

CHAPTER 18.

ZONING.

For state law as to authority of town as to zoning generally, see W.S., 1977, § 15-1-601 et seq. As to planning generally, see W.S., 1977, § 15-1-504 et seq. As to planning and zoning commission generally, see §§ 2-40 to 2-42 of this code. As to buildings generally, see Ch. 5. As to streets and sidewalks generally, see Ch. 15. As to trailers and trailer courts generally, see Ch. 16.

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Article I. In General.

Sec. 18-1. Purpose of chapter.

This chapter is adopted pursuant to Wyoming Statutes, 1977, sections 15-1-601 to 15-1-611. The purpose of this chapter is to encourage, classify, designate, regulate, restrict and segregate the highest and best location and use of buildings, structures and land for residence, recreation, commerce, trade, industry or other purposes in appropriate places; to regulate and limit the height, number of stories and size of buildings and other structures hereafter designed, erected or altered; to regulate and determine size of yards

and other open spaces; and to regulate and limit the density of population; and for said purposes to divide the town into zones of such number, shape and area as may be deemed best suited to carry out the regulations set out in this chapter and provide for their enforcement. Such regulations are necessary in order to encourage the most appropriate use of and to conserve and stabilize the value of property; to prevent undue concentration of population; to lessen congestions abuse and emission of noxious fumes and contaminant particulates in the interest of public health; to facilitate adequate provisions for community utilities such as transportation, water, sewerage, schools, parks, and other public requirements; and to promote the public health, safety, morals, and general welfare, all as part of the comprehensive plan of the town. (Ord. No. 58, § 100.)

Sec. 18-2. Short title.

This chapter shall be known as the “Zoning Ordinance of Meeteetse, Wyoming.” (Ord. No. 58, § 101.)

Sec. 18-3. Interpretation of chapter; abrogation and greater restrictions.

In interpreting and applying the provisions of this chapter, they shall be held to the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger space than is imposed or required by other ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of this chapter shall govern. (Ord. No. 58, § 101.1.)

Sec. 18-4. Chapter inapplicable to buildings upon which actual construction begun; “actual construction” defined.

Nothing contained in this chapter shall require any changes in the plans, construction or designated use of a building upon which actual construction has begun.

“Actual construction” means the actual placing of construction materials in their permanent position fastened in a permanent manner; except, that where a basement is being excavated, such excavation shall be deemed to be actual construction, or where demolishing or removal of an existing building or structure has been begun to preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, providing in all cases that actual construction work is diligently carried on until the completion of the building or structure involved. (Ord. No. 58, § 101.2.)

Article II. Definitions and Standards.

Sec. 18-5. Definitions and standards enumerated.

For the purpose of carrying out the intent of this chapter, words, phrases and terms shall be deemed to have the meanings ascribed to them and shall be interpreted to have the standards and include the parts, elements and features set forth in this section:

Abut. To be contiguous to; for example, two adjoining lots with a common property line are considered to be abutting.

Accessory building. A building or structure subordinate to the principal building on the same lot and used for purposes customarily incidental to those of the main building. Cargo containers and similar portable structures that remain in place more than thirty (30) days shall be considered buildings (either accessory or primary, depending on situation) for purposes of this title, except while utilized in conjunction with permitted construction on the property on which it is located.

Accessory Dwelling Unit (ADU). An independent, self-contained dwelling unit within or attached to a detached single-family dwelling or building accessory thereto. An ADU that complies with this title is considered a separate land use for purposes of zoning definition and classification, such that it shall not individually constitute a single-family dwelling or cause a single-family dwelling in which it is located to be considered a two-family dwelling (duplex), as the ADU shall be clearly subordinate to the primary dwelling unit, both in use and appearance. Mobile homes, manufactured homes, recreational vehicles and temporary structures shall not be used as accessory dwelling units.

Accessory use. A use customarily incidental to, related and clearly subordinate to the principal use of a lot, building or structure and located on the same lot or parcel of land as the principal use. The intensity and level of activity in an accessory use is less than that of the primary use.

Adjacent. Near, close or contiguous to; for example, an industrial zone across a street or highway from a residential zone shall be considered as “adjacent.”

Advisory agency. The town planning and zoning commission or whomever is herein designated as the advisory agency to the Town Council on all matters related to the zoning and use of land or structures.

Alley. A public right-of-way twenty feet wide which is publicly maintained and affords a means of vehicular access to the side or rear of properties abutting a street or highway.

Altered. “Altered” shall mean the same as “structural alterations.”

Animal hospital. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be

only incidental to such hospital use.

Apartment. A room or suite of two or more rooms in a multiple dwelling, occupied or suitable for occupancy as a residence for one family. Kitchens and baths shall not be considered rooms for the purpose of this definition.

Apartment house. A building or portion thereof designed or used for three or more dwelling units.

Automobile, mobile home, boat, motorcycle, farm implement, snowmobile and trailer sales area. An open area other than a street used for the display, sales or rental of any of these products, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

Automobile service stations. A business which services motor vehicles, including tube and tire repairs, battery charging, storage of merchandise and supplies related to the servicing of motor vehicles, sale of gasoline and lubricants, automobile washing (not including mechanical car wash), grease racks and automobile repairs.

Basement. A space wholly or partly underground and having more than one-half of its height, measuring from its floor to its ceiling, below the average adjoining grade; if the finished floor level directly above a basement is more than six feet above grade at any point, such basement shall be considered a story.

Bed and Breakfast Inn. A private single-family detached home that is used to provide temporary overnight lodging accommodations for a charge to the public with not more than four (4) lodging units or not more than a daily average of eight (8) persons per night during any thirty-day period and in which one (1) but no more than two (2) family-style meals are offered to the guests per 24-hour period. Total guest occupancy of a bed and breakfast inn shall not exceed ten (10) persons. (Facilities with a guest occupancy greater than 10 persons shall be classified as hotels under this title.) Bed and breakfast inns differ from the short-term rental land use categories in that they allow the sleeping rooms to be individually rented and a meal service to be provided. Transient merchants, firms, and/or individuals.... \$25.00 annual fee.... \$5.00/day fee....\$25.00/day electric use fee...\$10.00 breaker trip reset fee.

Board of adjustment. That board appointed by the Town Council which has the statutory authority to hear and determine appeals, conditional use permits and variances to the zoning regulations.

Building. A structure having a roof supported by columns or walls and maintained for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building Height. The vertical distance measured from the average level of the highest and lowest points of that portion of the lot covered by the building to the highest

point of the building.

Building, main. Building in which is conducted a principal use of the lot or parcel of land upon which it is situated. Where a permissible use involves more than one building designed or used for a primary purpose, each such building on the building site shall be defined as a main building.

Building Site. The ground area of a building, together with all the open space required by this chapter.

Business or commerce. The purchase, sale or other transaction involving the handling or disposition of any article, substance, commodity or service for livelihood or profit, or the ownership or management of office buildings, offices or recreational or amusement enterprises or maintenance and use of offices by professions.

Campground. Any area of land used to temporarily accommodate two or more camping parties, including tents, house trailers or other camping outfits.

Carport. A permanent roofed structure used for automobiles shelter and automobile storage only.

Church. A permanently located building commonly used for religious worship, fully enclosed with walls, including windows and doors, and having a roof (canvas or fabric excluded) and conforming to applicable legal requirements affecting design and construction.

Clinic. A place or group of medical services not involving overnight housing of patients.

Club. An association of persons for some common purpose, but not including groups organized primarily to render service which is customarily carried on as a business.

Cocktail lounge bar. A place which is licensed under Wyoming Statutes, 1977, title 12, chapter 2 with a retail liquor or malt beverage license, upon which premises food products may be sold or served incidentally to the sale or service of alcoholic beverages. "Cocktail lounge" and/or "bar" does not include "restaurant."

Commission or planning and zoning commission. The planning and zoning commission of the town.

Conditional use permit. A conditional use permit may permit those uses as described in this chapter under special conditions and may be granted after review by the board of adjustment. Those conditions attached to the use must have reasonable and valid relationship to the use and compatibility of surrounding property.

Contiguous. To be “contiguous” to shall mean the same as to “abut.”

Convalescent home. “Convalescent home” shall mean the same as “rest home.”

Corner cutback. The provision for and maintenance of adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets alleys and/or private driveways, as provided in the zones.

Day care center. Any group of buildings, building or portion thereof used primarily for the daytime care of children.

District. “District” shall mean the same as “zone.”

Drive-in business. Any commercial enterprise where business or service is directly to an automobile and/or its occupants, or where an automobile discharges passengers for quick service where there is little or no separation of pedestrian and automobile traffic.

Driveway. An access way to required off-street parking facility. It shall be open and unencumbered to a height of not less than eight feet and shall be safe and usable.

Dwelling. A building or portion thereof designed exclusively for residential occupancy, including one-family and multiple-family, but not including hotels, boardinghouses and lodging houses.

Dwelling, one-family. A detached building designed exclusively for occupancy by one family, including guests and servants employed on the premises.

Dwelling, two-family. A building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and bath facilities for each family unit.

Dwelling unit. One or more rooms in a dwelling or portion thereof, designed and intended to be used or used for occupancy by the one family for living and sleeping quarters, and containing only one kitchen.

Easement. A space on a lot or parcel of land, and so indicated on a subdivision map, deed restriction or otherwise, reserved for or used for public utilities or public uses.

Educational institution. Public, parochial and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities and non-profit research institutions. Such institutions must (1) offer general academic instruction or equivalent to the standards prescribed by the state board of education, or (2) confer degrees as a college or university of undergraduate or graduate standing, or (3) conduct research. This definition does not include schools, academies or institutes, incorporated or otherwise,

which operate for a profit, nor does it include commercial or trade schools.

Family. A person or persons, related by blood, marriage or adoption, living together in a dwelling unit.

Fence. Any device forming a physical barrier between two areas. This shall include wire mesh, steel mesh, chain link, louver, stake, masonry and lumber and other similar materials, excluding barbed wire.

Frontage. The narrowest dimension of the lot which abuts on a dedicated street or highway right-of-way line. Where a future street or highway right-of-way line has been established on the general or master plan or other official plan, frontage shall be measured along that line.

Garage, private. A detached accessory building or a portion of a main building on the same lot as a dwelling used for the housing of vehicles of the occupants of the dwelling, having a roof and enclosed on not less than four sides. Any such structure enclosed on three or less sides shall be considered a carport.

Garage, public. Any premises used exclusively for the storage of vehicles.

Gasoline service station. “Gasoline service station” shall mean the same as “automobile service station.”

General or comprehensive plan. The master or comprehensive plan for the town, or any element of such plan.

Highway. A major or secondary highway as delineated on the general plan or any element thereof (see “street”).

Hedge. A plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

Home Occupation. An occupation carried on by the occupant of a dwelling as a secondary use, and shall require that the following conditions are met. Such use shall be (1) conducted entirely within a dwelling and a garage and carried on by the inhabitants of the dwelling without any other employee, (2) shall be incidental and secondary to the use of the dwelling as a residence and shall not change the character thereof, (3) total area used for such purpose shall not exceed one half of the floor area of the user’s dwelling unit, (4) there shall be no exterior advertising other than identification of the home occupation and shall be limited to sign or poster not more than 300 square inches in size and shall be attached to the wall of the structure, (5) no unsightly exterior storage on the premises of material or equipment, the amount of storage for material or equipment shall be consistent with the incidental and secondary use of the premises and yard as a residence, (6) there shall be in general no noise, vibration, glare, air or water pollution which shall extend beyond the property line contrary to any Occupational Safety and

Health Administration regulations. (Ord. No. 90-1.)

Hospital. Any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons. Such a facility must be licensed by the state.

Improved lot. A lot that is connected to a public water and sewer system or, in the absence of such a system, other sanitary methods which meet with the approval of the Town Council.

Industry. The manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character or appearance thereof, including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

Junk. Any worn out, cast off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purposes as readily as when new shall not be considered "junk."

Junk or salvage yard. A lot, land or structure, or part thereof, used primarily for collecting, storage and sale of waste paper, rags, scrap metal or discarded materials, or for the collection dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

Kennel. Any lot, building, structure, enclosure or premises where four or more pets are maintained. (Ord. No. 92-1.)

Kitchen. Any room used or intended or designed to be used for the cooking or preparation of food.

Lot. "Lot" shall mean the same as "building site."

Lot area. "Lot area" shall mean the same as "area."

Lot, corner. A lot located at the junction of two intersecting streets with a boundary thereof bordering on each street. The narrowest side of the lot abutting a street shall be considered the front, regardless of the location of the principal entrance.

Lot, interior. A lot other than a corner lot.

Lot, nonconforming. A lot whose area, width or depth is less than that required in the zone in which it is located.

Lot, through. Any lot having frontage on two parallel or approximately parallel streets.

Lot line, front. A line separating an interior lot from a street or highway or a line separating the narrower street frontage on a corner from the street or highway.

Lot line, rear. A lot line which is opposite and most distant from the front lot line; in case of an irregular, triangular or gore-shaped lot, the rear lot line is a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line.

Lot line, side. Any lot line not defined as either a front or a rear lot line.

Lot of record. A parcel of land as shown on the records of the county assessor on October 9, 1974.

Lot width. The horizontal distance between the side lot lines; it shall be, at the narrowest point, no less than eighty percent of the required width for a particular zone.

Mobile home. A portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, connected to utilities and designed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity, as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. It shall not be a dwelling unit.

Module. A factory fabricated, transportable building unit designed to be incorporated at a building site into a structure to be used for residential, commercial, educational or industrial purposes.

Motel. A building containing lodging rooms having adjoining individual bathrooms, and where more than seventy-five percent (75%) of the lodging rooms are for rent to transient automobile tourists for a continuous period of less than thirty days.

Nonconforming use. A building, structure or use of land lawfully existing on October 9, 1974, and which does not conform to the regulations of the district in which it is situated.

Nursing home. "Nursing home" shall mean the same as "convalescent hospital or home."

Parcel of land. A contiguous quantity of land in the possession of, owned by or recorded as the property of the same claimant or person.

Parking area, private. An open area, other than a street, used for parking of automotive vehicles and restricted from general public use.

Parking space. The area, exclusive of driveways, ramps, columns and loading areas, within a building or open parking area for one automobile. In this chapter, a parking

space shall be an area ten feet in width and twenty feet in length, except where parking of automobiles is end to end, in which case the length of such parking space shall be twenty-four feet.

Property line. “Property line” shall mean the same as “lot line.”

Residence. A building used, designed or intended to be used as a home or dwelling.

Restaurant. A place which is used for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith; containing conveniences for cooking an assortment of foods which may be required for ordinary meals. “Meals” shall mean the usual assortment of foods commonly ordered at various times of the day. The service of such food and victuals only as sandwiches or salads shall not be deemed to constitute a “restaurant.”

Room. An un-subdivided portion of the interior of a building, excluding bathrooms, closets, hallways, kitchens and service porches.

Service Station. “Service station” shall mean the same as “automobile service station.”

Setback line, front yard. The line which delineates the depth of the required front yard. Such setback line is parallel with the street line or, when established by the master plan of streets and highways, with the highway right-of-way line, or by the provisions of this chapter, removed therefrom by the perpendicular distance prescribed for the front yard in the zone.

Short Term Rental. The use of a residential dwelling, or portion thereof, in which lodging, but no meal, is provided to guests in exchange for compensation and any individual guest rents or occupies the dwelling or portion thereof for a period of less than thirty (30) consecutive days. The capacity of a short-term rental is limited to five (5) or fewer lodging units and ten (10) or fewer guests.

1. Within the commercial zoning districts, a short-term rental may be operated out of any form of dwelling with a permanent foundation.
2. Short-Term rental shall not be offered by a renter of the property – i.e., a sublet situation.
3. Occupancy of a dwelling used for short-term rental is limited to the lesser of 2.6 guests per guest sleeping room (total rounded to nearest whole number) or a total of ten (10) guests. (Note: Facilities exceeding 10 guests are to be classified as hotels/motels and may be considered pursuant to that classification.)
4. Each short-term rental may only be rented to one group at any one time (i.e., a single booking).
5. Each short-term rental shall require one off-street guest parking space meeting the requirements of, “Off Street Parking”.

6. Prior to use of the dwelling as a short-term rental, the dwelling shall be inspected for fire and life safety items. At a minimum, the short-term rental shall be equipped with functional smoke detectors, a fire extinguisher (minimum rating 2A:10-BC), and a carbon monoxide alarm if applicable. Each sleeping room shall be provided with Code compliant means of egress. The authority having jurisdiction (i.e. Fire Marshal and/or building official) may have additional requirements pursuant to the adopted Fire and/or Building Code. Notwithstanding the above, short-term rentals existing at the date of adoption of this provision shall have until June 30, 2018, to obtain their inspection and until December 31, 2018, to correct any fire and life safety items involving construction or remodeling; no short-term rental activity shall occur if the dwelling is not in compliance with these deadlines.
7. Short-term rentals are classified as lodging facilities by the State. As such, the owner or manager of the short-term rental must register the lodging facility business with the WY Department of Revenue and pay Lodging Tax as required.
8. All short-term facilities, whether existing or proposed, shall register with the Town of Meeteetse, provide evidence of compliance with these provisions, and pass the fire/safety inspection. The Town is authorized to create application forms(s) and procedures as necessary to manage and enforce these provisions, both for the initial authorization and for ongoing compliance. Authorized short-term rental facilities shall post a document issued by the Town identifying such authorization in a visible location.

Story. A space in a building between the surface of any floor and the finished ceiling next above, or the underside of the roof above (see “basement”).

Street. A public right-of-way whose function is to carry pedestrian and vehicular traffic and provide access to abutting property.

Street, side. The street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.

Structure. Anything constructed or built over the height of six feet, any edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, excepting outdoor areas such as uncovered patios, paved areas, walks, tennis courts and similar recreation areas.

Trailer, travel. A pick-up camper, converted bus, tent trailer, tent or similar device used for temporary portable housing, whose overall length shall be less than twenty-nine feet.

Use. The purpose for which land and/or a building is erected, arranged, designed or intended or for which land and/or a building is or may be occupied or maintained.

Variance. A permit for deviation from the provisions established in the zone in which

the property is located, granted by the board of adjustment pursuant to this chapter.

Visual obstruction. Fencing, hedges, trees, shrubs, and walls or any combination thereof which materially limits the visibility of persons at intersecting or intercepting streets and alleys (see also “corner cutback”).

Wall. Any structure or device forming a physical barrier, which is so constructed that fifty percent or more of the vertical surface is closed and prevents the passage of light, air and vision through such surface in a horizontal plane. This shall include concrete, concrete block, wood or other materials that are solids and are so assembled as to form a solid barrier.

Yard. Any open space, other than a court, on the same lot with a building or a dwelling group, which space is generally open from the ground to the sky, except for the projections and/or accessory buildings permitted by this chapter.

Yard, front. A space between the front yard setback line and the front lot line or planned street right-of-way line, and extending the full width of the lot. The front yard of a cul-de-sac lot shall be measured from its narrowest depth.

Yard, rear. A space between the rear yard setback line and the rear lot line, extending the full width of the lot.

Yard, side. A space extending from the front yard setback line, or from the front lot line where no front yard is required by this chapter, to the rear yard is required by this chapter, to the rear yard setback line of the rear lot line, between a side lot line and the side yard setback line.

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

Zone, change. The legislative act of removing one or more parcels of land from one zone and placing them in another zone on the land use zoning map.

Zoning map. The official map which describes thereon the several zoning districts to which the regulations set forth in this chapter shall apply. (Ord. No. 58, § 102.)

Article III. R-1 Single-Family Residential Zone.

Sec. 18-6. Description and purpose.

The R-1 single-family residential zone is intended as a low density residential area with lots having a minimum area of eleven thousand square feet, with not more than one dwelling on one lot. (Ord. No. 58, § 104.1.)

Sec. 18-7. Uses permitted subject to conditional use permits.

Uses which will be permitted in the R-1 zone subject to conditional use permits are as follows:

- (a) Churches.
- (b) Golf courses.
- (c) Rest and convalescent homes.
- (d) Day care centers. (Ord. No. 58, § 104.3.)

Sec. 18-9. Accessory buildings and uses.

Accessory buildings and uses shall be permitted in the R-1 zone only to the extent necessary and normal to the limited types of uses permitted in this zone. Accessory buildings are not used for residential purposes, shall not exceed the height of the main building and may be located not less than five feet to any side lot line or ten feet to the rear lot line. All accessory buildings which are not part of the main building shall be separated from the main building by at least ten feet. (Ord. No. 58, § 104.4.)

Sec. 18-10. Lot size requirements.

The following lot size requirements shall apply in the R-1 zone:

- (a) Lot area. The minimum lot area shall be eleven thousand square feet.
- (b) Lot dimensions. The minimum lot dimensions shall be: Minimum width, seventy-five feet frontage.
- (c) Improved lot required. The building site for any use in the R-1 zone shall be on an improved lot. (Ord. No. 58, § 104.5.)

Sec. 18-11. Building or structural height limitations.

The maximum building or structural height of the main building in the R-1 zone shall be two and one-half stories or thirty-five feet, and one story for accessory buildings. (Ord. No. 58, § 104.7.)

Sec. 18-12. Setback regulations.

- (a) Front yard. Each lot in the R-1 zone shall have a front yard extending across the full width of the subject property, a depth of not less than twenty feet.

There shall be no structures located in a required front yard or in a required side yard abutting a street. It shall not be permitted to keep any junk vehicle in this

front yard, or side yard abutting a street or driveway.

- (b) Side yard. There shall be a side yard on each side of the lot extending from the front yard to the rear yard, of not less than five feet.
- (c) Rear yard. Each lot shall have a rear yard the full width of the lot, of a depth of not less than ten feet. (Ord. No. 58, § 104.7.)

Sec. 18-13. Fences and walls.

Fences and walls are permitted but not required in the R-1 zone. Such fences and walls shall not exceed forty-eight inches in height when located in a required front yard. Fences shall not be made of barbed wire. (Ord. No. 58, § 104.8.)

Sec. 18-14. Off-street parking.

See article XIV of this chapter, "Off-street Parking."

Sec. 18-15. Signs.

See article XVI of this chapter, "Signs." (Ord. No. 58, § 104.10.)

Article IV. R-2 Single-Family Residential Zone.

Sec. 18-16. Description and purpose.

The R-2 single-family residential zone is intended as a medium density residential area with lots having a minimum of nine thousand square feet, with not more than one dwelling on one lot. (Ord. No. 58, § 105.1.)

Sec. 18-17. Permitted buildings, structures and uses.

Only the following buildings, structures and uses are permitted in an R-2 zone. No buildings or structures shall be erected, structurally altered or enlarged, or land used, except for the following purposes:

- (a) Single-family dwellings.
- (b) Two-family dwellings.
- (c) Home occupation.
- (d) Public parks, playgrounds and athletic fields.
- (e) Educational institutions. (Ord. No. 58, § 105.2.)

Sec. 18-18. Uses permitted subject to conditional use permits.

Uses which will be permitted in the R-2 zone subject to conditional use permits are as follows:

- (a) Apartment buildings.
- (b) Churches.
- (c) Rest and convalescent homes.
- (d) Day care centers. (Ord. No. 58, § 105.3.)

Sec. 18-19. Accessory buildings and uses.

Accessory buildings and uses shall be permitted in the R-2 zone only to the extent necessary and normal to the limited types of uses permitted in this zone. Accessory buildings are not used for residential purposes, shall not exceed the height of the main building and may be located not less than five feet to any side lot line or ten feet to the rear lot line. All accessory buildings, which are not part of the main building, shall be separated from the main building by at least five feet. (Ord. No. 58, § 105.4.)

Sec. 18-20. Lot size requirements.

The following lot size requirements shall apply in the R-2 zone:

- (a) Lot area. The minimum lot area shall be nine thousand square feet.
- (b) Lot dimensions. The minimum lot dimensions shall be: Minimum width, seventy-five feet frontage.
- (c) Improved lot required. The building site for any use in the R-2 zone shall be on an improved lot. (Ord. No. 58, § 105.6.)

Sec. 18-21. Building or structural height limitations.

The maximum building or structural height of the main building in the R-2 zone shall be two and one-half stories or thirty-five feet, and one story for accessory buildings. (Ord. No. 58, § 105.6.)

Sec. 18-22. Setback regulations.

- (a) Front yard. Each lot in the R-2 zone shall have a front yard extending across the full width of the subject property, a depth of not less than twenty feet.

There shall be no structures located in a required front yard or in a required side

yard abutting a street. It shall not be permitted to keep a junk vehicle in this front yard, or side yard abutting a street or driveway.

- (b) Side yard. There shall be a side yard on each side of the lot, extending from the front yard to the rear yard, of not less than five feet.
- (c) Rear yard. Each lot shall have a rear yard the full width of the lot, of a depth of not less than ten feet. (Ord. No. 58, § 105.7.)

Sec. 18-23. Fences and walls.

Fences and walls are permitted but not required in the R-2 zone. Where the fence is located in a required front yard, the same shall not exceed forty-eight inches in height. Fences shall not be made of barbed wire. (Ord. No. 58, § 105.8.)

Sec. 18-24 Off-street parking.

See article XIV of this chapter, “Off-street Parking.”

Sec. 18-25. Signs.

See article XVI of this chapter, “Signs.” (Ord. No. 58, § 105.10.)

Article V. R-3 Residential Zone.

Sec. 18-26. Description and purpose.

The R-3 residential zone is intended as a high density residential area, with lots having a minimum area of six thousand square feet, with not more than one dwelling on one lot. (Ord. No. 58, § 106.1.)

Sec. 18-27. Permitted buildings, structures and uses.

Only the following buildings, structures and uses are permitted in an R-3 zone. No buildings or structures shall be erected, structurally altered or enlarged, or land used, except for the following purposes:

- (a) Single-family dwellings.
- (b) Two-family dwellings.
- (c) Multiple-family dwellings.
- (d) Home occupations.
- (e) Public parks, playgrounds and athletic fields.

(f) Educational institutions. (Ord. No. 58, § 106.2.)

Sec. 18-28. Uses permitted subject to conditional use permits.

Uses which will be permitted in the R-3 zone subject to conditional use permits are as follows:

- (a) Churches.
- (b) Day care centers.
- (c) Rest and convalescent homes.
- (d) Mobile home parks. (Ord. No. 58, § 106.3.)

Sec. 18-29. Accessory buildings and uses.

Accessory buildings and uses shall be permitted in the R-3 zone to the extent necessary and normal to the limited types of uses permitted in this zone. Accessory buildings are not used for residential purposes, shall not exceed the height of the main building and may be located not less than three feet to any side lot line or five feet to the rear lot line. All accessory buildings which are not part of the main building shall be separated from the main building by at least five feet. (Ord. No. 58, § 106.4.)

Sec. 18-30. Lot size requirements.

The following lot size requirements shall apply in the R-3 zone:

- (a) Lot area. The minimum lot area shall be six thousand square feet.
- (b) Lot dimensions. The minimum lot dimensions shall be: minimum width, fifty feet.
- (c) Improved lot required. The building for any use in the R-3 zone shall be on an improved lot. (Ord. No. 58, § 106.5.)

Sec. 18-31. Building or structural height limitations.

The maximum building or structural height of the main building in the R-3 zone shall be two and one-half or thirty-five feet, and one story for accessory buildings. (Ord. No. 58, § 106.6.)

Sec. 18-32. Setback regulations.

- (a) Front yard. Each lot in the R-3 zone shall have a front yard extending across the full width of the subject property, a depth of not less than twenty feet.

There shall be no structures located in a required front yard or in a required side yard abutting a street. It shall not be permitted to keep a junk vehicle in this front yard, or side yard abutting a street or driveway.

- (b) Side yard. There shall be a side yard on each side of the lot extending from the front yard to the rear yard, of not less than five feet. A corner lot shall have a side yard abutting a street, of not less than five feet. (Ord. No. 95-2.)
- (c) Rear yard. Each lot shall have a rear yard the full width of the lot, of a depth of not less than five feet. (Ord. No. 58, § 106.7.)

Sec. 18-33. Fences and walls.

Fences and walls are permitted but not required in the R-3 zone. Where the fence is located in a required front yard, the same shall not exceed forty eight inches in height. Fences shall not be made of barbed wire. (Ord. No. 58, § 106.8.)

Sec. 18-34. Off-street parking.

See article XIV of this chapter “Off-street Parking.” (Ord. No. 58, § 106.8.)

Sec. 18-35. Signs.

See article XVI of this chapter “Signs.” (Ord. No. 58, § 106.10.)

Article VI. R-MH Residential Mobile Home Zone.

Sec. 18-36. Description and purpose.

The R-MH residential mobile home zone is intended as a residential area to allow mobile homes on individually owned lots and is restricted to the residential areas within incorporated limits of the town as of October 9, 1974. (Ord. No. 58, § 107.1.)

Sec. 18-37. Permitted buildings, structures and uses.

Only the buildings, structures and uses that are permitted in the residential areas within the incorporated limits of the town as of October 9, 1974, will be permitted in the R-MH zone. No buildings or structures shall be erected, structurally altered or enlarged, or land used, for purposes other than permitted within these areas, except for the following:

- (a) Mobile homes when the lot is owned by the owner of the mobile home, one mobile home or dwelling unit per lot. (Ord. No. 58, § 107.2.)

Sec. 18-38. Uses permitted subject to conditional use permits.

Uses which will be permitted in the R-MH zone subject to conditional use permits are as follows:

- (a) Churches.
- (b) Day care centers.
- (c) Rest and convalescent homes.
- (d) Mobile home parks. (Ord. No. 58, § 107.3.)

Sec. 18-39. Accessory buildings and uses.

Accessory buildings and uses shall be permitted in the R-MH zone only to the extent necessary and normal to the limited types of uses permitted in this zone. Accessory buildings are not used for residential purposes, shall not exceed the height of the main building and may be located not less than three feet to any side lot line or five feet to the rear lot line. All accessory buildings which are not part of the main building shall be separated from the main building by at least five feet. (Ord. No. 58, § 107.4.)

Sec. 18-40. Lot size requirements.

The following lot size requirements shall apply in the R-MH zone:

- (a) Lot area. The minimum lot area shall be six thousand square feet.
- (b) Lot dimensions. The minimum lot dimensions shall be: Minimum width, fifty feet.
- (c) Improved lot required. The building site for any use in the R-MH zone shall be on an improved lot. (Ord. No. 58, § 107.5.)

Sec. 18-41. Setback regulations.

- (a) Front yard. Each lot in the R-MH zone shall have a front yard extending across the full width of the subject property, a depth of not less than twenty feet.
- (b) Side yard. There shall be a side yard on each side of the lot, extending from the front yard to the rear yard, of not less than five feet. A corner lot shall have a side yard of not less than five feet abutting a street.
- (c) Rear yard. Each lot shall have a rear yard the full width of the lot, of a depth of not less than five feet. (Ord. No. 58, § 107.6.)

Sec. 18-42. Fences and walls. Fences and walls are permitted but not required in the R-MH zone. Where the fence is located in a required front yard, the same shall not exceed forty-eight inches in height. Fences shall not be made of barbed wire. (Ord. No. 58, § 107.7.)

Sec. 18-43. Off-street parking.

See article XIV of this chapter, “Off-street Parking.” (Ord. No. 58, § 107.8.)

Sec. 18-44. Signs.

See article XVI of this chapter, “Signs.” (Ord. No. 58, § 107.9.)

Article VII. C-1 Central Business District Zone.

Sec. 18-45. Description and purposes.

The C-1 central business district zone is intended as the primary commercial center for the community. (Ord. No. 58, § 108.1.)

Sec. 18-46. Permitted buildings, structures and uses.

Only the following buildings, structures and uses are permitted in the C-1 central business district zone. No buildings or structures shall be erected, structurally altered or enlarged, or land used, except for the following purposes or any other acceptable businesses:

- (a) Commercial Enterprises.
 - (1) Antique.
 - (2) Apparel and accessory stores.
 - (3) Automobile accessory and supply stores.
 - (4) Automobile parking lots.
 - (5) Bakery and pastry shops.
 - (6) Barbershops and beauty shops.
 - (7) Book and stationery stores.
 - (8) Department Stores.
 - (9) Drugstores and prescription shops.

- (10) Dry good and notion shops.
- (11) Dry cleaning and laundry establishments.
- (12) Fix-it shops (radio, television, and small appliances).
- (13) Florists and gift shops.
- (14) Furniture and home furnishing stores.
- (15) Grocery, fruit, and vegetable stores.
- (16) Hardware store.
- (17) Hotels.
- (18) Household and appliance stores.
- (19) Jewelry and retail craft stores and shops.
- (20) Laundries and laundrettes.
- (21) Mail order catalog stores.
- (22) Medical, dental and health clinic.
- (23) Music stores and studios.
- (24) Offices and office buildings.
- (25) Opticians' and optometrists' shops
- (26) Package liquor stores.
- (27) Print shops.
- (28) Pet shops.
- (29) Bus passenger stations.
- (30) Restaurants.
- (31) Shoe stores and shoe repair.
- (32) Sporting and athletic goods store.

- (33) Taverns and bars.
- (34) Theatres.
- (35) Utility company offices.
- (36) Variety stores.
- (37) Financial institutions.
- (38) Service stations.

(b) Manufacturing.

(1) Manufacturing, compounding, assembly or treatment of articles from the following prepared materials:

- a. Canvas.
- b. Cellophane.
- c. Cloth.
- d. Cork.
- e. Feathers.
- f. Felt and fiber.
- g. Glass.
- h. Metals.
- i. Paper.
- j. Plaster.
- k. Plastics and synthetics.
- l. Putty.
- m. Shells.
- n. Tobacco.

- o. Wax and/or wood.
- (c) Wholesale and warehousing. (Ord. No. 58, § 108.2; Ord. No. 88-2.)
- (d) Uses permitted subject to conditional use permits.

Uses which will be permitted in the C-1 subject to conditional use permits are as follows:

- (1) Single family dwellings.
- (2) Two family dwellings.
- (3) Multi-family dwellings.

Sec. 18-47. Accessory buildings and uses.

Accessory buildings and uses shall be permitted in the C-1 zone only to the extent necessary and normal to the limited types of use permitted in this zone. (Ord. No. 58, § 108.3.)

Sec. 18-48. Lot size requirements.

The following lot size requirements shall apply in the C-1 zone:

None required. (Ord. No. 58, § 108.4.)

Sec. 18-49. Building or structural height limitations.

The maximum building or structural height of the main building in the C-1 zone shall be seventy feet. (Ord. No. 58, § 108.6.)

Sec. 18-50. Setback regulations.

The following setback regulation shall apply in the C-1 zone:

None required. (Ord. No. 58, § 108.6.)

Sec. 18-51. Off-street parking.

No off-street parking shall be required in the C-1 zone, except for the following uses:

- (a) Dwellings on floors other the ground floor. (Ord. No. 58, § 108.7.)

Sec. 18-52. Signs.

Refer to article XVI of this chapter, "Signs." (Ord. No. 58, § 108.8.)

Article VIII. C-2 Neighborhood Commercial Zone.

Sec. 18-53. Description and purpose.

The C-2 neighborhood commercial zone is intended to provide for commercial locations convenient to residential areas, allowing for the pedestrian as well as light automatic traffic. Off-street parking is required to reduce possible adverse effects on any surrounding residential uses. (Ord. No. 58, § 109.1.)

Sec. 18-54. Permitted buildings, structures and uses.

Only the following buildings, structures and uses are permitted in the C-2 neighborhood commercial zone. No building or structure shall be erected, structurally altered or enlarged, except for the following purposes:

- (a) Antique shops and stores.
- (b) Bakery and pastry shops.
- (c) Barbershops and beauty shops.
- (d) Churches.
- (e) Drugstores and prescription shops.
- (f) Dry cleaning and laundry establishments.
- (g) Fix-it shops.
- (h) Grocery, fruit and vegetable stores.
- (i) Hardware stores.
- (j) Package liquor stores.
- (k) Restaurants.
- (l) Self service laundries.
- (m) Stores and shops for the conduct of business similar to the uses listed in this section. (Ord. No. 58, § 109.2.)

Sec. 18-55. Uses permitted subject to conditional use permits.

Uses which will be permitted in the C-2 zone subject to conditional use permits are as follows:

- (a). Service Stations.
- (b). Car washes. (Ord. No. 58, § 109.3.)

Sec. 18-56. Accessory buildings and uses.

Accessory buildings and uses shall be permitted in the C-2 zone only to the extent necessary and normal to the limited types of use permitted in this zone. (Ord. No. 58, § 109.4.)

Sec. 18-57. Lot size requirements.

Lots of record on October 9, 1974, whose area or dimensions are less than those required in the C-2 zone, may be occupied by uses permitted, subject to all other property development standards of this zone.

- (a) Lot area. The minimum lot area shall be five thousand square feet.
- (b) Lot dimensions. The minimum lot dimensions shall be: Minimum lot width, fifty feet. (Ord. No. 58, D 109.5.)

Sec. 18-58. Building or structural height limitations.

The maximum building or structural height in the C-2 One shall be seventy feet; provided, that a greater height may be allowed on obtaining a conditional use permit; and provided, that when the zone abuts a residential zone, the maximum building or structural height shall not be greater than thirty-five feet for a distance of fifty feet from the zone boundary butting the residential zone. (Ord. No. 58, § 109.6.)

Sec. 18-59. Setback regulations.

The following setback regulations shall apply in the C-2 zone:

- (a) Front yard. No building shall be erected closer than twenty feet to the property line fronting on a street or highway.
- (b) Side yard.
 - a. No side yard is required between commercial structures.
 - b. When abutting a residential zone, there shall be a side yard of not less than ten feet in width on that side of the property abutting the residential zone.

(c) Rear yard.

a. No rear yard is required when property abuts property in a commercial zone.

b. When abutting a residential zone, the required rear yard shall be ten feet. (Ord. No. 58, § 109.7.)

Sec. 18-60. Off-street parking.

See article XIV of this chapter, “Off-street Parking.” (Ord. No. 58, § 109.8.)

Sec. 18-61. Signs.

See article XVI of this chapter “Signs.” (Ord. No. 58, § 109.9.)

Article IX. C-3 Highway Commercial Zone.

Sec. 18-62. Description and purpose.

The C-3 zone is intended to provide commercial locations for uses which serve as a convenience to the traveler, requiring large areas of land. Off-street parking is required to reduce possible adverse effects on any surrounding residential uses. (Ord. No. 58, § 110.1.)

Sec. 18-63. Permitted buildings, structures and uses.

Only the following buildings, structures and uses are permitted in the C-3 highway commercial zone. No building or structure shall be erected, structurally altered or enlarged, except for the following purposes:

- (a) Agricultural implement sales and services.
- (b) Automobile and truck sales and services.
- (c) Electric and telephone substations.
- (d) Mobile home sales and services.
- (e) Motorcycle and bicycle sales and services.

- (f) Parks, playgrounds and community buildings.
- (g) Restaurant and café's.
- (h) Residences for employees and operators of on-site businesses.
- (i) Stores and shops for the conduct of businesses similar to the uses listed in this section. (Ord. No. 58, § 110.2.)

Sec. 18-64. Uses permitted subject to conditional use permits.

Uses which will be permitted in the C-3 one subject to conditional use permits are as follows:

- (a) Small animal hospitals, entirely within an enclosed building.
- (b) Bars, cocktail lounges and taverns.
- (c) Drive-in or walk-up eating places.
- (d) Drive-in theatres.
- (e) Motels, trailer courts and campgrounds.
- (f) Auto service stations.
- (g) Residences for employees and operators of on-site businesses, not in excess of two residential units. (Ord. No. 58, § 110.3.)

Sec. 18-65. Accessory buildings and uses.

Accessory buildings and uses shall be permitted in the C-3 zone only to the extent necessary to the limited types of uses permitted in this zone. (Ord. No. 58, § 110.4.)

Sec. 18-66. Lot size requirements.

Lots of record on October 9, 1974, whose area or dimensions are less than those required in the C-3 zone, may be occupied by uses permitted, subject to all other property development standards of this zone.

- (a) Lot area. The minimum lot area shall be five thousand square feet.
- (b) Lot dimensions. The minimum lot width shall be fifty feet. (Ord. No. 58, § 110.5.)

Sec. 18-67. Building or structural height limitations.

The maximum building or structural height in the C-3 zone shall be seventy feet; provided, that a greater height may be allowed on obtaining a conditional permit. (Ord. No. 58, § 110.6.)

Sec. 18-68. Setback regulations.

The following setback regulations shall supply in the C-3 zone:

(a) Front yard. No building shall be erected closer than twenty feet to the property line fronting on a street or highway.

(b) Side yard.

a. No side yard is required between commercial structures.

b. When abutting a residential zone, there shall be a side yard of not less than ten feet in width on that side of the property abutting the residential zone.

(c) Rear yard.

a. No rear yard is required when property abuts property in a commercial zone.

b. When abutting a residential zones, the required rear yard shall be ten feet. (Ord. No. 58, § 110.7.)

Sec. 18-69. Off-street parking.

See article XIV of this chapter, “Off-street Parking.” (Ord. No. 58, § 110.8.)

Sec. 18-70. Signs.

See article XVI of this chapter, “Signs.” (Ord. No. 58, § 110.9.)

Article X. 1-1 Light Industrial Zone.

Sec. 18-71. Description and purpose.

The I-1 industrial zones are intended to provide for the development of integrated manufacturing and wholesaling uses. (Ord. No. 58, § 111.1.)

Sec. 18-72. Permitted buildings, structures and uses -Generally.

Only the following buildings, structures and uses, conducted either singly or in combination, and those uses qualifying for and obtaining a conditional use permit are

permitted in the I-1 industrial zone. No building or structure shall be erected, structurally altered or enlarged, or land used, except for such purposes, namely:

A) Commercial.

1. Commercial uses customarily incidental and directly related to the services or operations of the permitted industrial uses.

a. Restaurants and cafes.

b. Administrative offices.

2. Maintenance service.

3. Lumber yards (open storage area permitted.)

B) Manufacturing.

1. Manufacturing, compounding, assembly or treatment of articles from the following prepared materials:

a. Canvas.

b. Cellophane.

c. Cloth.

d. Cork.

e. Feathers.

f. Felt and fiber.

g. Glass.

h. Metals.

i. Paper.

j. Plaster.

k. Plastics and synthetics.

l. Putty.

m. Shells.

n. Tobacco.

o. Wax and/or wood.

C) Wholesaling and warehousing.

D) Utilities.

(a) Distribution plants and substations.

(b) Service yards.

E) Residential for plant personnel only. Existing residential structures shall not be converted to a more intensive residential use than existing on October 9, 1974. No existing residential building may be converted to a nonresidential use without approval of the Town Council.

F) Other.

(a) Research and development.

(b) Printing and publishing.

(c) Pest control service.

(d) Drugs.

(e) Automobile service stations. (Ord. No. 58, § 111.2.)

Sec. 18-73. Same- -Other uses permitted by administrative act of Town Council.

Other uses may be permitted in the I-1 zone as an administrative act of the Town Council, provided a public hearing is held and the Town Council shall determine and find as a fact that such uses are similar to those listed in section 18-72, and further provided such other uses shall not have any different or detrimental effect upon the adjoining neighborhood area or zones and such specifically permitted uses and shall not increase the traffic and noises in the neighborhood area and otherwise be more objectionable or obnoxious than those uses specifically permitted. (Ord. No. 58, § 111.3.)

Sec. 18-74. Accessory buildings and uses.

Accessory building and uses shall be permitted in the I-1 zone only the extent necessary and normal to the limited types of uses permitted in this zone. (Ord. No. 58, § 111.4.)

Sec. 18-75. Lot size requirements.

The minimum lot width in the I-1 zone shall be fifty feet. (Ord. No. 58, § 111.5.)

Sec. 18-76. Building or structural height limitations.

The maximum building or structural height in the I-1 zone shall be six stories or seventy feet, whichever is the lesser. (Ord. No. 58, § 111.6.)

Sec. 18-77. Setback regulations.

The following setback regulations shall apply in the I-1 zone:

(a) Front yard. No building shall be erected closer than twenty feet to the property line fronting on a street or highway.

(b) Side yard. When property abuts upon a lot in a residential zone, the required side yard shall be ten feet. Otherwise, no side yard is required.

(c) Rear yard. When property abuts any lot in a residential zone, the required rear yard shall be ten feet. (Ord. No. 58, § 111.9.)

Sec. 18-78. Off-street parking.

See article XIV of this chapter, "Off-street Parking." (Ord. No. 58, § 111.8.)

Sec. 18-79. Signs.

See article XVI of this chapter, "Signs." (Ord. No. 58, § 111.9.)

Article XI. A-1 General Agriculture Zone.

Sec. 18-80. Description and purpose.

The A-1 general agriculture zone is intended to provide an area for farm and ranch operations, with such residential uses as are necessary and subordinate to the primary purpose of farming and ranching. (Ord. No. 58, § 112.1.)

Sec. 18-81. Permitted buildings, structures and uses.

Only the following buildings, structure and uses are permitted in the A-1 zone. No buildings or structures shall be erected, structurally altered or enlarged, or land used, except for the following purposes:

(a) Agriculture and ranching in general, excluding feedlots.

- (b) Golf courses and cemeteries.
- (c) Animal breeding and raising, including commercial kennels.
- (d) Stables and riding academies.
- (e) Oil and gas wells and accessory buildings.
- (f) Living quarters used only for housing of persons employed on the premises and their immediate families; a mobile home may be used. (Ord. No. 58, § 112.2.)

Sec. 18-82. Uses permitted subject to conditional use permits.

Uses which will be permitted in the A-1 zone subject to conditional use permits are as follows:

- (a) Mobile home parks
- (b) Campgrounds
- (c) Rest and convalescent homes, hospitals and clinics.
- (d) Membership clubs.
- (e) Guest rancher, hunting lodges and commercial recreational facilities.
- (f) Carnivals, circuses, temporary rodeos, auto and/or motorcycle raceways and similar types of outdoor commercial entertainment.
- (g) Mining and quarrying.
- (h) Dairying.
- (i) Sanitary landfills. (Ord. No. 58, § 112.3.)

Sec. 18-83. Accessory buildings and uses.

Accessory buildings and uses shall be permitted in the A-1 zone only to the extent normally necessary and incidental to the types of uses permitted in this zone. (Ord. No. 58, § 112.4.)

Sec. 18-84. Setback regulations.

The following setback regulations shall apply in the A-1 zone:

(a) Front yard. No building fronting on a street or highway shall be erected closer than twenty feet to the property line.

(b) Side yard. No building shall be erected closer than twenty feet to any side property line.

(c) Rear yard. No building shall be erected closer than fifty feet to the rear property line. (Ord. No. 58, § 112.5.)

Sec. 18-85. Lot size requirements.

The minimum lot area in the A-1 zone shall be five acres. (Ord. No. 58, § 112.6.)

Sec. 18-86. Off-street parking.

See article XIV of this chapter, “Off-street Parking.” (Ord. No. 58, § 112.7.)

Sec. 18-87. Signs.

See article XVI of this chapter, “Signs.” (Ord. No. 112.8.)

Article XII. Variances

Sec. 18-88. Intent and purpose.

When the practical difficulties, unnecessary hardships or results inconsistent with the general intent and purpose of this chapter occur through the strict application of the provisions hereof to a parcel or group of parcels affected by a common problem, the Town Council shall have the power to grant, upon such terms and conditions as it deems necessary and proper, as may be in harmony with its general intent and purpose, so that the spirit of this chapter shall be observed, public safety and general welfare secured and substantial justice done, variances as to the use provisions of this chapter. (Ord. No. 58, § 113.1.)

Sec. 18-89. Application; filing fee.

(a). Application. Applications for variances shall be filed by the owner or his authorized agent upon forms provided by the town. Each application shall set forth and state fully the reasons and grounds for the variance and shall contain such information as the Town Council shall prescribe. Accompanying an application shall be the following:

(1) A map showing the property described in the application and adjoining properties and public streets and ways.

(2) A list of all property owners whose names and addresses appear on the latest adopted tax roll as owing adjacent property.

(b) Filing Fee. Before accepting an application for a variance, the Town Council must charge and collect a filing fee of ten dollars. (Ord. No. 58, § 113.2.)

Sec. 18-90. Actions and findings by planning and zoning commission and Town Council; grant or denial; conditions.

- A. The planning and zoning commission may hold a hearing upon the application for the variance.
- B. Before it may grant a variance, the following qualifications must be shown relative to the property involved in the application for such variance, and the Town Council's approval in connection with any such application shall contain a written finding of fact showing wherein all of the following conditions exists:
 - 1) That because of special circumstances or unusual hardships applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.
 - 2) That such conditions have been imposed upon the issuance of the variance as will insure that the variance thereby authorized does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity in which the property is located.
 - 3) That the granting of such variance will not adversely affect the comprehensive general plan.
- C. From the facts presented with the application, the Town Council may grant or deny the requested variance in whole or in part.
- D. Every action or decision of the Town Council authorizing a variance from the regulations established herein shall be adopted by an affirmative vote of at least a majority of all its total members, setting forth the written findings of fact required by subsection (b) of this section.
- E. Conditions of variance:
 - 1) The Town Council, in approving a variance, may set forth in its decision reasonable terms and conditions which it deems necessary to protect the health, safety and welfare of the community and to assure the intent and purpose of this chapter. It may also require such bonds and guarantees, as it may deem necessary to insure that such terms and

conditions are being or will be complied with.

- 2) Every variance from the provisions of this chapter granted by the Town Council as authorized by this section shall contain a conditions thereof as follows: The variance hereby allowed is conditioned upon the privileges granted herein being utilized within one hundred eighty days after the effective date hereof, and should the privileges authorized hereby fail to be executed or utilized or where some form of construction has not actually commenced within such one hundred eighty days, and is not diligently prosecuted to completion, this authority shall become null and void, and any privilege or variance granted hereby shall lapse, unless such variance has not been utilized within such one hundred eighty day period by reason of delays caused by approval of plans, in which event the Town Council may, in its discretion and with the consent or upon the request of the applicant, for any cause, ,grant a reasonable extension of time in addition to the one hundred eighty days hereinabove provided.

Such request for extension shall be filed with the secretary shall be filed with the secretary of the Town Council prior to the expiration of the one hundred eighty day time noted above. (Ord. No. 58, § 113.3)

Sec. 18-91. Appeals; hearing.

1. Written appeals may be reviewed by the board of adjustment, by the applicant for a variance or by any person owning property adjacent to the exterior boundaries for variance or upon failure of the Town Council to make its determination on any application.
2. The board of adjustment shall hold a hearing as required by Wyoming Statutes, 1977, section 15-1-608. (Ord. No. 58, § 113.4.)

Sec. 18-92. Revocation or modification.

A variance may be revoked or modified by the board of adjustment (Town Council) after a hearing.

Written notices of intention to revoke shall be mailed to the owners of the property and the occupant of the property not less than thirty days before the date of the hearing.

In the event of a revocation by the board of adjustment (Town Council), the applicant may appeal in the same number as an appeal from a denial of a variance in the first instance. (Ord. No. 58, § 113.5.)

Article XIII. Conditional Use Permits.

As to building permits, see §§ 5-5 to 5-9 of this Code.

Sec. 18-93. Intent and purposes.

Uses permitted subject to conditional use permits are those uses necessary for the development of the community, but which uses must be located, planned and used in such a manner as not be detrimental to the property abutting such uses and to the community as a whole. In considering a conditional use permit, the Town Council shall determine whether the use is suitable in the area and, if a grant is made, shall require safeguards necessary to protect the health, safety, morals, order, convenience and general welfare. In approving such uses, the Town Council shall set forth the manner in which the use is to be conducted, approve the design or plan of the structures, including their location and the yards around them, and consider the adequacy and facilities that serve them. In granting a conditional use permit, the Town Council may grant deviations or relief from the yard, fence, sign, height, parking, loading and open space regulations of this chapter. (Ord. No. 58, § 114.1.)

Sec. 18-94. Uses requiring conditional use permits and permitted in any zone.

The following are special uses requiring conditional use permits and permitted in any zone:

1. Airports.
2. Cemeteries.
3. Churches.
4. Indoor recreational facilities, public and private.
5. Public services, including radio or television transmitters.
6. Open air sales of painting, pottery, souvenirs, curios antiques, etc. (Ord. No. 58, § 114.2.)
7. Bed and Breakfast Inns and Short-Term Rentals (Ord. No. 2019-01)

ARTICLE XXI SUPPLEMENTAL DEVELOPMENT STANDARDS

The supplemental development standards are listed by use, in alphabetical order:

A. "A" Uses: Reserved

B. "B" Uses:

Bed and breakfast inn.

1. The bed and breakfast inn must meet the definition set forth in this title.
2. The owner must be living on the property at the time the bed and breakfast is in operation.
3. Total guest occupancy of a bed and breakfast inn property is limited to no more than ten (10) persons. (Establishments exceeding 10 persons fall within the zoning

classification of "hotel".) The Planning and Zoning Board may further limit total guest occupancy (e.g., beds and/or guest rooms) of a proposed bed and breakfast inn based on lack of parking and other neighborhood impacts identified in the review process.

4. Vehicle access must comply with the requirements of the International Fire Code, appendix D, or other established standard acceptable to the Fire Marshal.

5. Cooking facilities in guest rooms are not permitted.

6. The facility must pass a fire and life safety inspection before it may be used as a bed and breakfast inn. At a minimum, the bed and breakfast inn shall be equipped with functional smoke detectors, a fire extinguisher (minimum rating 2A:10BC), and a carbon monoxide alarm if applicable. Each sleeping room shall be provided with Code compliant means of egress. The authority having jurisdiction (i.e., Fire Marshal and/or building official) may have additional requirements pursuant to the adopted Fire and/or Building Code.

7. Individual guest occupancy is limited to temporary periods of less than one hundred twenty (120) consecutive days, and less than one hundred twenty (120) days in any one-year period.

8. Bed and breakfast inns shall not be used as "reception facilities" as defined in this title, unless such use is otherwise permitted in the zoning district in which the property is located and authorization for such has been granted by the reviewing official.

9. The bed and breakfast inn must maintain compliance with the WY Department of Revenue licensing requirements, including payment of Lodging Taxes.

10. All bed and breakfast inns must maintain compliance with the Wyoming Food Safety Rule (WY Department of Agriculture) and related licensing requirements.

11. Unless otherwise exempted or authorized by this title, one off-street guest parking space shall be provided for every two (2) lodging units or fraction thereof. The guest parking shall be in addition to the two (2) spaces required for the owners/manager.(SE)

12. All bed and breakfast inns, whether existing or proposed, shall register with the Town of Meeteetse, pass the fire safety inspection, and provide evidence of compliance with the Wyoming Food Safety Rule. The Community Development Department is authorized to create application form(s) and procedures as necessary to manage and enforce these provisions, both for the initial authorization and for ongoing compliance. Authorized bed and breakfast inns shall post a document issued by the Town identifying such authorization in a visible location.

C. "C" Uses: Reserved

D. "D" Uses: Reserved

E. “E” Uses: Reserved

F. “F” Uses: Reserved

G. “G” Uses: Reserved

H. “H” Uses: Reserved

I. “I” Uses: Reserved

J. “J” Uses: Reserved

K. “K” Uses: Reserved

L. “L” Uses: Reserved

M. “M” Uses: Reserved

N. “N” Uses: Reserved

O. “O” Uses: Reserved

P. “P” Uses: Reserved

Q. “Q” Uses: Reserved

R. “R” Uses: Reserved

S. Uses:

Short-term rental.

1. The short-term rental must meet the definition set forth in this title.
2. Within the commercial zoning districts, a short-term rental may be operated out of any form of a dwelling with a permanent foundation.
3. Short-term rental shall not be offered by a renter of the property - i.e., a sublet situation.
4. Occupancy of a dwelling used for short-term rental is limited to the lesser of 2.6 guests per guest sleeping room (total rounded to nearest whole number) or a total of ten (10) guests. (Note: Facilities exceeding 10 guests are to be classified as hotels/motels and may be considered pursuant to that classification.)
5. Each short-term rental may only be rented to one group at any one time (i.e., a single

booking).

6. Each short-term rental shall require one off-street guest parking space meeting the requirements of, "Off Street Parking".

7. Prior to use of the dwelling as a short-term rental, the dwelling shall be inspected for fire and life safety items. At a minimum, the short-term rental shall be equipped with functional smoke detectors, a fire extinguisher (minimum rating 2A:10-BC), and a carbon monoxide alarm if applicable. Each sleeping room shall be provided with Code compliant means of egress. The authority having jurisdiction (i.e., Fire Marshal and/or building official) may have additional requirements pursuant to the adopted Fire and/or Building Code. Notwithstanding the above, short-term rentals existing at the date of adoption of this provision shall have until June 30, 2019, to obtain their inspection and until December 31, 2019, to correct any fire and life safety items involving construction or remodeling; no short-term rental activity shall occur if the dwelling is not in compliance with these deadlines.

8. Short-term rentals are classified as lodging facilities by the State. As such, the owner or manager of the short-term rental must register the lodging facility business with the WY Department of Revenue and pay Lodging Tax as required.

9. All short-term rental facilities, whether existing or proposed, shall register with the Town of Meeteetse, provide evidence of compliance with these provisions, and pass the fire/safety inspection. The Town is authorized to create application form(s) and procedures as necessary to manage and enforce these provisions, both for the initial authorization and for ongoing compliance. Authorized short-term rental facilities shall post a document issued by the Town identifying such authorization in a visible location.

T. "T" Uses: Reserved

U. "U" Uses: Reserved

V. "V" Uses: Reserved

X. "X" Uses: Reserved

Y. "Y" Uses: Reserved

Z. "Z" Uses: Reserved

Sec. 18-95. Application; filing fee.

1. Application. Application for a conditional use permit shall be made by a property owner or his authorized agent, upon forms provided by the town.

2. Filing fee. The Town Council may charge and collect a filing fee for each such application. (Ord. No. 58, § 114.3.)

Sec. 18-96. Hearing on application.

The Town Council may hold a hearing upon the application for a conditional use permit. (Ord. No. 58, § 114.4.)

Sec. 18-97. Appeals: hearing by board of adjustment.

1. Written appeals may be reviewed by the board of adjustment, by the applicant for a conditional use permit or by any person owning adjacent property.

2. The board of adjustment may hold a hearing as required by Wyoming Statutes, 1977, section 15-1-608. (Ord. No. 58, § 114.5.)

Sec. 18-98. Revocation or modification.

1. A conditional use permit may be revoked or modified by the board of adjustment (Town Council) after a hearing.

2. Written notices of intention to revoke shall be mailed to the owners of the property and the occupant of the property not less than thirty days before the date of the hearing.

3. The revocation of a conditional use permit shall have the effect of denying all rights granted by the conditional use permit.

4. In the event of a revocation by the board of adjustment (Town Council), the applicant may appeal in the same manner as an appeal from a denial of a conditional use permit in the first instance. (Ord. No. 58, § 114.6.)

Sec. 18-99. Modifications, enlargements, etc., of structures authorized by conditional use permits.

Ay proposed additions, enlargements or modifications of the structures approved in any conditional use permit or any proposed extension of the use into areas not approved in any such permit shall require a conditional use permit pursuant to section 18-93. No building permit for such additions, enlargements, modifications or extensions shall be issued unless the Town Council shall have granted a conditional use permit therefore. (Ord. No. 58, § 114.7.)

Article XIV. Off-Street Parking.

Sec. 18-100. Purpose of article.

The purpose of this article is to set forth the off-street parking requirements for the various land uses. (Ord. No. 58, § 115.1.)

Sec. 18-101. Location of parking spaces; common facilities.

All off-street parking spaces, whether in a garage or open area, shall be so located as to be accessible and usable for the parking of motor vehicle. Common parking facilities may be provided in lieu of individual of individual requirements; provided, that the common parking facilities have a total number of parking spaces not less than the total number of individual requirements of the zone in which they are located. (Ord. No. 58, § 115.2.)

Sec. 18-102. Required parking spaces.

Certain uses and building shall have required parking spaces as follows, except in zones so noted;

- (a) One-family dwelling.....At least two parking spaces.
- (b) Two-family dwelling
(duplex).....For each two-family dwelling, there shall be provided private parking space with a total capacity of not less than three parking spaces.
- (c) Multiple-family residence.....One and one-half parking spaces per dwelling unit.
- (d) Banks.....On each lot or parcel of land used for a bank, there shall be provided one parking space for each three hundred square feet of modified gross floor area or lobby floor. Office area not on the lobby floor shall be treated in the same manner as business and professional offices.
- (e) Bowling Alley.....There shall be provided parking spaces for each lane, plus one space for each sixty square feet of modified gross floor area used for consumption of food or beverages or other recreation area.
- (f) Business, professional and savings and loan offices.....On each lot, there shall be provided one parking space for each three hundred square feet of modified gross floor area for each office in which no activity is carried on catering to retail trade with the public and where there is no stock of goods. Such business shall include, but not be limited to, offices for attorneys, architects, accountants, managers and administrators.
- (g) Elementary and junior high schools..... On the same lot, there shall be provided two parking spaces for each classroom.
- (h) Restaurants, cafes, drive-ins, night clubs, private clubs, teen clubs, bars and other similar

places dispensing food or beverages.....

(1) For each lot or parcel of land there shall be one parking space for each three fixed seats and for every thirty square feet of modified gross floor area available for assembly where there are no fixed seats; and

(2) One parking space for each two employees on the largest shift; and

(3) In no event shall less than ten parking spaces be provided, regardless of the number of fixed seats or assembly area or number of employees.

(i) Furniture and major appliance stores.....

For each lot or parcel of land, there shall be one parking space for each four hundred square feet of modified gross floor area.

(j) High school.....For each lot or parcel of land, there shall be provided:

(1) Two parking spaces for each classroom and lecture hall; and

(2) One parking space for each eight students which the school is designed to accommodate.

(k) Hospitals, convalescent hospitals or other establishments used for the care and treatment of the sick or injured.....

(1) For each lot or parcel of land, there shall be provided one and one-half parking spaces per two beds; and

(2) One parking space for each member of the staff.

(l) Industrial uses.

(1) Industrial uses of all types except a building or portions of buildings for purposes.....

a. There shall be one parking space for each five hundred square feet of gross floor area; and

b. One parking space for each vehicle operated or kept in connection with the use.

(2) Public utility facilities,

including but not limited
to electric, gas, water, tele-
phone and telegraph
facilities not having business

offices on the premises.... a. One parking space for each two employees
on the largest shift; and

b. One parking space for each vehicle operated or
kept in connection with the use; and

c. In no event shall less than two parking spaces
be provided for each use, regardless of the number
of employees or vehicles operated.

(m) Library.....One parking space for each five seats.

(n) Medical/dental clinics;
medical professional
offices.....One parking space for each one hundred square
feet of modified gross floor area.

(o) Motels and motor hotels.....One parking space for each unit.

(p) Museum and recreation
facilities.....The number of parking spaces shall be
determined by the Town Council on the basis of the
type of museum, and audience intended and the
number of spectator seats.

(q) (1) Retail and service
commercial uses,
except as otherwise
specified.....At least one parking space for each two hundred
square feet of modified gross floor area.

(2) Auto service
centers.....At least one parking space for each three hundred
square feet of modified gross floor area.

(r) Rest homes, nursing
homes or other similar
establishments used for
the residences of aged
persons..... (1) One parking space for each five residents in
accordance with the resident capacity of the home
listed on the required license or permit; and

(2) If employee residence facilities are provided on the premises, one additional parking space shall be provided for each two employees; and

(3) In no event shall less than three parking spaces be provided for such use, regardless of the number of residents or employees.

(s) Rentals and auto sales, boat sales or rentals, retail nurseries and other open uses not in a building or structure.....

One parking space for each one thousand square feet of gross land area devoted to open display or sales; provided, that where such area exceeds ten thousand square feet, only one parking space need be provided for each five thousand square feet of gross land in excess of the first ten thousand square feet contained in such area.

(t) Theaters, auditoriums, stadiums, sports arenas, gymnasiums and similar places of public assembly.....

One space for each four seats, or one parking space for every thirty square feet of floor area where there are no fixed seats, whichever is greater.

(u) Trailer court or mobile home parks.....

One parking space on each trailer site; in addition thereto, one parking space for each two trailer sites for guest parking shall be conveniently located within the mobile home park.

(v) Day care centers..... (1) One parking space for each two employees; and

(2) One parking space for each ten children the facility is designed to accommodate; and

(3) In no event shall less than three parking spaces be provided for such uses, regardless of the number of employees or children.

(w) Other uses not specifically mentioned..... Parking spaces to be determined by the Town Council.

(Ord. No. 58, § 115.3.)

Article XV. Nonconforming Lots, Buildings and Uses.

Sec. 18-103. Establishment of new nonconforming use prohibited on lot where nonconforming use exists.

While a nonconforming use exists on any lot, no new nonconforming use may be established thereon. (Ord. No. 58, § 116.1.)

Sec. 18-104. Restoration of destroyed nonconforming buildings.

A destroyed nonconforming building may be restored and to occupancy or use of such building or part thereof which existed at the time of such destruction may be continued, subject to all other provisions of this chapter. (Ord. No. 58, § 116.2.)

Sec. 18-105. Expansion or extension prohibited; discontinuance.

No nonconforming use of land shall in any way be expanded or extended, either on the same or adjoining property. If the nonconforming use of land or conditions applicable to the property or to the intended use that exist on October 9, 1974, is thereafter discontinued for twelve months or more or changed, any future use of such land shall conform to the provisions of this chapter. (Ord. No. 58, § 116.3.)

Article XVI. Signs.

Sec. 18-106. Objectives of and justifications for sign regulations.

The objectives of and justifications for various regulations relative to signs and outdoor advertising signs, as contained in this article and elsewhere in this chapter, are, among other things:

- (a) To encourage signs which are well designed and pleasing in appearance and to provide incentive and latitude for variety, good design, relationship and spacing.
- (b) To attract and direct persons to various activities and enterprises in order to provide for maximum public convenience.
- (c) To encourage signs which are compatible with adjacent land uses. (Ord. No. 58, § 117.1.)

Sec. 18-107. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Area of sign. The entire area within the exterior boundary of the structure. A sign designed with more than one exterior surface shall have its area computed as including

only the maximum single display surface which is visible from any ground position. The supports, uprights or structures on which any sign is supported shall not be included in determining the sign area, unless such supports, uprights or structures are so designed to form an integral background of the display.

Flashing, animated or moving sign. A sign that intermittently emits or reflects artificial or natural light, a sign which has movement of any illumination, such as intermittent flashing or varied intensity, or a sign that has any visible portion in motion.

Freestanding or pole sign. A sign supported by one or more uprights, poles or braces in or upon the ground, with a clear space of not less than ten feet between the bottom of the sign and the natural terrain above which the sign is located. This definition shall not include portable signs.

Ground sign. A sign supported by one or more uprights, poles or braces anchored in the ground and not attached to any building, with a clearance space of less than ten feet between the bottom of the face of the sign and the natural ground level. This definition shall not include portable signs.

Off-premises sign. A sign which is located on property separate and apart from the property on which the advertised activity is carried out.

On-premises sign. A sign which is located on property separate and apart from the property on which the advertised activity is carried out.

Outdoor advertising structure. Any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or any other thing which is designed, intended or used or advertised or inform.

Portable, temporary sign. A sign, without independent structural support, in connection with political, school, civic, noncommercial, health, safety and welfare campaigns or events; provided, that in all districts such posters shall be removed within fifteen days following the conclusion of the campaign or event.

Real estate sign. A sign placed upon a property advertising that property for sale, for rent or for lease.

Real estate subdivision sign. A sign placed on the premises of a subdivision or other real estate development.

Roof sign. A sign erected upon a roof of a building or structure.

Sign. The term “sign” shall be construed as synonymous with “outdoor advertising structure,” as defined in this section.

Wall sign. A sign attached to, painted on or erected against a wall of a building or

structure, with the exposed face of the sign in a plane approximately parallel to the plane of such wall. (Ord. No. 58, § 117.3.)

Sec. 18-109. Illuminated signs.

Reflector lights shall be permitted on ground signs, pole sign, roof signs and wall signs; provided, that the illumination is concentrated upon the area of the sign, so as to prevent glare upon the street or highway or adjacent residential property. (Ord. No. 58, § 118.1.)

Article XVII. Additional Zone Regulations.

Sec. 18-110. Foregoing regulations subject to article.

The foregoing regulations pertaining to the several zones shall be subject to the general provisions, conditions and limitations contained in this article. (Ord. No. 58, § 118.1.)

Sec. 18-111. Exceptions to height limitations.

Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building, fire or parapet walls, skylights, towers, roof signs, flagpoles, chimneys, silos, smokestacks, windmills, hay barns in the A-1 zone, wireless masts and chapter; but no roof structure or any other space above the height limit prescribed for the zone in which the building is located shall be allowed for the purpose of providing additional floor space. (Ord. No. 58, § 118.2.)

Sec. 18-112. Yards to be open and unobstructed; yards or open space inapplicable to other buildings or adjoining property.

Except as provided in this article, every required yard shall be open and unobstructed. No yard or open space provided around any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or open space on an adjoining property shall be considered as providing a yard or open space on a building site where on a building is to be erected. (Ord. No. 58, § 118.3.)

Sec. 18-113. Yard requirements when more than one main building exists.

Where two or more buildings are, by definition of this chapter, considered main buildings, the front yard requirement shall apply only to the building closest to the front line, but all other buildings shall conform to the requirements concerning placement as contained in the zone in which the property is located. (Ord. No. 58, § 118.4.)

Sec. 18-114. Permitted intrusions into required yards.

The following intrusions may project into any required yards, but in no case shall such intrusions extend more than four feet into the required front yard or closer than thirty inches from the side yard property line:

1. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
2. Fireplace structures.
3. Stairways, balconies and fire escapes.
4. Planting boxes or masonry planters.
5. Guard railings for safety protection around ramps. (Ord. No. 58, § 118.5.)

Sec. 18-115. Substandard lots existing prior to October 9, 1974.

When a lot which has less than the minimum required area or width as set forth in any of the zones contained herein was a lot of record on October 9, 1974, such lot shall be deemed to have complied with the minimum required lot area or width as set forth in any such zone. (Ord. No. 58, § 118.6.)

Article XVIII. Amendments and Changes of District Boundaries.

Sec. 18-116. Authority to make; initiation.

The Town Council, after hearing as required by law, may amend, supplement or change the regulations and zoning districts herein or subsequently established. An amendment, supplement or change may be initiated by the Town Council or by a petition of property owner. (Ord. No. 58, § 119.1.)

Sec. 18-117. Requests for zoning changes; action on requests by Town Council.

Whenever the owner of any land desires a reclassification of his property or change of the land use district or regulations pertaining to his property, he shall present his request to the Town Council. The form setting forth the request and related facts, circumstances or information shall acknowledge, in writing, receipt of the request and of such fee and shall thereafter report the request to the Town Council at its next regular meeting or special meeting following the date of filing.

The Town Council shall hear the request and shall take such action as it deems necessary. (Ord. No. 58, § 119.2.)

Article XIX. Enforcement, Violations and Penalties.

Sec. 18-118. Responsibility for administration.

It shall be the responsibility of the Town Council and its authorized agent to administer this chapter. (Ord. No. 58, § 120.3.)

Sec. 18-119. Compliance with chapter.

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or use any land within the incorporated areas of the town without complying with this chapter. (Ord. No. 58, § 120.2.)

Sec. 18-120. Law enforcement agency duties.

It shall be the duty of the law enforcement agency of the town to enforce this chapter and all provisions of the same. (Ord. No. 58, § 120.3.)

Sec. 18-121. Violations and penalties.

No person shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or use any land in violation of this chapter or amendments thereto. Any person who violates this chapter may be punished by a fine of not more than one hundred dollars for each offense. Each day of continuation of such violation shall be deemed to be a separate offense. (Ord. No. 58, § 120.4.)

*As to general penalty for violations of Code, see § 1-6 of this Code.
As to actions for penalties or fines, see § 1-7.*

Sec. 18-122. Enforcement of chapter by legal action.

In case any building or structure is or is proposed to be erected, constructed, reconstructed, changed, maintained or used, or any land is proposed to be used, in violation of any provision of this chapter or any amendment in addition to other remedies provided by law, may institute injunction, mandamus or abatement to enjoin, prevent, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use. Appeals from the judgments rendered in any action instituted to enforce this chapter shall be permitted and shall be in accordance with the general appeal provisions of the Wyoming Rules of Civil Procedure. (Ord. No. 58, § 120.5.)

Article XX. Flood Damage Prevention Ordinance

Sec. 18-123. Statutory Authorization

The Legislature of the State of Wyoming has in (statutes) W.S. 15-1-103 (xxxi) delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Town Council of Meeteetse, WY, does ordain as follows:

Sec. 18-124. Findings of Fact

(1) The flood hazard areas of Meeteetse, WY are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief,

all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

Sec. 18-125. Statement of Purpose

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

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

Sec. 18-126. Methods of Reducing Flood Losses

1. In order to accomplish its purposes, this ordinance uses the following methods:
2. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
3. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
4. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
5. Control filling, grading, dredging and other development which may increase flood damage;

6. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Sec. 18-127. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or

in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION- means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters.
2. the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency

Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

FLOODWAY (REGULATORY FLOODWAY) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) by an approved state program as determined by the Secretary of the Interior or;
 - b) directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 18-128. Lands to Which This Ordinance Applies

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Meeteetse, WY.

Sec. 18-129. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Park County, Wyoming and Incorporated Areas," dated June 18, 2010, with Accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

Sec. 18-130. Establishment of Development Permit

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

Sec. 18-131. Compliance

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

Sec. 18-132. Abrogation and Greater Restrictions

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

Sec. 18-133. Interpretation

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

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

Sec. 18-134. Warning and Disclaimer or Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 18-135. Designation of the Floodplain Administrator

The Building Inspector for the Town of Meeteetse is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

Sec. 18-136. Duties & Responsibilities of the Floodplain Administrator

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Wyoming Office of Homeland Security, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

Sec. 18-137. Permit Procedures

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;

9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

Sec. 18-138. Variance Procedures

1. The appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the

structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

10. Prerequisites for granting variances:

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

b) Variances shall only be issued upon:

1) showing a good and sufficient cause;

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

3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

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

11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

a) the criteria outlined in Article 4, Section D(1)-(9) are met, and

b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Sec. 18-139. General Standards

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the

structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec. 18-140. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

1. **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.
2. **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the

design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

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

4. **Manufactured Homes** –

- a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - 1) the lowest floor of the manufactured home is at or above the base flood elevation, or
 - 2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
5. **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
- a) be on the site for fewer than 180 consecutive days,
 - b) be fully licensed and ready for highway use, or
 - c) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Sec. 18-141. Standards for Subdivision Proposals

- 1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.
- 2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.
- 3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Sec. 18-142. Floodways

Floodways - located within areas of special flood hazard established in Article 4, Section B (8), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. If Article 5, Section D (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

Sec. 18-143. Penalties

Penalties – the terms and provisions of this Ordinance may be enforced by the Town of Meeteetse consistent with the penalty provisions of Chapter 1, Section 1-6 and Section 2-28 of the ordinances of the Town of Meeteetse by law.

Article XXI Supplemental Development Standards

The supplemental development standards are listed by use, in alphabetical order:

- C. "A" Uses: Reserved

D. "B" Uses:

Bed and breakfast inn.

1. The bed and breakfast inn must meet the definition set forth in this title.
2. The owner must be living on the property at the time the bed and breakfast is in operation.
3. Total guest occupancy of a bed and breakfast inn property is limited to no more than ten (10) persons. (Establishments exceeding 10 persons fall within the zoning classification of "hotel".) The Planning and Zoning Board may further limit total guest occupancy (e.g., beds and/or guest rooms) of a proposed bed and breakfast inn based on lack of parking and other neighborhood impacts identified in the review process.
4. Vehicle access must comply with the requirements of the International Fire Code, appendix D, or other established standard acceptable to the Fire Marshal.
5. Cooking facilities in guest rooms are not permitted.
6. The facility must pass a fire and life safety inspection before it may be used as a bed and breakfast inn. At a minimum, the bed and breakfast inn shall be equipped with functional smoke detectors, a fire extinguisher (minimum rating 2A:10BC), and a carbon monoxide alarm if applicable. Each sleeping room shall be provided with Code compliant means of egress. The authority having jurisdiction (i.e., Fire Marshal and/or building official) may have additional requirements pursuant to the adopted Fire and/or Building Code.
7. Individual guest occupancy is limited to temporary periods of less than one hundred twenty (120) consecutive days, and less than one hundred twenty (120) days in any one-year period.
8. Bed and breakfast inns shall not be used as "reception facilities" as defined in this title, unless such use is otherwise permitted in the zoning district in which the property is located and authorization for such has been granted by the reviewing official.
9. The bed and breakfast inn must maintain compliance with the WY Department of Revenue licensing requirements, including payment of Lodging Taxes.
10. All bed and breakfast inns must maintain compliance with the Wyoming Food Safety Rule (WY Department of Agriculture) and related licensing requirements.
11. Unless otherwise exempted or authorized by this title, one off-street guest parking space shall be provided for every two (2) lodging units or fraction thereof. The guest parking shall be in addition to the two (2) spaces required for the owners/manager.(SE)

12. All bed and breakfast inns, whether existing or proposed, shall register with the Town of Meeteetse, pass the fire safety inspection, and provide evidence of compliance with the Wyoming Food Safety Rule. The Community Development Department is authorized to create application form(s) and procedures as necessary to manage and enforce these provisions, both for the initial authorization and for ongoing compliance. Authorized bed and breakfast inns shall post a document issued by the Town identifying such authorization in a visible location.

C. "C" Uses: Reserved

D. "D" Uses: Reserved

E. "E" Uses: Reserved

F. "F" Uses: Reserved

G. "G" Uses: Reserved

H. "H" Uses: Reserved

I. "I" Uses: Reserved

J. "J" Uses: Reserved

K. "K" Uses: Reserved

L. "L" Uses: Reserved

M. "M" Uses: Reserved

N. "N" Uses: Reserved

O. "O" Uses: Reserved

P. "P" Uses: Reserved

Q. "Q" Uses: Reserved

R. "R" Uses: Reserved

S. Uses:

Short-term rental.

1. The short-term rental must meet the definition set forth in this title.

2. Within the commercial zoning districts, a short-term rental may be operated out of any form of a dwelling with a permanent foundation.

3. Short-term rental shall not be offered by a renter of the property - i.e., a sublet situation.

4. Occupancy of a dwelling used for short-term rental is limited to the lesser of 2.6 guests per guest sleeping room (total rounded to nearest whole number) or a total of ten (10) guests. (Note: Facilities exceeding 10 guests are to be classified as hotels/motels and may be considered pursuant to that classification.)

5. Each short-term rental may only be rented to one group at any one time (i.e., a single booking).

6. Each short-term rental shall require one off-street guest parking space meeting the requirements of, "Off Street Parking".

7. Prior to use of the dwelling as a short-term rental, the dwelling shall be inspected for fire and life safety items. At a minimum, the short-term rental shall be equipped with functional smoke detectors, a fire extinguisher (minimum rating 2A:10-BC), and a carbon monoxide alarm if applicable. Each sleeping room shall be provided with Code compliant means of egress. The authority having jurisdiction (i.e., Fire Marshal and/or building official) may have additional requirements pursuant to the adopted Fire and/or Building Code. Notwithstanding the above, short-term rentals existing at the date of adoption of this provision shall have until June 30, 2019, to obtain their inspection and until December 31, 2019, to correct any fire and life safety items involving construction or remodeling; no short-term rental activity shall occur if the dwelling is not in compliance with these deadlines.

8. Short-term rentals are classified as lodging facilities by the State. As such, the owner or manager of the short-term rental must register the lodging facility business with the WY Department of Revenue and pay Lodging Tax as required.

9. All short-term rental facilities, whether existing or proposed, shall register with the Town of Meeteetse, provide evidence of compliance with these provisions, and pass the fire/safety inspection. The Town is authorized to create application form(s) and procedures as necessary to manage and enforce these provisions, both for the initial authorization and for ongoing compliance. Authorized short-term rental facilities shall post a document issued by the Town identifying such authorization in a visible location.

T. "T" Uses: Reserved

U. "U" Uses: Reserved

V. "V" Uses: Reserved

X. "X" Uses: Reserved

Y. "Y" Uses: Reserved

Z. "Z" Uses: Reserved