Title 11

LAND USE AND DEVELOPMENT

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11.05.010

Reason for enactment.
These land use and development regulations are enacted to protect and to promote the general health, safety and welfare and to minimize any adverse effects from residential, commercial and industrial development within and around the Town of Byron.

11.05.020

Based on master plan.
A master plan has been prepared as a sufficient basis for this title.

11.05.030

Public hearing held.
The public has had numerous and sufficient opportunities to provide input to the preparation of the master plan of the Town of Byron and these land use and development regulations.

11.05.040

Repeal of old code.
In 1977, the Town Council did enact and adopt the Byron Town Development Code. This section repeals such code as adopted in 1977, and is adopted as a revision and modification of that code.
11.05.050

Authority.

This title is adopted under the authority of section 15-1-510 (b) and sections 15-1-601 through 15-1-611 of the Wyoming Statutes and is hereby declared to be in accordance with all provisions of the statutes.
Chapter 11.10

VIOLATIONS, PENALTIES AND ENFORCEMENT

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11.10.010

Violation defined.

It shall be a violation of this title to make any use of property or commence construction or other land development activities not expressly permitted by this title, without a compliance permit, or other approval granted pursuant to this title.

11.10.020

Discovery of violations.

The Zoning Administrator shall act upon violations discovered by any of the following means:

(A) Complaints of zoning violations shall be made to the Zoning Administrator. Any person, including any resident or landowner and including any Town officer or employee, may make a complaint. The Zoning Administrator shall investigate all complaints and shall take further action only if the Zoning Administrator verifies that a probable zoning violation exists.

(B) The Zoning Administrator is authorized to review any public records to discover and investigate zoning violations.

(C) The Zoning Administrator is authorized to discover and investigate zoning violations by:

1) Conducting on-site inspections of properties provided the responsible party consents to the inspection;
(2) Inspecting properties by viewing them from public areas including public streets, or from neighboring properties provided the owner of such neighboring property consents;

(3) Observing zoning violations in the course of conducting other Town business for which the Zoning Administrator has permission to enter the property or which otherwise allows the Zoning Administrator to witness a violation;

(4) Obtaining an inspection warrant from a court of competent jurisdiction if other means of inspecting a probable violation are ineffective; and

(5) Other methods approved in advance by the Town Attorney.

11.10.030

Informal Resolution.

Upon finding that a zoning violation has probably occurred, the Zoning Administrator may attempt to resolve the matter informally by contacting the responsible party and discussing the violation. In the case of complaints, no more than 30 days shall be allowed for informal resolution. If informal resolution is not successful within the specified time, the zoning administrator shall issue a notice of violation.

11.10.040

Notice of Violation.

When the Zoning Administrator has determined that a zoning violation has probably occurred and informal resolution is unsuccessful or inappropriate due to the nature of the violation, the Zoning Administrator shall send a notice of violation to the responsible party by certified mail, return receipt requested. The notice shall state the location of the property, the nature of the violation, the section(s) of this title being violated, a time limit for compliance not exceeding 10 days, the penalty for violations, and suggested corrective actions. At the Zoning Administrator's discretion, the time limit for compliance may be extended for an additional 10 days if the landowner is making progress toward compliance. If substantial compliance is not achieved within the specified time, the Zoning Administrator shall refer the case to the Town Attorney for enforcement action pursuant to section 11.10.050, Referral to Town Attorney. A notice of violation may be appealed to the Board of Adjustment pursuant to BTC chapter 11.55 and the notice of violation shall advise of this opportunity for appeal.
11.10.050

Referral to Town Attorney.

If a violation is not remedied within the time limit specified in a notice of violation, the Zoning Administrator shall refer the case to the Town Attorney for prosecution.

11.10.060

Revocation of Permits.

If the Zoning Administrator finds that any construction is not in accordance with the information supplied on the permit application or is in violation of this or any other pertinent regulations, or should the Zoning Administrator find that there has been any misrepresentation in connection with the application for the permit, the Zoning Administrator shall notify the responsible party of such findings and notify him that the violation must be corrected. The responsible party shall have 10 working days in which to reply to such notification. If such reply or correction is not made, the Zoning Administrator shall revoke the permit and shall provide to the responsible party a written notice of the revocation, including the reasons for the revocation and notice of the right of appeal to the Board of Adjustment. No person shall proceed with any part of such construction after such notice is received.

11.10.070

Penalty for violation.

Any person violating any provision of this title shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $750.00 for each offense. Each day during which the illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.

11.10.080

Other remedies.

In addition to any of the foregoing remedies the Council may maintain an action for injunction to restrain any violation of this title.
Chapter 11.15

GENERAL CONSTRUCTION

Sections:
11.15.010 Concurrent jurisdiction.
11.15.020 Applicability.
11.15.030 Liberal construction.

11.15.010

Concurrent jurisdiction.
Where other Town, County or State regulations apply concurrently with this title, the more restrictive provisions shall govern.

11.15.020

Applicability.
If any provision of this title or applicability thereof to any person or circumstance is held invalid the remainder of the title and its application to other persons or circumstances shall not be affected.

11.15.030

Liberal construction.
The provisions of this title shall be liberally construed in favor of the public interests.
Chapter 11.20

DEFINITIONS

Sections:
11.20.010 Definitions generally.
11.20.020 Specific definitions.

11.20.010

Definitions generally.

The following terms when used in this title, shall have the meanings, respectively ascribed in the following section.

11.20.020

Specific definitions.

(A) "Accessory housing unit" means a dwelling unit accessory to a principal dwelling unit, located on the same lot, and with not more than one half the floor area of living space compared to the principal dwelling.

(B) "Agricultural production" means all commercial agricultural operations and related buildings and structures, including dry land farming, irrigated farming, turf farming, tree farming, wholesale nurseries, ranching, dairying, and other livestock operations, but not including feedlots.

(C) "Applicant" refers to a person or entity making application for a compliance permit whether in person or by a designated representative.

(D) "Bed and breakfast" means an owner-occupied, single-family dwelling where short term lodging is provided through the rental of no more than four individual rooms to the general public.

(E) "Building" means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

(F) "Campground" means an outdoor area providing space for vacationers to live on a temporary basis in either tents, tent trailers, or recreational vehicles which is open to the general public and operated to provide financial gain to the proprietor. A campground may also include rental cabins and the sale of goods and services to patrons, but its primary function is to accommodate visitors providing their own shelter.

(G) "Commercial business" means retail and service businesses and office uses.
(II) "Commercial recreation business" means a commercial business offering amusement, recreational, or entertainment activities such as indoor riding arenas, bowling alleys, movie theaters, pool halls, game arcades, and amusement rides when such activities are contained within a building.

(I) "Commercial storage" means storage yards and buildings where a fee is charged for the storage of equipment, motor vehicles, boats or recreation vehicles, including mini-warehouses and self service storage facilities for the storage of goods, belongings, possessions, materials, and other goods.

(II) "Community use" means public and quasi-public buildings and land uses operated by a governmental agency or non-profit community organization including non-residential schools, churches, cemeteries, meeting halls, parks, fairgrounds, animal shelters, governmental offices, fire, sheriff, and ambulance stations, and post offices.

(K) "Correctional facility" means prisons, jails, half-way homes for criminals, youth correctional facilities and similar uses.

(L) "Council" refers to the duly elected Town Council of the Town of Byron, Wyoming.

(M) "DEQ" refers to the Wyoming Department of Environmental Quality or its successors.

(N) "Development" means any and all building or construction and all changes in land use.

(O) "Dwelling" means a building or portion thereof used exclusively for residential occupancy, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, motels, tents, other structures designed or used primarily for temporary occupancy and not including mobile homes.

(P) Dwelling, single-family. "Single-family dwelling" means a detached building, arranged, designed and intended to be occupied by not more than one family, and which has not more than one kitchen and not less than one bathroom and contains at least six hundred square feet of floor area.

(Q) Dwelling, two-family. "Two-family dwelling" means a building occupied by two families living independently of each other and containing at least one thousand square feet of floor area.

(R) Dwelling, multiple-family. "Multiple-family dwelling" means a building occupied by three or more families living independently of each other in separate dwelling units, and containing at least three hundred square feet of floor area in each dwelling unit, including apartment houses, condominiums, townhouses, and other such dwelling facilities joined into one structure and composed of separate dwelling units.

(S) "Highway commercial business" means a business that provides a substantial portion of its goods and services to tourists and travelers, including motels, hotels, restaurants, gift shops, automobile service stations, gasoline filling stations, and truck stops.

(T) "Industrial and commercial development" mean developments for the purpose of manufacturing, materials processing, warehousing, wholesaling, retailing, and providing business, personal or professional services, except a permitted accessory use.
(U) "Industrial uses" means manufacturing, processing, fabrication and assembly operations and wholesale businesses such as animal sale yards, bottling distributors, warehouses, bulk fuel storage, lumber yards and building material sales.

(V) "Institutional use" means group homes, day care centers, hospitals, nursing homes, convalescent homes, retirement homes and similar uses.

(W) "Large accessory building" means any building that is accessory to any use and that is larger than 5,000 square feet and/or occupies more than 50 percent of the lot on which it is to be located.

(X) "Lot" means the basic land development unit, a parcel of land having fixed boundaries not divided by any public street or alley, which is used or intended to be used by one or more principal permitted uses.

(Y) "Manufactured home" means a structure, transportable in one or more dependent sections, constructed in conformance with the National Manufactured Housing Construction and Safety Standards Act (42 U.S.C. 4501 et seq. as amended), which is built on a permanent chassis and designed to be used as a single family residential dwelling unit.

(Z) "Manufactured home court" means a parcel (or contiguous parcels) of land which has been so designated and improved that it contains two or more manufactured home lots available for rent and the placement thereon of manufactured homes for residential occupancy.

(AA) "Master plan" means a comprehensive plan for development of the town, prepared and adopted by the planning commission, pursuant to state law, and including any part of the plan separately adopted and any amendment to such plan, or parts thereof.

(AB) "Mobile home" means a structure, transportable in one or more sections, designed for use as a single family residential dwelling unit, built on a permanent chassis, that was constructed prior to June 15, 1976 or is lacking certification of compliance with the National Manufactured Housing Construction and Safety Standards Act. Such a structure shall be considered to be a mobile home, whether or not the wheels originally mounted have been removed, and whether or not the structure has been placed upon a permanent foundation. A "trailer house" is the same as a mobile home.

(AC) "Modular home" means a structure, transportable in one or more dependent sections, designed for use as a single family residential dwelling unit, not built on a permanent chassis, capable of being transported from the place of fabrication to the site on which it is to be erected, where it is placed on a permanent foundation and, when assembled, meets all of the provisions of the Uniform Building Code or International Building Code for residential dwelling units.

(AD) "Outdoor recreation facility" means a commercial business offering on-site amusement, recreational, or entertainment activities which are predominantly conducted outdoors such as drive-in theaters, batting cages, miniature golf, water slides, amusement rides, go carts, and archery ranges.
(AE) "Permitted accessory use" means a building or use customarily incidental to a principal building or principal use and subordinate in area, extent, or purpose to the principal building or principal use served.

(AF) Residential religious use" means monasteries, convents and similar religious facilities providing long-term residential accommodations.

(AG) "Residential schools" means public or private schools, colleges, universities, and training schools providing long-term residential accommodations.

(AH) "Responsible party" means any landowner who authorizes, commissions or allows any construction or other use of land in violation of this title; any tenant, renter, contract purchaser or other occupant of the land who authorizes, commissions or allows any construction or other use of land in violation of this title; any contractor, firm, or other person who engages in construction or land development activities in violation of this title.

(AI) "Rock products mine" means mining of sand, gravel, rock, limestone, and topsoil for use or sale off site, including washing, screening, crushing, and other processing of material produced on-site.

(AJ) "Salvage yard" means any establishment or place of business maintained, operated, or used for storing, keeping, buying or selling junk including scrap metal processors, auto-wrecking yards, salvage and scrap yards, and temporary storage of automobile bodies or parts awaiting disposal, resale, or reuse as a normal part of a business operation when the business has such materials located on the premises on a customary basis.

(AK) "Setback" means the horizontal distance required to be maintained between a given lot line and the projected lines of any structure.

(AL) "Sexually oriented business" means a commercial establishment consisting of, including, or having the characteristics of any of the following:

(1) Adult bookstore: An establishment having a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

(2) Adult cabaret: An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; a cabaret that features female topless dancers, strippers, male or female impersonators, or similar entertainment for observation by patrons.

(3) Adult motion picture theater: An enclosed building used for presentation of video graphic materials distinguished by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

(AM) "Slaughterhouse" means a building used for the slaughtering and processing of animals.
(AN) "Structure" means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land.

(AO) "Subdivision" means the division of a tract of land into two or more parts for immediate or future sale or building development. For the purposes of determining whether a subdivision creates one additional part or more than one additional parts, all prior land divisions affecting any of the land which is the subject of the proposed division, which prior divisions took place within five years preceding the date of adoption of this title shall be counted as if part of the current subdivision.

(AP) "Townhouse" means a single family dwelling in a row of at least three such units in which each unit has its own front and rear access the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical fire-resistant walls and each unit is on its own lot.

(AQ) "Trailer house" means the same as "mobile home".

(AR) "Transportation Uses" means commercial airports, heliports, landing strips, truck terminals, and transmission pipelines.

(AS) "Utility uses" means electric transmission lines, power plants, substations of electrical utilities, solid waste disposal facilities, wastewater treatment plants, water treatment plants, water storage tanks, communication towers over 35 feet in height, pipelines and storage areas of utilities providing natural gas or other petroleum derivatives, and more than 2 microwave dishes with a diameter of 10 feet or more in one location.

(AT) "Zoning Administrator" means the person appointed by the Mayor to administer this zoning resolution. At the discretion of the Mayor, a person holding another town position such as but not limited to the building official or town foreman may concurrently serve as Zoning Administrator.
Chapter 11.25

COMPLIANCE PERMITS

Sections:
11.25.010  When required.
11.25.020  Time of application.
11.25.030  Form of application.
11.25.040  Conditions.
11.25.050  Permit limited to development as represented.
11.25.060  Duration.
11.25.070  Revocation of permit.

11.25.010

When required.

No building or other structure of any kind shall be erected, constructed, relocated or structurally altered, nor shall the use of any property be changed, unless a permit therefor has been issued by the Council or Zoning Administrator.

11.25.020

Time of application.

An application for a compliance permit shall be made prior to the physical layout or start of construction of the proposed development.

11.25.030

Form of application.

The application for a compliance permit shall be made on forms provided by the Council. The application shall be accompanied by a sketch plan:

(A) The sketch plan is the basis for discussion between the applicant, the Zoning Administrator, Planning Commission, and the Council. It is intended that the sketch plan be flexible and susceptible to modification in accordance with the recommendations of the Zoning Administrator, the Planning Commission and the Council. The complexity of the sketch plan will vary with the size and complexity of the development. All applicants should consult with the Zoning Administrator during their preparation of a sketch plan.

(B) A sketch plan should include:
(1) A location map (to appearance scale);

(2) A complete overhead view drawing of the proposed development showing all property lines, streets, alleys, and other public or private rights-of-way; together with all setbacks and dimensions of all structures (including driveways, parking lots, and patios to be erected);

(3) All drawings shall show accurate measurement from the property line to the location of any proposed improvement.

11.25.040

Conditions.

In approving a compliance permit, the Council may impose any reasonable conditions to ensure that the proposed use is compatible with surrounding land uses, and to ensure that the development and operation of the proposed use are performed in a manner consistent with public health, safety, and welfare. Such conditions shall be limited to issues directly related to the impacts of the proposed use and shall be proportional to the impacts.

11.25.050

Permit limited to development as represented.

A compliance permit will be issued for the proposed development as represented to, and approved by the Council. Any significant modification or deviation of the development from its represented and approved form shall cause the compliance permit to be void and shall be a violation of the provisions of this title.

11.25.060

Duration.

Unless, upon application of the applicant, the Council grants an extension, each compliance permit shall expire and become void at the expiration of one year from the date of issuance unless a certificate of completion has been submitted to the Zoning Administrator. Each applicant shall submit a certificate of completion to the Zoning Administrator upon completion of the proposed development.

11.25.070

Revocation of permit.

The Council may revoke a compliance permit if terms or conditions of approval are violated. Prior to revocation, the responsible party shall be given an opportunity for a hearing before the Council. Notice shall
be provided in accordance with BTC 11.30.090. The Council may specify a time by which action shall be taken to correct any violations in order for the approval to be retained.
Chapter 11.30

PERMIT APPROVAL PROCESS

Sections:
11.30.010 Initial review.
11.30.020 On-site inspections.
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11.30.090 Notice of hearing.
11.30.100 Action after hearing and receipt of additional information.
11.30.110 Plans and plats of subdivisions.
11.30.120 Plans for manufactured home courts.

11.30.010

Initial review.

All new developments and subdivisions require an approved permit from the Town. However, different agencies within the Town are responsible for granting the approval depending on the size and type of project. Smaller, simpler developments are approved directly by the Zoning Administrator. Smaller subdivisions (five or fewer lots) are approved by the Planning Commission. Approvals for all larger developments and subdivisions undergo a two-part process wherein the Planning Commission reviews the project and makes a recommendation to the Town Council; the Council then makes the final decision on these larger projects. The specific terms are as follows:

(A) An application for a single-family dwelling or addition thereto, for an appurtenant nonresidential building or structure, or for the placement of a manufactured home, when accompanied by the required fee, shall be reviewed by the Zoning Administrator. Within ten days of receiving a complete application, the Zoning Administrator shall either:

1. Approve the permit if the proposed development is in compliance with the provisions of this title;
2. Approve the permit with conditions reasonable and necessary to ensure compliance with this title; or
3. Deny the permit if it does not comply with this title.
(4) The Zoning Administrator shall report action on the permit to the Council at its next regular meeting.

(B) An application for a subdivision dividing a tract of land into not more than five lots shall, when accompanied by the required fee, be reviewed by the Planning Commission.

(C) All applications for compliance permit other than those listed in BTC 11.30.010 (A) and (B) shall be submitted to the Council. The Council shall refer the application to the Planning Commission for review and recommendation. Final action on these applications shall be made by the Council following a public hearing and receipt of the Planning Commission recommendation.

11.30.020

On-site inspections.

The filing of an application for a compliance permit constitutes permission for the Zoning Administrator to conduct an on-site inspection of the proposed development.

11.30.030

Applicant's presence.

The applicant or his designated representative shall, if requested by the Planning Commission or Council, be present for consideration of the application.

11.30.040

Standard for review.

Applications for compliance permits shall be reviewed to determine conformance to the performance standards contained in this title and to the general and specific intent of the master plan for the Town of Byron.

11.30.050

Planning Commission recommendation.

Upon receipt of an application for compliance permit from the Council, the Planning Commission shall have 30 days to convene a meeting, review the application and prepare a written recommendation to the Council.
11.30.060

Initial action.

After receipt of the Planning Commission recommendation on an application for a compliance permit, the Council may:

(A) Request the applicant to submit further information prior to the setting of a hearing date; or

(B) Request the applicant to submit further information and set a hearing date at the next regular meeting of the Council.

11.30.070

Further information requests.

The Council may request further information concerning compliance with the performance standards contained in this title or the master plan for the Town of Byron. Any such further information shall be submitted in accordance with the schedule agreed to by the applicant and the Council. An outline of the information requested and a schedule for its submission shall be provided in writing to the applicant by the Town Clerk within five working days after the schedule is mutually accepted.

11.30.080

Hearings.

A public hearing shall be required upon all applications for subdivisions involving the creation of six or more lots for immediate or future sale, and for all new industrial, commercial and multiple-family developments and for manufactured home courts.

11.30.090

Notice of hearing.

(A) The Town Clerk shall be responsible for providing notices of a public hearing at least 15 days before the date of the hearing.

(B) Notices shall include the following information:

(1) A brief description of the project;

(2) The project's location relative to landmarks or cross roads and the address if available;

(3) An abbreviated legal description;

(4) Applicant's name;

(5) Hearing date, time, and place; and

(6) How additional information can be obtained.
(C) The notice shall be published in at least one newspaper of general circulation in the town.

(D) A copy of the notice shall be mailed to the owners of all adjacent properties and all properties within 285 feet of the subject property as shown in the property ownership records of the County Assessor. In addition, a copy of the notice shall be mailed to the applicant and to any person who requests to be informed of a pending hearing.

11.30.100

**Action after hearing and receipt of additional information.**

After a public hearing has been held and any requested additional information has been submitted, the Council shall:

(A) Approve the application and issue a permit, with or without conditions;

(B) Reject the application, filing its reasons for doing so in writing within five days after the decision is made.

In no case shall a decision be delayed more than one month after the public hearing, or after the receipt of additional information requested, whichever is later.

11.30.110

**Plats and plans of subdivisions.**

The initial review of subdivisions shall be based on a preliminary plan. The preliminary plan need not be prepared by a professional engineer or surveyor providing it is accurate in respect to the parcel's boundaries and is drawn to scale. The final plat and attachments required by the performance standards of BTC chapter 11.35 may be submitted to the Zoning Administrator after the compliance permit has received initial approval. The final plat for six or more lots and attachments will then be considered by the Council at its first regular meeting following the expiration of 30 days from the filing of the final plat and attachments. Any variance from the conditions of the initial approval shall be grounds for rejection of the final plat. The compliance permit shall not be considered complete until the final plat is approved.

11.30.120

**Plans for manufactured home courts.**

The initial review of manufactured home courts shall be based on a preliminary plan. The preliminary plan need not be prepared by a professional engineer or surveyor providing it is accurate in respect to the parcel's boundaries and is drawn to scale. The final plan and attachments required by the performance standards of this resolution may be submitted to the Zoning Administrator after the compliance permit has
received initial approval. The final plan and attachments will be considered by the Council at its first regular meeting following the expiration of 30 days following the filing of such plan and attachments. Any variance from conditions of the initial approval shall be grounds for rejection of the final plan. The compliance permit shall not be considered complete until the final plan is approved.
Chapter 11.35

PERFORMANCE STANDARDS

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11.35.010 Industrial and commercial developments.
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11.35.120 Mobile homes.
11.35.130 Manufactured homes.

11.35.010

Industrial and commercial developments.

All industrial developments shall conform to the following performance standards:

(A) No industrial or commercial development shall be allowed without a thorough analysis of its impact on the Town’s water supply and distribution system, sewage collection and treatment system, solid waste collection and disposal program, fire protection facilities, law enforcement program, and streets.

(B) No industrial or commercial development shall be allowed except when such development bears the full cost of any extension, expansion, or upgrading of Town facilities or services necessitated by its location in the Town. However, the Town may reimburse the developer for all or part of the costs of such Town facilities or services with funds from an economic development account established to offset such costs for worthwhile economic development projects.

(C) The Council may require that an industrial or commercial development provide adequate pre-treatment of its sewage effluent before such effluent enters the Town’s sewage system.

(D) Industrial or commercial developments having emissions of odor, fly ash or other particulate matters; or producing or emitting toxic or combustible products; and other industrial processes may be excluded from
the Town if in the opinion of the Town Council the development would be detrimental to local air quality even though Wyoming Air Quality Standards are met.

(E) Industrial or commercial developments generating regular heavy truck traffic may necessitate the designation of truck routes. Where such routes are determined to be necessary the applicant may be required to provide funding for signing, traffic signals, and street surface improvements on the truck route.

(F) Industrial or commercial developments may be required to take safety measures such as fencing of loose material, stockpiles and trenches; shielding of glaring surfaces, arc lights or welding areas; and noise reducing or muffling measures. An industrial development may be rejected on the basis of unreasonable noise, glare or light, or safety hazards.

(G) The Council may require reasonable buffer areas around industrial or commercial developments, such areas to be landscaped and where necessary, fenced by the applicant. Depending upon the nature and function of the building or other improvement, the Council may require reasonable setbacks from public streets and alleys and may make other reasonable requirements determining the location of the building or improvement on the property. Industrial or commercial development buffer zones shall amount to 40 percent or more of the space covered by the structures, roadways, and materials handling areas. No more than 60 percent of a buffer zone should be devoted to parking. The strict application of this performance standard may be varied, however, where the existing arrangement of structures or other conditions would make strict application an extreme hardship on the applicant.

(H) Industrial and commercial developments shall provide off-street parking adequate for employees and customers. Such parking shall have adequate drainage and lighting, and safe access to public streets. The strict application of this performance standard may be varied, however, for smaller developments where on-street parking will present no traffic congestion or safety hazard.

(I) All industrial or commercial developments shall conform to the provisions of the Uniform Fire Code, which is hereby adopted as it applies to such developments.

(J) Advertising signs utilized by industrial or commercial developments shall not include moving, flashing, or blinking parts. Off-site signs or billboards are prohibited except for directional signs. No directional sign shall exceed 30 feet in height or 300 square feet in coverage nor shall it display any promotional material.
11.35.020

Subdivisions.

All subdivisions within or proposed as additions to the Town of Byron shall conform to the following performance standards. All subdivisions within one mile of the corporate limits of the Town shall be reviewed for general compliance with these performance standards.

(A) All subdivisions shall be evaluated for their impacts on the Town's water supply and distribution system, sewage collection and treatment system, solid waste collection and disposal program, fire protection facilities, law enforcement program, and streets. Subdivisions shall also be evaluated for their internal circulation and access patterns, lot size, arrangement, and layout; and their relationship to natural conditions of soil type, drainage and hydrology, slopes, floodplains, and other natural resource considerations.

(B) The location, size, shape, and orientation of lots shall be determined with regard to the following factors:

1. Access for streets or roads and utilities and services;
2. Off-street parking;
3. Relationship of structures to be erected;
4. Provisions of open space and maximization of scenic values;
5. Minimum disruption of natural topography;
6. Local climatic conditions, especially snow and icing patterns;
7. Minimization of storm water runoff and soil erosion;
8. Minimum disruption of irrigation and drainage systems;
9. Design elements intended to create identity and interest in the subdivision.

(C) No subdivision shall be permitted which is not connected to the Town water supply system. The applicant shall install a central water distribution system serving all domestic and fire fighting needs. Each lot shall be provided with a separate water tap which may be separately metered. The system shall be constructed of pipe of both the size and kind approved by the Town. The system shall be dedicated to the Town in the certificate of dedication required on the final subdivision plat. The applicant shall guarantee, by method agreeable to the Council, the system for one year from the date of acceptance. The system shall be fully compatible with the comprehensive plan for utilities and conform to all standards adopted by the Town and the State. Approval by DEQ shall be submitted with the final plat.

(D) No subdivision shall be permitted which is not connected to the Town sanitary sewage treatment system. The applicant shall install a central sewage collection system serving all proposed lots and constructed of pipe of a size and kind approved by the Town. The system shall be dedicated to the Town in the certificate of dedication required on the final subdivision plat. The applicant shall guarantee, by a method agreeable to the Council, the system for one year from the date of the acceptance. The system shall
be fully compatible with the comprehensive plan for utilities and conform to all standards adopted by the Town and the State. Approval by DEQ shall be submitted with the final plat.

(E) The applicant may be required to install water supply facilities and sanitary sewage collection facilities of excess capacity where the comprehensive plan of the Town calls for an extension of the Town water supply system into areas beyond the subdivision.

(F) The cost of installing oversize water or sewer mains shall be shared by the applicant and the Town on a basis to be determined by the Council in each case.

(G) A subdivision may be rejected on the basis of insufficient water or sewage capacity being available to serve it.

(H) No Town utilities shall be located on private rights-of-way.

(I) All underground utilities shall be installed to the property lines of each lot prior to street surfacing. Water and sanitary sewer facilities shall be located in separate trenches which are at least 10 feet apart.

(J) The applicant shall provide written assurances from all private utilities that proposed rights-of-way for those utilities will be adequate.

(K) All lots shall be provided with usable access by dedicated public road or street. Principal access to a lot from an alley is prohibited.

(L) Roads or streets shall follow natural terrain to the extent feasible and cuts and fills shall be minimized.

(M) The layout, design, and construction of public roads, streets, and alleys shall be compatible with the master plan for the Town. Street names shall be compatible with those existing and are subject to approval by the Council.

(N) Street construction standards shall be as follows:

1. Cul-de-sacs and dead-end streets shall have a turning circle at least 60 feet in diameter at their end and shall be no longer than 600 feet.

2. Streets shall intersect at right angles, wherever possible.

3. Jogs in streets shall be at least one hundred twenty-five feet apart and whenever possible, streets shall be aligned with existing streets.

4. Culverts or bridges shall be provided by the applicant and shall extend across the entire surfaced width of the street.

5. Surface materials shall be asphalt or concrete on a suitable base. The surfaced width shall be at least 20 feet. The Council may require a wider street surface where the traffic load will necessitate it.

6. Adequate drainage of roads shall be provided for in the subdivision's layout and design.

7. A utilities right-of-way of seven feet in width shall be dedicated on both sides of each street or road.
(8) Alley rights-of-way shall be 20 feet in width where alleys are provided.

(O) All subdivisions shall be designed to minimize soil erosion and the consequent sedimentation of natural water courses. The construction of temporary or permanent storm drainage and/or other erosion control structures may be required. In general, all areas vulnerable to erosion or made vulnerable to erosion during the construction and use of a subdivision must be stabilized.

(P) Applicants shall be encouraged to utilize the principles of cluster design in subdivisions, to provide pedestrian movement systems separated from streets or roads, and to provide open space.

(Q) If the proposed subdivision includes six or more lots, the subdivider shall dedicate to the Town a park site equivalent in area to at least six percent of the total area being subdivided, provided such park land is located within 1,200 feet of all lots in the proposed subdivision and is approved by the Council as to location; or, at the option of the Town, the subdivider shall, in lieu of such dedication, pay to the Town a cash amount equal to at least six percent of the raw land value of the total land area in the proposed subdivision. The price of such land shall be established and agreed upon by the Town and the subdivider prior to accepting the final plat of such subdivision. If the Town and subdivider fail to agree on the value of said land, the value shall be established by an independent appraiser mutually acceptable to the subdivider and the Town. Such payment shall be used only for the acquisition or development of parks, playgrounds or other similar public purposes.

(R) The final plat of any subdivision shall reflect all recommendations of the Council. The final plat, if it contains six or more lots, shall conform to the drawing standards of the Big Horn County subdivision regulations (Subdivision Regulations for Big Horn County, Chapter XIV, Section 1, Quality of Final Plat). The Town Clerk shall be provided with one reproducible and two paper copies of as-built maps of all utility lines installed by the applicant.

(S) The final plat shall be accompanied by:

1. Copies of all covenants attached to the subdivisions;

2. Evidence satisfactory to the Council that the applicant has adequate financial resources to develop and complete any facility proposed or represented to be the responsibility of the applicant, including, but not limited to, water systems, sewage systems, streets and roadways. The applicant shall either
   a. provide a performance bond, acceptable letter of credit or other sufficient financial commitment to assure that any facilities proposed or represented to be part of the subdivision shall in fact be completed as proposed; or
   b. construct all facilities proposed or represented to be part of the subdivision prior to the recordation of the final plat and sale of any lots.

3. Approval of the subdivision sewage collection and water distribution system from DEQ;
(4) A contract, ready for signature, approved by the Town Attorney, specifying the exact nature of public improvements to be completed by the applicant. The contract shall stipulate and provide for continuing inspection by a designated inspector as work progresses. A guarantee of adequacy of improvements shall be contained in the contract and shall be binding for one year after the completion date assigning liability to the applicant for failure due to poor workmanship or materials. Where the Town and applicant share the costs of improvements, the exact methods and amounts of costs sharing shall be specified in the contract. Where the costs are shared, liability for failures shall be shared in the same proportion as costs. The contract may include provisions for phasing improvements subject to a plan approved by the Council.

(T) Prior to approval of a final plat of any subdivision, the Town Building Official shall make such inspections as are necessary to ensure that all provisions of the compliance permit and of the contract required by BTC 11.35.020, subsection (S), paragraph (4) have been fulfilled. Failure to fulfill any of these provisions shall be a violation of this section and subject the applicant to the penalties provided in this title. No lots shall be conveyed until the final plat has been accepted by motion of the Council as fulfilling all conditions of the compliance permit and contract.

11.35.030

Manufactured home courts.

All manufactured home courts shall conform to the following performance standards. Existing courts not in compliance with these performance standards shall have one year from the effective date of the ordinance codified in this section to attain compliance or be closed.

(A) All manufactured home courts shall be evaluated for their impacts on the Town’s water supply and distribution system, sewage collection and treatment system, solid waste collection and disposal program, fire protection facilities, law enforcement program, and streets. Manufactured home courts shall also be evaluated for their internal circulation and access patterns; unit size, arrangement and layout; and their relationship to natural conditions of soil type, drainage and hydrology, slopes, floodplains, and other natural resources considerations.

(B) Each unit or lot designed for the location of a manufactured home shall contain 4,500 or more square feet and shall be not less than 40 feet in width throughout. The strict application of this performance standard, however, may be varied by the Council where circumstances permit the safe and effective use of smaller lots.

(C) No manufactured home court shall be allowed except when the applicant bears the full cost of any extension or expansion of Town facilities or services necessitated by the court’s location in the Town.
(D) No manufactured home court shall be permitted which is not connected to the Town water supply system.

(1) The applicant shall install a central water distribution system providing a separate service which can be separately metered to each unit or lot.

(2) If the applicant desires not to install separate meters at the time of construction, the owner of the manufactured home court may execute and file with the Town a written agreement to pay all water charges for water delivered to the manufactured home court, including a minimum charge for each occupied unit, and water may then be delivered through a central meter to serve all units within the court, and all charges shall be billed to and paid by the owner.

(3) The water distribution system shall be of adequate size to provide for domestic and fire fighting needs. The size and type of pipe shall be approved by the Town.

(4) The system shall conform to all standards adopted by the Town and the State. Approval by DEQ shall be submitted with the final plat.

(E) No manufactured home court shall be permitted which is not connected to the Town sanitary sewage treatment system. The applicant shall install a sewage collection system with pipe of a size and kind approved by the Town. Each lot or unit shall be connected to the sewage collection system. The sewage collection system shall conform to all standards adopted by the Town and the State. The approval of DEQ shall be submitted with the final plat.

(F) Water and sewer shall be installed to each unit in separate trenches which are at least 10 feet apart.

(G) A manufactured home court may be rejected on the basis of insufficient water or sewage system capacity being available to serve it.

(H) No manufactured home shall be occupied for more than seven days unless connected to the Town water supply system and the Town sewage treatment system.

(I) No manufactured home shall be connected to the Town water supply system or Town sewage treatment system until it has been located upon the lot in accordance with the provisions of this chapter. Any existing manufactured home not now in compliance with the location provisions of this chapter, which is not relocated to comply with the provisions of this chapter within three months from the effective date of this chapter, shall be disconnected from the Town water supply and sewage treatment systems.

(J) All manufactured homes, additions thereto, storage sheds and other appurtenant structures shall be located at least 20 feet from any public street or highway and at least 10 feet from other court lot or unit lines. There shall be a minimum distance of 15 feet between any manufactured home and the abutting court roadway. Where spaces are located side by side, there shall not be less than 20 feet between manufactured homes. Where spaces are located end to end, the Council may grant an exception to the foregoing setback requirements.
regulations; provided, however, there shall not be less than 15 feet between any manufactured home and any
service building.

(K) All roads within the court shall be a minimum of 20 feet in width. All roads shall be surfaced with
asphalt or concrete on a suitable base. Adequate drainage of roads shall be provided for in the manufactured
home court's layout and design.

(L) A walkway shall be provided for each manufactured home unit.

(M) Adequate lighting of all internal roadways and public spaces shall be provided.

(N) Manufactured home courts shall provide adequate, all-weather off-street parking at a rate of two
spaces per unit.

(O) All manufactured home courts shall meet the minimum standards for fire protection in manufactured
home courts as set forth by the State Department of Fire Protection and Electrical Safety.

(P) Manufactured home courts shall be graded and adequately drained.

(Q) An adequately maintained solid waste container shall be provided for each unit or for groups of units
where the container is accessible by all-weather walkways and adequately sized for the potential loading.
All containers shall conform to the solid waste disposal standards.

(R) The owner of any manufactured home set within the Town limits of the Town of Byron shall, within
30 days after a manufactured home unit is set, install skirting around the manufactured home, and such
skirting shall not provide a harborage for rodents, or create a fire hazard, and improvements shall be
installed to provide adequate air for combustion of any gas unit as specified in the adopted Uniform
Building Code for the Town of Byron.

(S) Applicants shall be encouraged to utilize the principles of cluster design in manufactured home
courts, to provide pedestrian movement systems separated from public streets and internal roadways and to
provide open space. Any manufactured home court containing more than three units shall provide a
minimum of 100 square feet of adequately landscaped and maintained recreational open space per unit.

(T) The final plan of any manufactured home court shall reflect all recommendations of the Council. It
shall conform to the drawing standards provided for subdivisions in this title. The Town Clerk shall be
provided with one reproducible and two paper copies of the final plan. Additionally, the Town Clerk shall be
provided with reproducible copies of as-built maps of all utility lines installed by the applicant.

(U) The final plan shall be accompanied by approval of the manufactured home court sewage collection
and water distribution system from DEQ.

(V) Each manufactured home space shall provide adequate area for a storage building.

(W) Prior to approval of a final plan of any manufactured home court, the Town Building Official shall
make such inspections as are necessary to ensure compliance with these performance standards. Failure to
comply shall be a violation of this title and subject the applicant to the penalties provided in this title. No
unit shall be occupied until the final plan has been accepted by motion of the Council as fulfilling all
conditions of the compliance permit.

(X) The Zoning Administrator shall conduct inspections of each manufactured home court to ensure
continuing compliance with this title; such inspections being preceded by at least 24 hours' written notice.
Inspections may also be conducted at the written request of an occupant or neighbor of a court or by order of
the Council. When violations are discovered, the applicant shall be notified in writing within 24 hours and
shall appear at the next Council meeting to show cause why the court's compliance permit should not be
revoked. The Council may reaffirm, with modifications, or rescind the findings of the Zoning Administrator
and may dictate a schedule for correction of violations. Where extreme threats to the public health or safety
are found to exist, the Council may order immediate closure of the court.

(Y) The owner of the manufactured home court shall be the party responsible for compliance with this
title.

11.35.040

Multiple-family dwellings.

All multiple-family dwellings hereafter constructed shall conform to the following performance
standards. Existing multiple-family dwellings shall be subject to subsections (E), (H), and (I) of this section.

(A) All multiple-family dwellings shall be evaluated for their impacts on the Town's water supply and
distribution system, sewage collection and treatment system, solid waste collection and disposal program,
fire protection facilities, law enforcement program, and streets.

(B) No multiple-family dwelling shall be allowed except when the applicant bears the full cost of any
extension or expansion of Town facilities or services necessitated by its location in the Town. However, the
Town may reimburse the developer for all or part of the costs of such Town facilities or services with funds
from an economic development account established to offset such costs for worthwhile economic
development projects.

(C) A multiple-family dwelling may be rejected on the basis of insufficient water or sewage system
capacity being available to serve it.

(D) All multiple-family dwellings shall provide adequate parking. If it shall be necessary in order to
provide adequate parking for the builder to provide off-street parking, such off-street parking shall have safe
access to public streets. A minimum of two off-street parking spaces shall be required for each dwelling
unit.

(E) All multiple-family dwellings shall provide adequate solid waste collection containers, accessible by
all-weather walkways from the dwelling units, and conforming to all standards for such containers set by the
Town.
(F) No multiple-family dwelling structures shall be constructed within 10 feet of any public alley or within 20 feet of any public street. The strict application of this performance standard, however, may be varied providing that the standard relating to overall open space on the parcel is met.

(G) A minimum of 1,500 square feet of lot area per dwelling unit shall consist of landscaped open space that is not occupied by buildings, structures, parking areas, access roads or other similar developed features. The strict application of this performance standard, however, may be varied where the existing arrangement of structures or other conditions would make strict application an extreme hardship on the applicant.

(H) Open space surrounding multiple-family dwellings shall be landscaped and maintained by the applicant. Landscaping shall consist of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch and similar materials.

(I) All multiple-family dwellings shall conform to the Uniform Building Code, recommended and published by the International Conference of Building Officials (ICBO), being particularly the 1994 Edition, and the whole thereof, including the appendix thereto, and also the supplements thereto, including the Uniform Mechanical Code, Uniform Sign Code, Uniform Code for the Abatement of Dangerous Buildings, Uniform Fire Code, all 1994 Editions and the Model Energy Code, except such portions thereof as are hereinafter deleted, modified or amended, and such codes are hereby adopted and incorporated herein as fully as if set out verbatim herein.

11.35.050

Single-family dwellings.

All site-built and modular-construction single-family dwellings and appurtenant accessory buildings hereafter constructed shall conform to the following performance standards. Existing dwellings are subject to subsections (A), (B) and (C) of this section.

(A) Each dwelling shall have a separate service connection to Town water and sewer mains. Existing joint connections shall be eliminated within two years of the effective date of the ordinance codified in this chapter.

(B) All residences and accessory buildings shall conform to the provisions of the Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition.

(C) Each residential lot shall be limited to one primary dwelling unit and one accessory housing unit. The accessory housing unit may be part of the same building as the primary dwelling unit or a detached unit on the same lot. The accessory housing unit may be accessed by an alley. The living area of the accessory housing unit shall not exceed 1,000 square feet or 50 percent of the living area of the primary dwelling, which ever is greater. There shall be provided additional off-street parking area adequate to accommodate all needs of the accessory housing unit.
(D) All single-family dwellings are subject to the following additional requirements:

(1) Structures will have a minimum width of 24 feet wide and minimum length of 32 feet; and

(2) Structures will be attached to a permanent foundation that conforms to the current International Building Code; and

(3) Siding will consist of wood or wood products, stucco, brick, rock, lap steel, lap aluminum or lap vinyl. One or a combination of these materials will be used to cover the exterior of the housing unit.

11.35.060

Dangerous buildings.

(A) The Uniform Code for the Abatement of Dangerous Buildings, recommended and published by the International Conference of Building Officials (ICBO), being particularly the 1994 Edition and the whole thereof, including the appendix thereto, is hereby adopted and incorporated herein, as fully as if set out verbatim herein.

(B) Whenever an owner-occupied housing unit is to be converted to a rental unit, the owner of the housing unit shall first obtain an inspection by the Town Building Official. The Town Building Official shall inspect the building to determine if it constitutes a dangerous building as defined in the Uniform Code for the Abatement of Dangerous Buildings. If the Building Official finds that the housing unit is a dangerous building, he shall advise the owner in writing of the conditions that make the housing unit dangerous and the owner shall not allow renters to occupy the housing unit until the dangerous conditions have been remedied. Failure of the housing unit owner to comply with this requirement shall constitute a violation of this title.

11.35.070

Water supply protection.

Those lands described in the Town's master plan as necessary for the quality and quantity of the Town's water supply shall be maintained in their existing use. No pipeline conveying petroleum products or other pollutants shall cross these lands.

11.35.080

Energy conservation.

All structures and land uses shall be subject to the following performance standards which promote the conservation of energy: No structure shall interfere or block in any way the access of any other structure to light needed for solar heating or power generation.
11.35.090 Fences, hedges and walls.

Fences, hedges and walls may be permitted with the following limitations:

(A) No fence, hedge, or wall on a corner lot shall exceed two and one-half feet in height when located within 30 feet of the corner formed by the front lot line and the side lot line, and no fence, hedge, or wall shall exceed two and one-half feet in height when located within five feet of the corner formed by an alley line and a street line; provided, that chain link or other metal see-through fencing may be constructed within such areas; provided, that such fencing will not so obstruct visibility across the corner as to create a traffic hazard; further provided, that the determination by the Building Inspector as to whether such fencing will so obstruct visibility as to create a traffic hazard shall be conclusive; and further provided that no plant, object or thing of any type whatsoever over two and one-half feet in height shall be placed, planted or permitted to grow along such fencing or within such areas.

(B) No barbed wire or other sharp or pointed metal fence and no electronically charged fence shall be permitted in the Town without permission of the governing body. Each application for such a building permit shall contain a plot plan drawn to scale showing the property lines and the location of the fence on the property and shall further specify the type and height of fence proposed to be constructed. Fence construction is subject to all permit and inspection requirements of the Uniform Building Code as adopted by the Town.

(C) Fences may not be constructed within the right-of-way of any dedicated street or alley unless permission is first obtained from the governing body. Fences constructed within the right-of-way of a dedicated street or alley or within the area of a dedicated utility easement, including any fence, hedge, or wall now in existence, are subject to being relocated or removed by the Town and other franchised utilities at the expense of the property owner, and the right of the Town and other franchised utilities to locate, relocate, maintain and improve or replace and expand the utility lines and equipment, and the right to ingress and egress for such purposes shall be deemed to supersede and have precedence over any consent that may be granted within the right-of-way of a dedicated street or alley or within the right-of-way of a dedicated utility easement. Any fence, hedge, wall or other improvement erected within such areas, even with the consent of the Town, shall be at the sole risk of the owner and such improvements may be removed, damaged, or destroyed by the Town or other franchised utility.

Any person or persons having or maintaining any fence, hedge, or wall in violation of BTC 11.35.090 may be required by the Town Council of the Town of Byron to remove the same and the person or persons in violation of said section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than $100 nor more than $750, plus costs incurred by the Town for removing or relocating the fence, wall, or hedge.
11.35.100

Home businesses.

(A) Home businesses are allowed in all districts pursuant to the following terms:

1. The commercial or industrial activity shall be conducted entirely within a dwelling and carried on by the inhabitants living there and not more than one other employee; and

2. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof; and

3. There shall be no exterior advertising other than identification of the home business; and

4. There shall be only incidental sale of stock, supplies or products conducted on the premises; and

5. There shall be no exterior storage on the premises of material or equipment used as a part of the home business; and

6. There shall be no offensive noise, vibration, dust, smoke, odors, heat or glare noticeable at or beyond the property line; and

7. There shall be provided additional off-street parking area adequate to accommodate all needs created by the home business.

(B) Major home businesses are allowed in all districts pursuant to the following terms:

1. Establishment of a major home business shall require a compliance permit issued by the Town Council; and

2. A major home business shall be carried on by the inhabitants living in the dwelling located on the same lot as the business; and

3. The number of non-resident employees, the size and type of signage, and the extent of on-premise sales activity is not specifically limited but may be limited by conditions imposed by the Council; and

4. There shall be no offensive noise, vibration, dust, smoke, odors, heat or glare noticeable at or beyond the property line; and

5. There shall be no exterior storage on the premises of material or equipment used as a part of the home business; and

6. There shall be provided additional off-street parking area adequate to accommodate all needs created by the home business; and

7. The initial term of the compliance permit shall be one year after which the permit shall expire unless the applicant applies for renewal of the permit. The Council may set the term of the renewed permit for period longer than one year.
11.35.110

Communication tower siting.

A compliance permit is required for all communication towers prior to their installation. The siting shall also comply with the following.

(A) Selected sites will be at locations that are in the best interest of the health, safety, and welfare of Town residents and shall not have a detrimental effect on the character of the surrounding area.

(B) Co-location of communication facilities on existing structures or towers are encouraged.

(C) Documentation shall be submitted that justifies the total height of any communication tower, facility, and/or antenna. This documentation will be reviewed to determine whether the height is justified in order to provide service primarily within the county.

(D) Towers and facilities shall not be artificially lighted or marked, except as required by State and Federal regulations. If lighting is required, the applicant must submit a detailed plan that explains how the lighting requirement will be met, while keeping it as unobtrusive and inoffensive as possible.

(E) Towers shall be galvanized or painted with a rust-preventive paint of a color that harmonizes with the surroundings and shall be maintained in accordance with Federal Aviation Administration (FAA) regulations.

(F) Towers and associated structures and facilities shall be set back from adjoining properties, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed tower or facility structure plus ten percent of the height of the tower or structure, or the existing setback requirement of the underlying zoning district, whichever is greater. Accessory structures shall comply with the applicable minimum setback requirements for the property on which it is located.

(G) A copy of the FAA permit shall be attached to the zoning certificate application.

11.35.120

Mobile homes.

Mobile homes, as defined in BTC subsection 11.20.020 (AB) are not allowed within the Town of Byron and shall not be installed, placed, set, or stored anywhere within the Town Limits after the effective date of this title. Legally existing mobile homes, including those in legally existing mobile or manufacture home courts, are allowed to remain as nonconforming uses under terms of BTC chapter 11.45 and subject to the following additional requirements:

(A) No mobile home shall be occupied for more than seven days unless connected to the Town water supply system and the Town sewage treatment system.
(B) The owner of any mobile home shall install skirting around the mobile home, and such skirting shall not provide a harborage for rodents, or create a fire hazard, and improvements shall be installed to provide adequate air for combustion of any gas unit as specified in the adopted Uniform Building Code for the Town of Byron.

(C) Mobile homes may only be used for residential purposes and may not be used as storage buildings or for any commercial activity or purpose.

(D) No mobile home shall be permitted within the Town limits of the Town of Byron for the purpose of leasing to third persons who are not the owners thereof, unless such mobile homes are situated in areas specifically designed and approved as mobile home courts.

(E) Mobile homes that remain vacant for more than one year may not be reoccupied and must be removed at the owner's expense unless the mobile home meets one or more of the following two conditions:

1. The mobile home is situated on a permanent foundation.
2. The mobile home is incorporated into a permanent structure.

(F) An existing mobile home that becomes uninhabitable for any reason, that is destroyed, or that is removed from its present location may not be replaced with another mobile home.

11.35.130

Manufactured homes.

(A) Manufactured homes, as defined in BTC subsection 11.20.020 (Y) are allowed within the Town of Byron in the RG, IL, TR and FP zoning districts subject to the following requirements:

1. Structures will be attached to a permanent foundation in accordance with the U.S. Department of Housing and Urban Development Handbook, Permanent Foundations Guide for Manufactured Housing, September 1996.

2. Structures will have a minimum width of 24 feet and minimum length of 32 feet.

3. Siding material will consist of wood or wood products, stucco, brick, rock, lap steel, lap aluminum or lap vinyl. One or a combination of these materials shall be used to cover the exterior of the housing unit.

4. The lower perimeter of the dwelling unit shall be fully enclosed from the lower edge of the dwelling unit to the ground. The material used to enclose the lower perimeter of the dwelling shall be either masonry or the siding material specified in paragraph (3) of this subsection. Any material used to enclose the lower perimeter of the dwelling unit shall be able to withstand the effects of wind, soil, decay, and prevent the entry of rodents.

5. An access will be provided along the lower perimeter. The size of the access will be at least 24 by 36 inches.
(6) No attachments, additions, alterations or modifications to the exterior walls of a manufactured home are allowed except those approved by the manufacturer for the specific unit. All other additions, porches, decks, garage or other add-on attachments must be freestanding and self-supporting with no structural reliance on the manufactured unit itself.

(7) All towing devices, wheels, axles, and undercarriage support used solely for initial transportation of the home will be removed from the unit within 30 days of delivery to the site.

(8) Structures will contain under-floor areas that are ventilated by an approved mechanical means or by openings into the under-floor area walls.

(B) Legally existing manufactured homes located in the RL, CL, and CG districts are allowed to remain as nonconforming uses under terms of BTC chapter 11.45.

(C) Manufactured homes to be installed in legally existing manufactured home courts are not required to meet the requirements of paragraphs (1), (2), (6), and (7) of subsection (A) of this section.
Chapter 11.40

ZONING DISTRICTS

Sections:
11.40.010 Zoning districts established.
11.40.020 Zoning map.
11.40.030 District boundaries.
11.40.040 Schedule of uses.
11.40.050 Dimensional requirements.
11.40.060 Floodplain district regulations.

11.40.010

Zoning districts established.
In order to carry out the provisions of this title, the Town is divided into the following zoning districts:
RL - Residential limited district.
RG - Residential general district.
CL - Commercial limited district.
CG - Commercial general district.
IL - Industrial district.
TR - Transitional district.
FP - Floodplain district.

11.40.020

Zoning map.
The official Town Zoning Map shall be filed and available to the public at the Byron Town Hall. The
Zoning Administrator shall be responsible for revising the map whenever the Council amends the district
boundaries.

11.40.030

District boundaries.
The zoning district boundaries are shown on the Zoning Map. Unless otherwise defined on the zoning
district map, district boundary lines are lot lines; the centerline of streets, alleys, or such lines extended;
public land survey lines; municipal corporate lines; or other lines drawn to scale on the zoning district map. Where a lot is divided at the time of enactment of this title, or by subsequent amendments, by a zoning district boundary line, the less restrictive zoning requirements may be extended not more than twenty-five feet into the more restrictive zoning district adjacent to the zoning district boundary line.

11.40.040

Schedule of uses.

The following Table presents the land uses which are authorized within each zoning district (so denoted with "X"). The land uses must also conform to all applicable performance standards. Uses not specifically listed are prohibited in that zoning district, unless the Planning Commission determines that the use is similar in nature to other uses within the same district. The following uses are not allowed in any zoning district in the Town of Byron: rock product mines, sexually oriented businesses and slaughterhouses.
### Table 1. Schedule of Uses

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>RL</th>
<th>RG</th>
<th>CL</th>
<th>CG</th>
<th>IL</th>
<th>TR</th>
<th>FP</th>
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<tr>
<td>Single family dwellings including those of modular construction</td>
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<td>X</td>
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<td></td>
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<td>Two family dwellings including those of modular home construction</td>
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<tr>
<td>Single family manufactured homes</td>
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<td>X</td>
</tr>
<tr>
<td>Manufactured home courts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Multi-family housings</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home businesses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Bed and breakfasts</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Agricultural production</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Community uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Utility uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Institutional uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correctional facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Residential religious uses</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential schools</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial recreation businesses</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor recreation facilities</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Campgrounds</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Commercial businesses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway commercial businesses</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial storage</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light industrial uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Salvage yards</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Permitted accessory uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Large accessory building</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
11.40.050

**Dimensional requirements.**

(A) Zoning district setbacks are established as follows.

1. Principal buildings shall conform to the following setbacks:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Front Setback</th>
<th>Side Setback</th>
<th>Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>RL</td>
<td>20'</td>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td>RG</td>
<td>20'</td>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td>CL</td>
<td>0'</td>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td>CG</td>
<td>4'</td>
<td>0'</td>
<td>10'</td>
</tr>
<tr>
<td>IL</td>
<td>20'</td>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td>TR</td>
<td>20'</td>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td>FP</td>
<td>20'</td>
<td>10'</td>
<td>10'</td>
</tr>
</tbody>
</table>

2. Accessory buildings in all zoning districts shall conform to all setbacks, except the rear setback in the RG district shall be 5 feet.

3. Side setbacks shall apply to the end units only for townhouse dwellings.

4. The front and side setback distances for any corner lot fronting on both Center Street and Main Street shall be 4 feet on the sides of the lot fronting said streets.

(B) The height of a structure shall be measured vertically at any cross section of the building from original grade to the high point of the building at the cross section and shall not exceed the following height limits:

1. Principal buildings, all zoning districts, except IL district: 35 feet.

2. Principal buildings, IL district: 50 feet.

3. Accessory buildings: same as for principal buildings.
(C) The minimum lot size in each zoning district shall conform to the following:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>RL</td>
<td>Eight thousand square feet.</td>
</tr>
<tr>
<td>RG</td>
<td>Six thousand square feet for one and two family dwellings; Nine thousand square feet for multifamily dwellings; Two thousand square feet per unit for townhouses of three or more units; Twelve thousand square feet for all other listed uses.</td>
</tr>
<tr>
<td>CL</td>
<td>For residential uses, same as for RG district; Six thousand square feet for all other listed uses.</td>
</tr>
<tr>
<td>CG</td>
<td>For residential uses, same as for RG district; Six thousand square feet for all other listed uses.</td>
</tr>
<tr>
<td>IL</td>
<td>For residential uses, same as for RG district; Twelve thousand square feet for all other listed uses.</td>
</tr>
<tr>
<td>TR</td>
<td>Twelve thousand square feet.</td>
</tr>
<tr>
<td>FP</td>
<td>One acre.</td>
</tr>
</tbody>
</table>

(D) Minimum lot width for each zoning district shall be as follows:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum lot width</th>
</tr>
</thead>
<tbody>
<tr>
<td>RL</td>
<td>80'</td>
</tr>
<tr>
<td>RG</td>
<td>60'</td>
</tr>
<tr>
<td>CL</td>
<td>60'</td>
</tr>
<tr>
<td>CG</td>
<td>50'</td>
</tr>
<tr>
<td>IL</td>
<td>67'</td>
</tr>
<tr>
<td>TR</td>
<td>80'</td>
</tr>
<tr>
<td>FP</td>
<td>100'</td>
</tr>
</tbody>
</table>

(1) For townhouse dwellings, the minimum lot width shall be 18 feet.

11.40.060

Floodplain district regulations

(A) The purpose of the flood management overlay district is to minimize public and private losses due to flood conditions in specific areas along the Shoshone River designated by the Federal Emergency
Management Agency and the Federal Insurance Administration. The requirements of this chapter must be met in addition to those of the underlying zone district.

(B) The areas of special flood hazard are identified on the flood insurance rate maps. The flood hazard area includes land within the 100-year floodplain.

(C) The creation of this district does not imply that all areas outside of the overlay district will always be safe from flooding. Therefore, the establishment of this district shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decisions lawfully made thereunder.

(D) All uses permitted in the FP district are subject to special construction requirements and the applicant shall demonstrate that the proposed development will not increase the risk of flooding or flood damage for properties upstream or downstream of the site.

(E) A compliance permit shall be obtained from the Council before construction or development begins within the FP district. The compliance permit application shall include information necessary to gauge the effect of the proposed development on floodplain management including a report by a Wyoming licensed professional engineer indicating the base flood height at the proposed location and conformance of the project with the standards of the FP district.

(F) In all areas of special flood hazards, compliance with the following general standards is required:

1) Anchoring shall be required for all structure in accordance with the following:

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) All manufactured homes must be anchored to prevent flotation, collapse or lateral movement of the structure and shall be installed using methods and practices that minimize flood damage. Anchoring methods include, but are not limited to, use of over-the-top or frame ties to ground anchors.

2) Construction materials and methods shall conform to the following standards:

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

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

(c) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3) Utilities shall conform to the following standards:

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

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

(4) Subdivision proposals shall conform to the following standards:

(1) All subdivision proposals shall be designed and constructed consistent with the need to minimize flood damage.

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

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(H) In all areas of the FP district compliance with the following specific standards is required.

(1) Residential construction shall conform to the following standards:

(a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a level equal to or greater than one foot above base flood elevation.

(b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement shall be certified by a registered professional engineer or architect.

(2) Nonresidential Construction. New construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Be certified by a Wyoming licensed professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.

(d) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in subsection (H)(1)(b) of this section.

(G) All manufactured homes to be placed or substantially improved in the FP district shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation and is securely anchored to an adequately anchored foundation system.
Chapter 11.45

NONCONFORMING USES, LOTS, AND STRUCTURES

Sections:

11.45.010 Definitions.
11.45.020 Continuation.
11.45.030 Enlargement, expansion and relocation.
11.45.040 Alteration, maintenance and repair.
11.45.050 Destruction and reconstruction.
11.45.060 Change of use.
11.45.070 Discontinuance.
11.45.080 Reduction of lot area.
11.45.090 New construction on nonconforming lot

11.45.010 Definitions.

(A) A nonconforming use is any use of land, premises, building, or structure that legally existed prior to the enactment of this title, which has been continuously in use and is no longer a permitted use in the zoning district where it is now located.

(B) A nonconforming structure is one that legally existed at the time of enactment of this title, and does not conform to the present requirements of the zoning district for setbacks or other dimensional requirements.

(C) A nonconforming lot is a lot of record that legally existed at the time this title was enacted and which is smaller than the present minimum lot area and/or width requirements of the zoning district where it is now located.

11.45.020 Continuation.

Nonconforming uses and nonconforming structures legally established as defined above may continue, subject to the limitations set forth in this chapter.
11.45.030

Enlargement, expansion and relocation.
Nonconforming uses and structures shall not be enlarged or expanded. No nonconforming uses or structures shall be moved to another location where such use or structure would also be nonconforming.

11.45.040

Alteration, maintenance, and repair.
Nonconforming uses and structures may be maintained and repaired as necessary for their continued safe and convenient operation, although the use and structure shall not be enlarged.

11.45.050

Destruction and reconstruction.
A nonconforming use or structure that is destroyed may be reconstructed as long as the reconstruction begins within six months of the date of destruction and that the reconstruction does not increase the degree of nonconformity of the use or structure.

11.45.060

Change of use.
A nonconforming use may be changed to any use that is allowed in the zoning district in which the use is located. No nonconforming use shall be changed to another use that is not authorized in that zoning district.

11.45.070

Discontinuance.
If a nonconforming use is discontinued for a period of one year, then the nonconforming use cannot be resumed. Any future use of the site and structure must conform to the requirements of the zoning district.

11.45.080

Reduction of lot area.
The lot area of a nonconforming lot or parcel may not be reduced in size by division or subdivision of the lot.
11.45.090

**New construction on nonconforming lot.**

Buildings and structures may be constructed or enlarged on any nonconforming lot provide the proposed construction meets all other applicable requirements of this title, including setbacks.
Chapter 11.50

PLANNING COMMISSION

Sections:
11.50.010 Appointment; composition; terms; removal; vacancies.
11.50.020 Organization and meetings.
11.50.030 Compensation; staff; consultants; expenditures.
11.50.040 General powers of commission.
11.50.050 Specific powers of commission.

11.50.010

Appointment; composition; terms; removal; vacancies.

(A) The Mayor, with the consent of the Council, shall appoint a Planning Commission consisting of not less than five nor more than seven members. Each member shall be appointed for a term of three years, except that the initial appointments shall be:

(1) Two for one year;
(2) Two for two years; and
(3) The remaining member or members for three years.

(B) The Council may remove any Commission member for cause upon written charges after public hearing. Vacancies shall be filled for the unexpired portion of a term.

(C) The Mayor, with the consent of the Council, may appoint one member of the Council to the Planning Commission as an additional, non-voting liaison member with a term of one year.

11.50.020

Organization and meetings.

The Planning Commission shall elect its own Chairman, and may appoint a qualified secretary, who need not be a member of the Commission, and shall create and fill such other offices as it may determine it requires for the proper conduct of the affairs and business of the Commission. The Chairman shall be elected yearly at the regular planning and zoning commission meeting held in January of each year and shall be eligible for reelection. The Commission shall hold at least one regular meeting in each month, at such time and place as may be fixed by the Commission. Special meetings of the commission may be called by
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the Chairman, or in his absence, by any of the members of the Commission. A majority of the Commission shall constitute a quorum for the transaction of business. Any member of the Planning Commission shall automatically disqualify himself from voting on any decision on which he might have a personal interest by virtue of ownership of land to be affected by zoning, or other similar situation. All meetings shall be open to the public. The Commission shall adopt such other rules and regulations governing its organization and procedures as it may deem necessary, consistent with the laws of the Town and State. All Commission resolutions, transactions, findings and determinations and minutes are public records and shall be filed in the Town Hall.

11.50.030

Compensation; staff; consultants; expenditures.

The members shall serve without compensation, except for reasonable expenses. The Commission may appoint employees and staff necessary for its work and may contract with city planners and other consultants, including any appropriate agencies or departments of the State of Wyoming, for any service it requires. Commission expenditures shall not exceed the amount of funds appropriated by the Council or obtained through gifts or otherwise.

11.50.040

General powers of commission.

The Commission has all powers necessary to perform its functions and promote municipal planning and may:

(A) Make reports and recommendations relating to the plan and development of the town to public officials and agencies, other organizations and citizens;

(B) Recommend to the executive or legislative officials programs for public improvement and their financing.

11.50.050

Specific powers of commission.

This title gives the Commission the following specific powers and duties in addition to any assigned to the Commission by statute:

(A) Review and make the final decision on compliance permits for subdivisions where no more than one additional lot, side or part is created.
(B) Review and make non-binding recommendations to the Council on all compliance permits that come before the Council.
Chapter 11.55

BOARD OF ADJUSTMENT

Sections:
11.55.010 Appointment; composition; terms; removal; vacancies.
11.55.020 Meetings; procedure; records.
11.55.030 Appeals to board; grounds; how conducted; stay of proceedings.
11.55.040 Powers and duties.
11.45.050 Vote required.

11.55.010

Appointment; composition; terms; removal; vacancies.

(A) The Mayor, with the consent of the Council, shall appoint a Board of Adjustment consisting of not less than five nor more than seven members. Each member shall be appointed for a term of three years, except that the initial appointments shall be:

   (1) Two for one year;
   (2) Two for two years; and
   (3) The remaining member or members for three years.

(B) The Council may remove any board member for cause upon written charges after public hearing. Vacancies shall be filled for the unexpired portion of a term.

(C) The Mayor, with the consent of the Council, may appoint the Town Planning Commission as the Board of Adjustment.

11.55.020

Meetings; procedure; records.

Board meetings shall be held at the call of the Chairman and at such other times as the Board determines. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All Board meetings are open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if the member was absent or failed to vote. The Board shall also keep records of its examinations and other official actions. All minutes are public records and shall be filed in the Town Hall.
11.55.030

Appeals to board; grounds; how conducted; stay of proceedings.

(A) Any aggrieved person or any officer, department, board or bureau of the town affected by any decision of the Zoning Administrator may appeal to the board. Appeals shall be taken within 14 days by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds therefor. The Zoning Administrator shall immediately transmit to the Board the complete record of the action from which the appeal is taken.

(B) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay, in his opinion, would cause imminent peril to life or property. In such cases proceedings shall not be stayed other than by a restraining order granted by the District Court for the district, or a judge thereof, on notice to the Zoning Administrator is taken, and on due cause shown.

11.55.040

Powers and duties.

(A) The Board shall:

(1) Hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator;

(2) Fix a reasonable time for hearing an appeal, give public notice, adequate notice to the parties in interest and decide the appeal within a reasonable time. Any party may appear in person at a hearing or by agent or attorney;

(3) Adopt rules in accordance with the provisions of this title.

(B) The Board has the power to:

(1) Vary or adjust the strict application of any of the requirements of this title in the case of any physical condition applying to a lot or building if the strict application would deprive the owner of the reasonable use of the land or building involved. No adjustment in the strict application of any provision of this title may be granted unless:

(a) There are special circumstances or conditions, fully described in the board's findings, which are peculiar to the land or building for which the adjustment is sought and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of this title;

(b) For reasons fully set forth in the Board's findings, the circumstances or conditions are such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of the
land or building, the granting of the adjustment is necessary for the reasonable use thereof and the adjustment as granted is the minimum adjustment that will accomplish this purpose; and

(c) The granting of the adjustment is in harmony with the general purposes and intent of this title and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(2) Grant exceptions and variances upon request after a showing that an illegal construction or a nonconforming building or use existed for a period of at least five years in violation of this title and the town has not taken steps toward enforcement;

(3) Reverse or affirm wholly or partly the order, requirement, decision or determination as necessary, but no power exercised under this paragraph shall exceed the power or authority vested in the Zoning Administrator.

(4) Hear and decide special exemptions to the setback provisions of this title which may, at the option of the Board, be granted with the approval of the adjoining landowner or landowners.

11.55.050

Vote required.

The concurring vote of a majority of the Board is necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this title or to allow any variation from this title.
Chapter 11.60

AMENDMENTS

Sections:
11.60.010 Amendments.
11.60.020 Protests.

11.60.010

Amendments.

This title may be amended in accordance with the laws of the State and all other applicable titles. Any amendments shall be effective only after a public hearing before the Council held after 15 days' notice of the time and place of such hearing shall have been given by posting in the Town Clerk's Office and in at least two other public places as the Council determines, or by one publication in a newspaper of general circulation in the Town. Amendments that pertain to specific properties, including all rezoning actions or zoning map amendment, shall have notice provided in accordance with BTC 11.30.090.

11.60.020

Protests.

If 20 percent or more of the owners of the lots within the area proposed for a change or those adjacent to or directly opposite thereto for a distance of 140 feet therefrom protest against the change, such amendment shall not become effective except upon a favorable vote of three-fourths of the Council.
Chapter 11.65

FEE SCHEDULE

Sections:
11.65.010 Fee schedule.

11.65.010

Fee schedule.

The Council may, by resolution, establish and update a fee schedule for permits, determinations, applications, and other services under this title, including but not limited to compliance permits, variances, appeals, and amendments.
Chapter 11.70

LIVESTOCK KEEPING

Sections:
11.70.010 Definitions.
11.70.020 Permit required for keeping livestock.
11.70.030 Minimum lot size.
11.70.040 Cleanliness of premises.
11.70.050 Control of weeds.
11.70.060 Spraying for insects.
11.70.070 Livestock noise.
11.70.080 Suitable fencing.
11.70.090 Permit procedures.
11.70.100 Permit revocation or cancellation.
11.70.110 Violations.

11.70.010 Definitions.

Terms used in this chapter shall have the following meanings:

(A) "Animal" means a single cow, sheep, pig, horse, pony, mule, goat or any single hybrid thereof.

(B) "Livestock" means any cattle, sheep, swine, horses, ponies, mules, llamas, or goats or any hybrids thereof.

(C) "Weed" shall include any plant growth over eight inches in height (1) which is not compatible in an area of commercial or residential development or (2) which endangers property or (3) which would burn readily if fired.

11.70.020 Permit required for keeping livestock.

The keeping, maintaining, harboring or boarding of livestock within the area denoted on the Zoning Map as the "Livestock Control Zone" shall require an annual permit from the town. All permits shall be subject to revocation and cancellation as provided in section 11.70.100.
11.70.030

**Minimum lot size.**

The issuance of any livestock keeping permit shall be subject to the following conditions:

(A) The keeping of one to two animals requires a minimum lot size of 10,000 square feet and a minimum corral space of 1,000 square feet.

(B) The keeping of three animals requires a minimum lot size of 19,000 square feet.

(C) The keeping of four animals requires a minimum lot size of 38,000 square feet.

(D) The keeping of more than four animals requires a minimum lot size of one acre plus one-half acre for each additional animal over four to be kept.

(E) Pre-existing livestock keeping that does not comply with the minimum lot size requirements may be continued provided all other requirements of this chapter are met and number of animals kept on the lot is not increased, even temporarily.

(F) Animals in excess of the lot size allowance may be kept on premises for which a permit is in effect for short periods not to exceed 21 days in any calendar year; providing, that a temporary permit is obtained. Such permit shall be issued upon application to the zoning administrator.

11.70.040

**Cleanliness of premises.**

The holder of a permit issued pursuant to this chapter must at all times keep any building, yard, shed, stable, corral, or enclosure wherein any animals are kept, in a clean and sanitary condition and may not permit any manure or other filth or debris to accumulate therein.

11.70.050

**Control of weeds.**

The holder of a permit issued pursuant to this chapter must at all times control weeds on the property by either removal or spraying.

11.70.060

**Spraying for insects.**

The holder of a permit issued pursuant to this chapter is required to spray or otherwise treat for insects any building, yard, shed, stable, corral or enclosure where any horses are kept, fed or maintained, and shall be required to do so as frequently as necessary to prevent flies or other insects from becoming a nuisance to neighbors in close proximity.
11.70.070

Livestock Noise.

The holder of a permit issued pursuant to this chapter must not allow livestock to make loud or incessant noise which may be annoying or discomforting to neighbors in close proximity.

11.70.080

Suitable Fencing.

The holder of a permit issued pursuant to this chapter must not allow livestock to run at large and shall provide suitable fencing confining the animals to where they are permitted.

11.70.090

Permit procedures.

(A) Application for livestock keeping permits shall be made by the landowner to the town clerk and shall include the following information:

(1) The name, address, and telephone number of the owner of each animal, and if different, the name, address, and telephone number of the person or persons having care, custody, and control of the animal;

(2) A description of the animals the permit is requested for;

(3) A description by lot, block, and address of where the animals are to be secured;

(4) A description of the fence, pen, building, or other enclosure to be used in securing the animals on the premises; and

(5) A list showing the name and legal mailing address of all owners or residents of property adjoining or across a street or alley from the premises where the livestock is to be kept.

(B) Upon receipt of a proper application, the town clerk shall refer the application to the zoning administrator. The zoning administrator shall make an investigation which shall include verification of the information contained in the application and of the application’s conformance with the standards of this chapter.

(C) Before issuing a permit, the zoning administrator shall send a copy of the application to each person listed in subsection (A) (5) of this section and allow reasonable time for comment. If no objection is received, the zoning administrator may issue the permit. If any objection is received, the application shall be referred to the town council for a decision.

(D) The town council shall decide applications referred to it within 45 days from date of referral.
(E) Livestock keeping permits issued for the first time shall expire at the end of the following July. To renew the permit, the applicant shall apply for renewal by June 1st of the year in which the permit is set to expire. The application shall contain the same information and shall be processed in the same manner as for new applications. Applicants may vary their applications from year to year, such as requesting to keep different numbers and types of animals than were kept in the prior year.

11.70.100

**Permit revocation or cancellation.**

Any livestock keeping permit may be revoked, cancelled or suspended by the town council at any time during the term thereof; provided, that the town clerk shall have first received a complaint in writing. The council shall then upon not less than five days' notice to such permittee hold a public hearing on the complaint, and take action upon the complaint, including revocation, cancellation or suspension of the permit, as in the best judgment of the council will best serve and protect the public health and welfare of the town. Revocation of a permit shall disqualify the landowner from keeping livestock on the subject land for the remainder of the original term of the permit.

11.70.110

**Violations.**

Keeping of livestock without first obtaining a permit pursuant to this chapter shall be a violation and is enforceable pursuant to BTC chapter 11.10, Violations, Penalties, and Enforcement.