surveyor's registration number and signature;
  - (10) Certificate of dedication, including:
    - (a) Name of owner,
    - (b) Metes and bounds description of the total subdivision perimeter,
    - (c) Dedication of streets, alleys, public sites and easements to the public;
  - (11) Signature blocks for:
    - (a) The mayor of the town, with town clerk attest,
    - (b) The town engineer,
    - (c) Statement of date recorded by county clerk, with town clerk signature;
  - (12) A legend of all corner monuments;
  - (13) Scale, true north arrow, and date of preparation;
  - (14) All corner monuments, boundary and easement lines shall be standardized as



shown below. All plats, maps and construction drawings shall include a bar scale as shown below:



**LEGEND**

- Brass Cap Corner.....○
- Original corner.....●
- Local corner.....□
- 5/8" x 16" Rebar.....■
- Brass Cap or Aluminum Cap set.....B.C. or A.C.
- Subdivision Boundary.....—————
- Easement.....- - - - -










Plat Closure Ratio; 1:

(Ord. 333 §4, 1982: Ord. 274 §2 (part), 1979).

17.18.020(f) Water and sewer system extension requirements.

- (a) Two prints of the water system design shall be submitted to the town clerk for review. One copy will be marked and returned to the developer or his engineer. The other will be marked and retained by the town engineer. The developer shall make all required corrections and submit two corrected copies to the town engineer. If the corrected prints are in order, the town engineer will give one print to the engineer responsible for inspection and retain the second print for the town's use. The developer shall submit a third copy of the final draft to the town clerk with DEQ approval.
- (b) Construction drawings shall be signed by a licensed professional engineer licensed to practice in the state. All plans shall contain the name and professional license number of the engineer.
- (c) The construction drawings shall be drawn on a twenty-two inch by thirty-six-inch sheet with the title box in the lower right-hand corner. The title box shall contain the names of the developer, the subdivision, town of Mills, and other information deemed appropriate, as requested by the council and town engineer.
- (d) Water and sewer design shall meet all standards and regulations of the State Department of Environmental Quality and other regulatory agencies.
- (e) Contents of construction drawings:
  - (1) All drawings shall be drawn at a scale of one-inch equals fifty feet, or one-foot equals one hundred feet, matching the scale of the final plat;
  - (2) Each page shall contain a bar scale;
  - (3) A vicinity sketch drawn on a scale of one-inch equals two thousand feet or larger, showing adjacent areas affected by construction;
  - (4) A general plan of the adjacent areas, showing spot elevations or contour lines

- sufficient to show the existing surface topography;
- (5) Plan drawings of individual water lines, including the size and location of all proposed lines and the size and location of existing lines to which the proposed construction will connect;
  - (6) Sufficient detail of the town system so that ties and looping can readily be obtained;
  - (7) Specifications, sizes and construction requirements of all facilities;
  - (8) Design adequate to meet the town master plan.
  - (9) The plans shall state, "The work shall be performed in accordance with this drawing and the town's specifications," dated May 23, 1979; or in its latest revision;
  - (10) Any details not covered by standard details in the town's specifications;
  - (11) Water and sewer line symbols shall be as follows:

	Proposed Water Line
	Existing Water Transmission Line
	Existing Sanitary Sewer
	Proposed Sanitary Manhole
	Existing Sanitary Manhole
	Proposed Valve
	Existing Valve
	Proposed Fire Hydrant
	Existing Fire Hydrant

- (f) The developer is responsible for retaining a licensed engineer to inspect the water or sewer line installation and certify to the town that the work was completed in accordance with the plans and specifications. The town engineer has the authority to accept or reject any engineer who is requested by the developer. The accepted engineer may have qualified inspectors work under his supervision. Daily inspection reports must be kept and copies turned in to the town engineer once a week. The inspecting engineer, with the approval of the town engineer, shall have the authority to stop construction of any project when work is not in compliance with regulation and approved plans.
- (g) After construction, the owner will be required to furnish three sets of "as constructed" plans to the town office, one set will be for the town clerk's office, one set for the public works department, and one set for the town engineer. Fire hydrants, fittings, valves and utility conflicts, including gas and telephone, shall be accurately shown on the "as constructed" plans. All sheets shall be stamped or visibly marked



“as constructed,” certified by the inspecting engineer. (Ord. 274 §2(part), 1979).

17.18.020(g) Requirements—Road plan, profile, construction drawings.

- (a) As required in subsection (a) of Section 17.08.060.
- (b) As required in subsection (b) of Section 17.08.060.
- (c) As required in subsection (c) of Section 17.08.060.
- (d) Plan and profile drawings shall meet the requirements of all applicable regulatory agencies.
- (e) Contents of construction drawings:
  - (1) All drawings shall be drawn at a scale of one-inch equals fifty feet, or one-inch equals one hundred feet, matching the scale of the final plat. The vertical scale shall be one-inch equals ten feet, or other suitable scale;
  - (2) Each page shall contain a bar scale;
  - (3) A typical cross section of the road construction, with additional cross sections for roads which vary from the typical. The cross section shall show all dimensions and specifications of sub-base, base, curb, gutter and sidewalk and other proposed construction;
  - (4) Design adequate to meet the town master plan;
  - (5) The plans shall state “the work shall be performed in accordance with this drawing and the town’s specifications,” dated May 23, 1979, or in its latest revision;
  - (6) Any details not covered by standard details in the town’s specifications.
- (f) The developer is responsible for retaining a licensed engineer to inspect the roadway installation and certify to the town that the work was completed in accordance with the plans and specifications. The developer’s engineer may have qualified inspectors work under his supervision. The town engineer has the authority to accept or reject any inspector who is requested by the engineer. If the developer feels the decision of the town’s engineer is unjust, he may, upon written request, be granted a review hearing before the town council. Daily inspection reports must be kept and copies turned in to the town engineer once a week. The inspecting engineer, with the approval of the town engineer, shall have the authority to stop construction of any project when work is not in compliance with regulation and approved plans.
- (g) After construction, the owner will be required to furnish three sets of “as constructed” plans to the town office, one set will be for the town clerk’s office, one set for the public works department, and one set for the town engineer. All sheets shall be stamped or visibly marked “as constructed,” certified by the inspecting engineer. (Ord. 274 §2(part), 1979).

17.18.020(h) Drainage plan requirements.

- (a) Two prints of the drainage system design shall be submitted to the town clerk for review. One copy will be marked and returned to the developer or his engineer. The other will be marked and retained by the town engineer. The developer shall make all required corrections and submit two corrected copies to the town engineer. If the corrected prints are in order, the town engineer will give one print to the engineer responsible for inspection and retain the second print for the town’s use. The developer shall submit a third copy of the final draft to the town clerk.

- (b) The drainage plan shall be signed by a licensed professional engineer licensed to practice in the state. All plans shall contain the name and professional license number of the engineer.
- (c) The drainage plan shall be drawn on a twenty-two inch by thirty-six inch sheet with the title box in the lower right-hand corner. The title box shall contain the name of the developer, the subdivision, town of Mills, and other information deemed appropriate, as requested by the town engineer.
- (d) Contents drainage plan:
  - (1) All drawings shall be drawn at a scale of one-inch equals fifty feet, or one inch equals one hundred feet, matching the scale of the final plat;
  - (2) Each page shall contain a bar scale;
  - (3) A vicinity sketch drawn on a scale of one-inch equals two thousand feet or larger, showing adjacent area affected by construction;
  - (4) A general plan of the adjacent areas, showing spot elevations or contour lines sufficient to show the existing surface topography;
  - (5) Plan drawings of individual storm sewers, catch basins, detention areas, outflows and other proposed facilities, including size, location, specifications and construction requirements;
  - (6) The plans shall state "the work shall be performed in accordance with this drawing and the town's specifications," dated May 23, 1979, or in its latest revision.
- (e) After construction, the owner will be required to furnish three sets of "as constructed" plans to the town office, one set will be for the town clerk's office, one set for the public works department, and one set for the town engineer. Fire hydrants, fittings, valves and utility conflicts, including gas and telephone, shall be accurately shown on the "as constructed" plans. All sheets shall be stamped or visibly marked "as constructed," certified by the inspecting engineer. (Ord. 274 §2 (part), 1979)

17.18.020(i) Adoption of design standards. The town shall adopt and enforce standards for subdivision layout, street construction, water and sewer system construction and storm sewer construction, as deemed necessary to promote health, welfare and orderly growth of the town. (Ord. 274 §2 (part), 1979)

17.18.020(j) Platting requirements—Documents.

- (a) Preliminary plat;
- (b) Final plat;
- (c) Water distribution system plans;
- (d) Sewage collection system plans;
- (e) Road plan, profile, construction drawings;
- (f) Drainage plan;
- (g) A letter of application for annexation and/or subdivision outlining the area to be annexed and/or subdivided and the proposed development of the area;
- (h) A subdivision or annexation fee shall be set by resolution.
- (i) A plan outlining methods to be used to control wind and water erosion created during construction of the subdivision;



- (j) Covenants to be recorded with the final plat, which will establish requirements for development and use of all land within the subdivision (optional);
- (k) Letter of credit of other acceptable form of proof of financial responsibility;
- (l) Subdivision title insurance or other acceptable proof of ownership. (Ord. 333 §2, 1982; Ord. 319, 1981; Ord. 274 §2 (part), 1979).

17.18.020(c) Site plan recording and zoning request fees.

- (a) The developer shall pay a site-plan fee set by resolution, whether such site plan approval is provided for by ordinance or by agreement between the town and the developer.
- (b) A site-plan-recording fee shall be set by resolution and will be assessed for recording the site plan in the county clerk's office, the fee to be collected by the town clerk prior to the recording of the site plan.
- (c) A zone change or variance fee shall be set by resolution and shall be paid prior to consideration of the zone change or variance, by either the planning commission or the town council. (Ord. 338 §1, 2, 3, 1982).

**17.18.030**

**ZONING PROVISIONS**

17.18.030(a) Zoning ordinance adopted. The zoning plan attached to the ordinance codified in this chapter as Exhibit "A" and by this reference made a part of this chapter is adopted as the zoning ordinance of the town of Mills and shall govern the use and location of all land and structures within the town as specified in that plan. (Ord. 312 §1, 1981).

17.18.030(b) Appointment of town planner. To assist the Town Council, a town planner may be appointed. The town planner shall have any additional powers as granted by the Town Council

**17.18.040**

**COMPLIANCE**

17.18.040(a) Certification. Any manufactured (mobile) home, located or proposed to be located or installed in a manufactured (mobile) home park or on a subdivided lot, shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. For manufactured (mobile) homes built prior to June 15, 1976, a label certifying compliance with the standard for manufactured homes (mobile), NFPA 501, ANSI 119.1, in effect at the time of manufacture is required before any such home may be located or installed with the Town (Ord. 503, §1, 2004)

17.18.040(b) Effective date. This Ordinance shall be in full force and effect ten (10) days following its passage and approval on third and final reading; however, the provisions of this Ordinance shall not be given retroactive effect with regard to any present or otherwise lawful building or structure within the Town. (Ord. 503, §2, 2004)

17.18.040(c) Repeal of Conflicting Ordinances. All existing Ordinance or parts of Ordinances of the town of Mills are hereby repealed insofar as they may be inconsistent with the provisions of this Ordinance. (Ord. 503, §3, 2004)

PASSED ON FIRST READING the 8<sup>th</sup> day of August, 2018.

PASSED ON SECOND READING the 12<sup>th</sup> day of September, 2018.

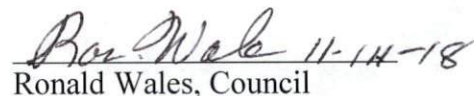
PASSED, APPROVED AND ADOPTED ON THIRD AND FINAL READING the 14<sup>th</sup> day of November, 2018.

By:   
Seth Coleman, Mayor

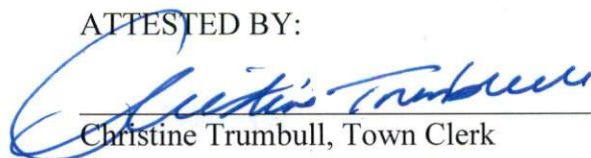
  
Darla, R. Ives, Council

  
Sara McCarthy, Council

 11-16-18  
Mike Pyatt, Council

 11-14-18  
Ronald Wales, Council

ATTESTED BY:

  
Christine Trumbull, Town Clerk

