

TITLE 12
ZONING REGULATIONS

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CHAPTER 1
GENERAL PROVISIONS

Section:

- 12-1-1: Short Title
- 12-1-2: Authority
- 12-1-3: Purpose
- 12-1-4: Application
- 12-1-5: Severability
- 12-1-6: Conflict With Other Regulations

12-1-1: SHORT TITLE:

This title shall be known, cited and referred to as the *ZONING ORDINANCE OF SUPERIOR, WYOMING*. (Ord. 982, 5-28-1992)

12-1-2: AUTHORITY:

This title is adopted pursuant to and in accordance with the authority vested in the town council of the town of Superior, Wyoming, by Wyoming Statutes, sections 15-1-103; 15-1-501 through 15-1-512; and 15-1-601 through 15-1-611, as amended. (Ord. 982, 5-28-1992)

12-1-3: PURPOSE:

The purpose of this title is to protect the public health, safety and general welfare of the community and its citizens through the establishment of minimum regulations governing development and use of land. (Ord. 982, 5-28-1992)

12-1-4: APPLICATION:

- A. Lands Included: These regulations shall apply to all private land within the corporate limits of the town of Superior, Wyoming, as those limits may from time to time be amended, and to all public lands within the same area that are legally subject to these provisions.
- B. Compliance Required: After the effective date of these regulations, no land shall be used or occupied and no structure shall be erected, altered, used or occupied except in conformance with the provisions of these regulations.
- C. Existing Uses: The enactment of the ordinance codified in this title shall not prohibit the continuance of the use of any land, building or structure for the purpose for which such land, building or structure is used at the time the ordinance takes effect, and it shall not be necessary to secure any permit or certificate permitting such continuance provided, however, that any significant alteration of or addition to any existing building or structure, or the change in

use of any land, building or structure within any area subject to the provisions of these regulations shall be regulated or prohibited.

- D. Restrictive Covenants: The existence of restrictive covenants or agreements shall not be a substitute for these zoning regulations.
- E. Sale, Rental Or Lease Prohibited: No person, firm, or corporation and no officer or employee thereof shall knowingly sell, rent, or lease, or offer to sell, rent or lease any land or structure for any use or purpose contrary to the provisions of this title. (Ord. 982, 5-28-1992)

12-1-5: SEVERABILITY:

If any part or provision of this title or its application is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined to the part, provision, section or application expressly involved in the controversy and shall not affect or impair the integrity or validity of the remainder of this title or its application to other persons, property or circumstances. (Ord. 982, 5-28-1992)

12-1-6: CONFLICT WITH OTHER REGULATIONS:

In the case of a conflict between this title and/or any part thereof, and the whole or part of any existing or future adopted ordinance of the town of Superior, Sweetwater County, Wyoming, the more restrictive provision in all cases shall apply. (Ord. 982, 5-28-1992)

CHAPTER 2
DEFINITIONS

Section:

12-2-1: Rules Of Construction

12-2-2: General Definitions

12-2-1: RULES OF CONSTRUCTION:

The word "shall" is always mandatory. The word "may" is permissive. Words used in the present tense shall include the future tense and words used in the singular shall include the plural. (Ord. 982, 5-28-1992)

12-2-2: GENERAL DEFINITIONS:

The following words, terms and phrases are hereby defined and shall be interpreted in the same fashion throughout this title. Terms not herein defined shall have the meaning customarily assigned to them:

ACCESSORY STRUCTURE: A subordinate detached building, the use of which is incidental to that of a main building located on the same zone lot.

ACCESSORY USE: Not a permitted use as authorized by these regulations but a subordinate use operated on the same zone lot.

ALLEY: A public or private thoroughfare which provides only a secondary means of access to abutting property.

BASEMENT: Any story or floor of a building of sufficient size and construction for use as an occupied space located below the level of any building wherein the primary entrance is located.

BOARD: The board of adjustment of the town of Superior.

BUILDING: Any structure intended for the shelter, housing, or enclosure of persons, animals or goods.

BUILDING FRONTAGE: That facade of a structure containing a permitted use which is most parallel to and closest to the front line of a zone lot. In the case of a corner lot, it is the longest façade of the building parallel to a street or, in the case of a square building on a corner lot, the façade containing the most used entrance and exit.

BUILDING HEIGHT: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point

of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

COMMISSION: The planning and zoning commission of the town of Superior, Wyoming.

CONDITIONAL USE: A nonconforming use that may have special conditions attached to the permit.

CORNER LOT: A zone lot situated at the intersection of two (2) or more streets.

COUNCIL: The town council of the town of Superior, Wyoming.

DISTRICTS: Any section or area of the town of Superior for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform.

DOUBLE WIDE: A mobile home structure built in two (2) parts with two (2) steel beams down each side. Can be set on permanent foundation with the axle and tongue removed as long as it meets planning and zoning, and county specifications.

DWELLING UNIT: A structure used for living purposes or constituting a separate, independent housekeeping unit for residential occupancy.

FAMILY: One or more persons related by blood, adoption or marriage, or living together as if married, occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, hotel or motel.

FRONT LINE: Any boundary line of a zone lot parallel to and abutting the right of way line of an officially approved street or highway. In the case of a corner lot, it is the longest lot line parallel to and abutting said right of way line or, if of equal size, the lot line containing the most used point of ingress and egress.

GASOLINE FILLING STATION: A retail establishment engaged in the sale of automotive fuels, motor oil or other automobile accessories, and providing incidental services including lubrication, hand washing and cleaning, or minor mechanical work and repairs. Shall not include painting or body work nor the sale of butane or propane fuels.

GREENHOUSES: A building exclusively used to grow flowers and vegetables, including storage of materials to do the same.

Permanent Greenhouses: Made of glass and cannot be moved; restrictions are the same as for a permanent structure.

Temporary Greenhouses: Made of plastic and tubular construction and can be quickly and easily removed; no restrictions.

GROSS FLOOR AREA: The sum of the areas of the several floors of a building measured between the exterior faces of the walls of each floor, excluding any floor area used exclusively as parking for motor vehicles.

HAZARDOUS WASTE: A substance which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause harm to human health or the environment when improperly treated, stored, transported or disposed of.

HOME OCCUPATION: A gainful occupation conducted by members of the family within the dwelling or on the premises, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

HOTEL: A building or series of building in which lodging is offered for compensation for not more than one week per lodger.

JUNKYARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material; or for the collection, dismantling, storing and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.

LOADING SPACE: A space within the main building or on the same zone lot providing for the standing, loading or unloading of a vehicle.

MOBILE HOME: A portable structure *no smaller than 14' x 70'* designed for use as a year around dwelling unit, built on a chassis and transportable over the public highways on its own wheels. 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 foundation.

MOBILE HOME COURT OR PARK: An area, under a single ownership, designed for and approved by the town of Superior for occupancy by mobile homes and meeting all of the requirements of the zoning ordinance and subdivision regulations.

MOBILE HOME SUBDIVISION: A subdivision consisting of three (3) or more lots and meeting all of the requirements of the subdivision regulations of Superior, the lots of which are intended to be sold, leased or assigned for use by mobile homes to create a suitable environment for long term residential occupancy.

MOBILE HOME TIE DOWNS: A way of anchoring down a mobile home on a cement pad that protects the dwelling from natural disasters such as a tornadoes and etc. Tie downs must meet planning and zoning specifications.

MODULAR HOME: A structure or part of a structure capable of being transported by an appropriate vehicle from the place of fabrication to the site on which it is to be erected, where it is placed on a permanent foundation which, together with the assembled structure, meets all of the provisions of the uniform building code for dwelling units.

MOTEL: A building which provides direct, independent access to, and adjoining parking for each rental unit.

OPEN SPACE: That portion of a zone lot not occupied by a structure, not utilized for parking and not otherwise used in the operation of the permitted use. Setback areas meeting this definition shall be considered as open space.

PARKING SPACE: An off street space available for the parking of one motor vehicle and having an area of not less than 9' x 18' exclusive of passageways and driveways appurtenant thereto and having direct access to a street or alley.

PERMITTED USE: A use enumerated for a zoning district.

PUBLIC UTILITY: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations to the public electricity, gas, steam, communication, telegraph, transportation or water.

REAR LINE: A. On any zone lot with but one front line, the rear line shall be the boundary of the zone lot opposite the front line;

B. On any zone lot with two (2) front lines, the rear line shall be fixed by the commission, taking into consideration the orientation and location of existing and proposed structures, and the use of the rear portion of zone lots in the district;

C. On any zone lot with three (3) or more front lines there shall be no rear line.

RECREATIONAL FACILITIES: Land and structures, along with accessory equipment, designed and utilized for leisure time activities.

RESTAURANT: A retail establishment engaged in the sale of prepared food and drink which is served to customers entirely within the structure housing the permitted use.

SETBACK LINES: The lines defining the allowable building area of the zone lot and the inside limits of the required yards.

SIDE LINE: Any boundary of a zone lot not a front line or a rear line.

SIGN: Any device or display of letters, words, models, banners, flags, pennants, symbols or other representations which are in the nature of an announcement or advertisement or calls attention to a product, service, organization, person or event. The word "sign" does not include the flag, pennant, or insignia of any nation, state, city or other political unit.

SINGLE-FAMILY DWELLING: A single, detached structure having but one dwelling unit for the residential occupancy of one family and complying with the provisions of the uniform building code for dwellings.

STRUCTURE: Anything constructed or erected, the use of which requires a more or less permanent location on the ground. Fences, signs, utility poles and lines, railways, monuments, statuary, flagpoles, roadways and bridges shall not be considered structures for the purposes of this title.

TOWN ENGINEER: The engineer employed by or officially representing the town of Superior, Wyoming.

YARD: A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward.

YARD, FRONT: The required open space extending across the full width of a zone lot between the front line and an authorized structure.

YARD, REAR: The required open space between the rear lot line and structure containing a permitted or an accessory use.

YARD, SIDE: The required open space between the side line of the zone lot and an authorized structure on the zone lot.

ZONE LOT: A single parcel of contiguous land occupied or intended to be occupied by structures and uses as permitted by this title together with the open spaces required by this title. All zone lots shall abut on a public street or an officially approved way. (Ord. 982, 5-28-1992; Amend Ord 1056, 2-25-2016)

CHAPTER 3
ZONING DISTRICTS

Section:

- 12-3-1: District Classifications
- 12-3-2: District Zoning Map
- 12-3-3: Zone Lot For Structures
- 12-3-4: Uniform District Regulations

12-3-1: DISTRICT CLASSIFICATIONS:

In order to effectively carry out the provisions of these regulations, the lands within the corporate limits of the town of Superior shall be divided into the following zoning districts:

- O Open lands district
- R-1 Single, mixed, multi-family residential district
- MH Mobile home courts, parks, subdivisions
- B-1 Old town business district
- B-2 General commercial district

- LI Light Industrial
- HI Heavy Industrial

(Ord. 982, 5-28-1992; amd. 2005 Code, Ord, 1061, 1062 1-26-2017)

12-3-2: DISTRICT ZONING MAP:

- A. Established; Incorporation: The boundaries of these zoning districts are hereby established as shown on a map entitled "Zoning Map, Town of Superior, Wyoming". This map, and all official amendments thereto, are hereby declared to be a part of this title.
- B. Boundary Lines: Unless otherwise defined, district boundary lines are intended to be lot lines; the centerline of streets, alleys, channeled waterways or other similar rights of way; the centerline of blocks; section or township lines; municipal corporate lines; the centerline of streambeds; or other lines dimensioned or drawn to scale on the zoning map.
- C. Intent: It is the intent of this title that all lands lying within the corporate boundaries shall be within one of the enumerated zoning districts.
- D. Annexations: All territory which shall hereafter be annexed to the town of Superior shall be in the O open lands district until and unless otherwise

classified by the town council as a part of the annexation and zoning process. A zone district classification, once established, may be amended pursuant to the procedures established by this title. (Ord. 982, 5-28-1992)

12-3-3: ZONE LOT FOR STRUCTURES:

- A. Designation Required: Except in the O open lands district, B-1 old town business district, and B-2 general commercial district or as otherwise provided by this title, a separate ground area called the zone lot shall be designated, provided and maintained for each structure containing a permitted use or uses. Each zone lot shall have at least one front line and shall be occupied only by a main structure containing the permitted use or uses and a subordinate structure or structures containing only accessory uses. Designated zone lots in O, B-1, and B-2 districts may contain more than one main structure containing a permitted use or uses. (Ord. 982, 5-28-1992; amd. 2005 Code)
- B. Ownership; Record Of Designation: A zone lot shall consist of a single parcel of contiguous land. Where a designated zone lot is not owned by a single individual or entity or where the ownership of a structure to be placed on the zone lot is different from the ownership of the land, all responsible parties shall agree and participate in the designation of the zone lot. A record of the designation of zone lots shall be kept in the files of the planning and zoning commission.
- C. Conformance Required: No zone lot shall be designated unless it shall conform to all of the applicable regulations of the zoning district in which the property is located.
- D. Existing Uses Or Building Sites: The land area occupied by a use and/or the building site designated and occupied by each structure existing on the effective date hereof shall be deemed the zone lot for such use and/or structure. Upon application to and approval by the commission, the boundaries and area of the zone lot may be amended provided full compliance can be maintained with all of the requirements of this title.
- E. Coinciding With Recorded Plat: A zone lot may or may not coincide with a numbered and designated lot on a duly recorded plat. (Ord. 982, 5-28-1992)

12-3-4: UNIFORM DISTRICT REGULATIONS:

The provisions of this title shall apply uniformly within all zoning districts bearing the same classification as designated on the zoning map, provided however, that: (Ord. 982, 5-28-1992)

- A. Where an ownership of record is divided by a district boundary line, each parcel thus created equal to or exceeding the minimum zone lot size as established by this title shall conform to the regulations pertaining to the zoning district in which each parcel is located. (Ord. 982, 5-28-1992; amd. 2005 Code)

- B. Where an ownership of record is divided by a district boundary line, any parcel thus created which is smaller than the minimum zone lot size for the district in which it is located, may be combined with the larger parcel and used for a use permitted in the zone district in which the larger of the two (2) parcels is located.
- C. Where an ownership of record is divided by a district boundary line and both parcels thus created are smaller than the minimum zone lot size for the districts in which they are located, then the parcels may be combined and used for a use permitted in the most restrictive of the zoning districts. (Ord. 982,5-28-1992)

ARTICLE A. O OPEN LANDS DISTRICT

Section:

- 12-3A-1: General Requirements
- 12-3A -2: Permitted Uses
- 12-3A -3: Permitted Accessory Uses
- 12-3A -4: Home Occupations
- 12-3A -5: Minimum Area
- 12-3A -6: Minimum Width
- 12-3A-7: Minimum Yards For Structures
- 12-3A-8: Permitted Yard Encroachments
- 12-3A-9: Maximum Height Of Structures
- 12-3A-10: Permitted Exceptions To Maximum Height
- 12-3A-11: Fences, Walls And Retaining Walls

12-3A-1: GENERAL REQUIREMENTS:

No building, fence, foundation, or structure shall be constructed, erected, enlarged or altered without prior notification to the Planning and Zoning Commission whether a permit is needed or not. An application shall be filed requesting a permit. Prior to issuance of a permit for a mobile home, the mobile home shall be inspected by Planning and Zoning at the mobile home's present location with 100 mile radius of Superior. Outside of this district, a photo of the mobile home must be sent for Planning and Zoning review. A permit will only be issued for a specific mobile home and not for a particular person or firm. (Ord. 982, 5-28-1992)

12-3A-2: PERMITTED USES:

The following uses may be operated as permitted uses in the district, except for storage of hazardous wastes or supplies:

Any open use intended to provide amusement, entertainment, or recreation upon the payment of a fee or admission charge.

Animals (refer to livestock found in this section).

Business offices, repair, sales or storage facilities.

Cemetery.

Essential public utility or public service installations.

Fire station.

Greenhouses (refer to definitions, chapter 2 of this title).

Kennel for the keeping or boarding of animals (not including animal feedlots or commercial holding pens).

Livestock: All, with the limit of two (2) per acre.

Mineral exploration and drilling facilities.

Oil and gas exploration and drilling facilities.

Plant husbandry or general agriculture.

Plant nursery.

Public or private schools for elementary or secondary education.

Public park, playground or other public recreational facilities.

Radio and television transmitting station and tower.

Residences.

Sanitary landfill.

Security living quarters.

Sewage disposal plant.

Water filtration plant.

Water reservoir. (Ord. 982, 5-28-1992)

Wind generation

12-3A-3: PERMITTED ACCESSORY USES:

- A. Is clearly and commonly associated with the operation of the permitted use. (Ord. 982, 5-28-1992)
- B. Is operated and maintained under the same ownership and on the same property as the permitted use. (Ord. 982, 5-28-1992; amd. 2005 Code)
- C. Separate detached accessory structures may be placed against a hill, a creek, or mining tailings upon planning commission approval. (Ord. 982, 5-28-1992)

12-3A-4: HOME OCCUPATIONS ¹ :

A home occupation may be conducted in that dwelling unit provided all of the following conditions are met:

- A. Conducted Within Structure: Such use shall be conducted entirely within a dwelling site and/or permitted accessory structures, and carried on by the inhabitants living there and no other.
- B. Residential Character: Such use shall be clearly incidental, and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.
- C. Area Used: The total area used for such purpose shall not exceed one-third (1/3) of the gross floor area of the user's dwelling unit and accessory structure.
- D. Exterior Storage: There can be exterior storage on the premises of material or equipment used as a part of the home occupation, maximum storage area twenty feet by twenty feet by five feet (20' x 20' x 5').
- E. Performance Standards: There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- F. Off Street Parking: A home occupation shall provide additional off street parking of one parking space for each two hundred (200) square feet of gross floor area occupied by the home occupation. (Ord. 982, 5-28-1992)

12-3A-5: MINIMUM AREA:

None, except that where permanent residential occupancy is conducted as an accessory use, a land area of at least ten thousand (10,000) square feet shall be set aside on the zone lot for each permanently occupied dwelling unit. Provided, however, that if no public water and sewer is available, the required minimum lot area shall be one acre. (Ord. 982, 5-28-1992)

12-3A-6: MINIMUM WIDTH:

Sixty feet (60'). (Ord. 982, 5-28-1992)

12-3A-7: MINIMUM YARDS FOR STRUCTURES:

- A. Front Yards: Twenty feet (20').
- B. Side Yards: Seven and one-half feet (7 1/2').
- C. Rear Yards: Twenty feet (20'). (Ord. 982, 5-28-1992)

12-3A-8: PERMITTED YARD ENCROACHMENTS:

¹ See definition at section 12-2-2 of this title.

- A. Belt courses, sills, eaves, lintels, exterior columns, chimneys and building accessories may project twenty four inches (24") into all yards.
- B. Open or unwallled porches, terraces, balconies and exterior stairways may project three and one-half feet (3 1/2') into front yards and any distance into rear yards. Greenhouses or any solar structure may project ten feet (10') into front yards and any distance into rear yards.
 - 1. Outdoor terraces or patios without roofs or walls may project any distance into any yard.
 - 2. Outdoor terraces or patios with roofs or walls may project one-half (1/2) the distance of the required setback into the yards.
 - 3. Outdoor steps or stairs may project six feet (6') into the yard. (Ord. 982, 5-28-1992)

12-3A-9: MAXIMUM HEIGHT OF STRUCTURES:

Thirty five feet (35'). (Ord. 982, 5-28-1992)

12-3A-10: PERMITTED EXCEPTIONS TO MAXIMUM HEIGHT:

Radio and television towers, church spires, wind generators, church towers, chimneys, flagpoles, antennas, monuments, water towers, school, and fire towers may be erected to any safe height not in conflict with other regulations. (Ord. 982, 5-28-1992)

12-3A-11: FENCES, WALLS AND RETAINING WALLS:

- A. Maximum Height: Fences, walls or retaining walls may be erected to six feet (6') in height in the front setback space and to a height of eight feet (8') on any other part of the zone lot, except that, on corner lots, any fence, wall, retaining wall or obstructing foliage located in that triangular portions of the zone lot with two (2) sides consisting of twenty foot (20') segments of the intersecting front lines extending away from the point of intersection shall not exceed six feet (6') in height with the top three feet (3') of any such fence to be visually clear.
- B. Hazardous Or Dangerous Fence: No fence shall be constructed which is hazardous or dangerous to animals or persons.
- C. Damage To Adjacent Property: No fence shall be constructed which will materially damage adjacent property by obstructing views or shutting out light and air or otherwise adversely affecting the general public health, safety and welfare.
- D. Schools And Playgrounds: Open mesh fences of any height may be erected on zone lots containing schools and playgrounds. (Ord. 982, 5-28-1992)

**ARTICLE B. R-1 SINGLE-FAMILY, MULTI-FAMILY AND
MIXED RESIDENTIAL DISTRICT**

Section:

- 12-3B-1: General Requirements
- 12-3B -2: Permitted Uses
- 12-3B -3: Permitted Accessory Uses
- 12-3B -4: Home Occupations
- 12-3B -5: Minimum Area
- 12-3B -6: Minimum Width
- 12-3B-7: Minimum Yards For Structures
- 12-3B-8: Permitted Yard Encroachments
- 12-3B-9: Maximum Height Of Structures
- 12-3B-10: Permitted Exceptions To Maximum Height
- 12-3B-11: Fences, Walls And Retaining Walls
- 12-3B-12: Mobile Homes

12-3B-1: GENERAL REQUIREMENTS:

None. (Ord. 982, 5-28-1992)

12-3B-2: PERMITTED USES:

The following uses may be operated as permissible uses in the district, except for storage of hazardous wastes or supplies:

Church.

Daycare facilities.

Essential public utility and public service installation.

Fire station.

Greenhouses (refer to definitions, chapter 2 of this title).

Modular and mobile home, double wide, stick built

Police station.

Public and private school for elementary or secondary education.

Public park, playground and other public recreational facilities.

Single-family dwelling. (Ord. 982, 5-28-1992)

Multi-family dwelling or townhouse clusters containing six (6) or fewer dwelling units per structure.

12-3B-3: PERMITTED ACCESSORY USES:

- A. Is clearly and commonly associated with the operation of the permitted use.
- B. Is operated and maintained under the same ownership and on the same zone lot as the permitted use.
- C. Separate, detached structures may be placed against a hill, a creek, or mining tailings upon planning commission's approval. (Ord. 982, 5-28-1992)

12-3B-4: HOME OCCUPATIONS:

Home occupations shall be allowed provided all of the following conditions are met:

- A. Use Incidental And Secondary: Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- B. Performance Standards: There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
- C. Off Street Parking: A home occupation shall provide additional off street parking of one parking space for each two hundred (200) square feet of gross floor area occupied by the home occupation.
- D. Exterior Storage: There can be exterior storage on the premises of material or equipment used as a part of the home occupation. The maximum storage area is twenty feet by twenty feet by five feet (20' x 20' x 5'). (Ord. 982, 5-28-1992)

12-3B-5: MINIMUM AREA:

Five thousand (5,000) square feet for each dwelling unit; provided, however, that if no public water and sewer is available, the required minimum lot area shall be one acre. (Ord. 982, 5-28-1992)

12-3B-6: MINIMUM WIDTH:

Fifty feet (50) at front setback line. (Ord. 982, 5-28-1992)

12-3B-7: MINIMUM YARDS FOR STRUCTURES:

- A. Front Yard: Twenty feet (20'),
- B. Side Yards:
 - 1. Structures containing a permitted use: Seven and a half feet (7 ½')

2. Permanent structures containing accessory use only: Five feet (5'). **If not a permanent structure none.**

C. Rear Yard: Structures containing permitted uses: Ten feet (10) (Ord. 982, 5-28-1992)

12-3B-8: PERMITTED YARD ENCROACHMENTS:

- A. Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty four inches (24") into front or rear yards.
- B. Open or unwallled porches, terraces, balconies and exterior stairways may project ten feet (10') into front yards as long as setbacks are met, and any distance into rear yards.

12-2B-9: MAXIMUM HEIGHT OF STRUCTURES:

Thirty five feet (35'). (Ord. 982, 5-28-1992)

12-3B-10: PERMITTED EXCEPTIONS TO MAXIMUM HEIGHT:

Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers, schools, wind generators and fire towers may be erected to any safe height not in conflict with other regulations. (Ord. 982, 5-28-1992)

12-3B-11: FENCES, WALLS AND RETAINING WALLS:

- A. Maximum Height: Fences, walls or retaining walls may be erected to six feet (6') in height **in the front setback space** and to a height of eight feet (8') on any other part of the zone lot, except that, on corner lots, any fence, wall, retaining wall or obstructing foliage located in that triangular portions of the zone lot with two (2) sides consisting of twenty foot (20') segments of the intersecting front lines extending away from the point of intersection shall not exceed six feet (6') in height with the top three feet (3') of any such fence to be visually clear.
- B. Hazardous Or Dangerous Fence: No fence, wall, or retaining wall shall be constructed which is hazardous or dangerous to persons or animals.
- C. Damage To Adjacent Property: No fence, wall or retaining wall shall be constructed which will materially damage adjacent property by obstructing views or shutting out light and air or otherwise adversely affecting the general public health, safety and welfare.
- D. Schools And Playgrounds: Open mesh fences of any height may be erected on zone lots containing schools and playgrounds. (Ord. 982, 5-28-1992)

12-3B-12: MOBILE HOMES:

A. Conditions For Mobile Homes:

1. HUD Standards: The mobile home construction **must be HUD** (U.S. department of housing and urban development) **certified**. HUD standards and certificates must be attached to mobile home as required by law. If the mobile home is not HUD certified, then wiring and construction must be brought up to standard, provided the work is inspected and approved by a state certified inspector. Proof of update must be submitted to planning and zoning along with state inspection certificate before permit is issued. (Ord. 982, 5-28-1992)
2. Minimum Width and Length; Exterior: **Minimum width of a mobile home shall be fourteen feet (14'). Minimum length of a single-wide mobile home shall be seventy feet (70')**. The physical exterior of a mobile home must be in the condition it was in at the time it was manufactured. (Ord. 982, 5-28-1992; amd. 2005 Code)
3. Minimum Age; Minimum age of a mobile home shall be no older than **fifteen years (15) old from present date**.
4. Blocking: **All blocking shall be concrete blocks**. No wooden ties or any flammable material shall be used. Any part of the mobile home over four feet (4') from ground level requires concrete or block foundation surrounding and supporting the trailer.
5. Skirting: Skirting shall be a minimum of two inch by four inch (2" x 4") frame construction with top and bottom plate of two inch by four inch (2" x 4") frame construction. Uprights to be on twenty four inch (24") centers. Cover for skirting frame shall be compatible with the type, color, construction and material of the siding on this mobile home and shall be maintained. **Skirting shall be in place in sixty (60) days or less before permit can be issued**.
6. Setbacks: Setbacks are ten feet (10) from the back, seven and a half feet (7 ½) on both sides and twenty feet (20) in the front, provided it meets fire codes.
7. **If a mobile home is moved from a zoned lot to another zoned lot then all conditions for mobile homes must be met (1-6)**.

B. Procedure For Zoning Permit:

1. Application: An application shall be filed requesting a permit. **Prior to issuance of permit, the mobile home shall be inspected by Planning and Zoning at the mobile home's present location** within a 100 mile radius of Superior. Outside of this district, a photo of the mobile home must be sent for Planning & Zonings review. A permit will only be issued for a specific mobile home and not for a particular person or firm.

2. Responsibility For Obtaining Permit: The property owner shall be responsible for filing the application and obtaining all permits and compliance with the conditions set forth in subsection A4 of this section. If the applicant is not the owner, the owner must authorize the applicant, in writing, to process the application. This written authorization shall be presented to the planning and zoning commission along with the application for zoning permit. Authorization must be notarized.
 3. Submittal Of Application; Fee; Survey: The person applying for the permit shall fill out and submit the application to the planning department together with the required fee and an accurate copy of the property survey.
 4. Review Of Application; Inspection; Issuance: The planning and zoning commission shall review the completed application and setbacks, designate two individuals to inspect the mobile home within ten (10) business days after the completed application is filed with the planning department. If the application and mobile home are consistent with the requirements contained herein, a temporary permit shall be issued. If all conditions required by subsection A of this section are not met, no permit shall be issued.
- C. Compliance Required; Violation: The conditions set forth in subsection A of this section must be met within sixty (60) days after the mobile home is set on the zone lot then a permit will be issued. If these conditions are not completed within said sixty (60) day period, it shall be a violation of this title and subject to the penalties as set forth in section 12-6-8 of this title.
- D. Maintenance:
1. Identification: Each mobile home shall be identified by letter or number.
 2. Space Beneath Mobile Home: The space beneath each mobile home shall be kept clean and free from refuse. No flammable materials shall be stored beneath a mobile home.
 3. Abandoned, Burned Or Derelict Mobile Homes: No abandoned, burned or derelict mobile home shall be allowed to occupy a lot. A time of shall be given to clean up said mobile home. After said time is up, mobile home will be removed at owner's expense. 6 mths total, immediate removal.
 4. Skirting: Skirting shall be placed around each mobile home. Said skirting shall be equipped with doors and access panels to permit access to utilities connections and shall be weatherproof, rigid, durable, fireproof, and finished in a manner compatible with the appearance of the mobile home. Such skirting must be in place within sixty (60) days after the mobile home is set on the mobile home lot.
 5. Anchoring: Each mobile home shall be anchored or tied down.
 6. Support: Mobile homes shall be placed on support not to exceed four feet (4') from the ground to the bottom of the mobile home.
 7. Abandonment: Abandonment clause is combined with subsection C3 of this section. (Ord. 982, 5-28-1992)

ARTICLE C: HEAVY INDUSTRIAL ZONE, LIGHT INDUSTRIAL ZONE

Section:

- 12-3-1: District Classifications
- 12-3C-1: LI Zone
- 12-3C-2: Administratively Permitted Uses
- 12-3C-3: Setbacks
- 12-3C-4: Fences and Walls
- 12-3-1: District Classifications
- 12-3D-1: HI Zone
- 12-3D-2: Administratively Permitted Uses
- 12-3D-3: Setbacks
- 12-3D-4: Fences and Walls

12-3-1: DISTRICT CLASSIFICATIONS

Shall be amended to include:

- LI Light Industrial District

ARTICLE C: LIGHT INDUSTRIAL ZONE

12-3C-1: LI ZONE

A. Established; Purpose: A light industrial (LI) zone is created to provide for an area where light industry, as enumerated in this section, may be established.

B. Permitted And Conditional Uses: Only the following buildings, structures and uses conducted either singly or in combination, as provided for in this section, are permitted in the LI zone. No building or structure shall be erected, structurally altered or land used, absent an applicable variance and/or conditional use permit except for the following purposes:

1. Permitted Uses:

Commercial:

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

Administrative offices.

Lumberyards (open storage area permitted).

Maintenance services.

Repair garages for automobiles, motorcycles and boats.

Utilities:

Distribution plants and substations.

Service yards.

Wholesaling and warehousing, including miniwarehouses.

Other:

Automobile service stations.

Drugs.

Pest control services.

Printing and publishing.

Research and development

12-3C-2: ADMINISTRATIVELY PERMITTED USES:

Other buildings and uses for the LI zone may be permitted as an administrative act of the planning and zoning commission, provided a public hearing is held, and the planning commission determines and finds as a fact that such buildings and uses are similar to those listed in the sections preceding; and provided further, that such other uses shall not have any different or detrimental effect upon the adjoining neighborhood area or zones than such specifically permitted uses and shall not increase the traffic and noises in the neighborhood or otherwise be more objectionable or obnoxious than those uses specifically permitted.

12-3C-3: SETBACKS

Setback requirements in the LI zone is as follows:

A. Front Yard: No building shall be erected closer than twenty feet (20') to the property line fronting on a street or highway.

B. Side Yard: When property abuts upon a lot in a residential zone, the required side yard shall be thirty feet (30'). Otherwise, no side yard is required.

C. Rear Yard: When property abuts any lot in a residential zone, the required rear yard shall be thirty feet (30'). Otherwise, no rear yard is required.

12-3C-4: FENCES AND WALLS:

A. Maximum Height: Fences and walls are permitted but not required in the LI zones. Such fences and walls shall not exceed twelve feet (12') in height.

B. Barbed Wire; Chainlink: Fences in LI zones may be constructed of chainlink and may have not more than three (3) strands of barbed wire on the top of the chainlink.

12-3-1: DISTRICT CLASSIFICATIONS

Shall be amended to include:

HI Heavy Industrial District

ARTICLE C: HEAVY INDUSTRIAL ZONE

12-3D-1: HI ZONE

- A. Established; Purpose: A Heavy Industrial (HI) zone is created to provide for an area where Heavy industry, as enumerated in this section, may be established.
- B. Permitted And Conditional Uses: Only the following buildings, structures and uses conducted either singly or in combination, as provided for in this section, are permitted in the HI zone. No building or structure shall be erected, structurally altered or land used, absent an applicable variance and/or conditional use permit except for the following purposes:

Commercial:

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

Administrative offices.

Lumberyards (open storage area permitted).

Maintenance services.

Fabrication:

Assembly of electric and electronic equipment.

Fabrication of products from finished rubber.

Metals.

Wood and wood products.

Manufacturing:

Manufacturing, compounding, assembly or treatment of articles, including but not limited to, the following prepared materials:

Canvas.

Cellophane.

Cloth.

Cork.

Feathers.
Felt and fiber.
Glass.
Metals.
Paper.
Plaster.
Plastics or synthetics.
Putty.
Shells.
Tobacco.
Wax and/or wood.
Novelties manufacture.
Repair garages for automobiles, motorcycles and boats.

Utilities:

Distribution plants and substations.
Service yards.
Wholesaling and warehousing.

Other:

Pest control service.
Railroad services, maintenance and storage.
Research and development.
Trucks, heavy equipment service and storage.

Junkyards.

Miniwarehouses.

Oil and gas refineries and processing plants.

Oil and gas wells.

12-3D-2: ADMINISTRATIVELY PERMITTED USES:

Other buildings and uses for the HI zone may be permitted as an administrative act of the planning and zoning commission, provided a public hearing is held, and the planning commission determines and finds as a fact that such buildings and uses are similar to those listed in the sections preceding; and provided further, that such other uses shall not have any different or detrimental effect upon the adjoining neighborhood area or zones than such specifically permitted uses and shall not increase the traffic and noises in the neighborhood or otherwise be more objectionable or obnoxious than those uses specifically permitted.

12-3D-3: SETBACKS

Setback requirements in the HI zone is as follows:

- A. Front Yard: No building shall be erected closer than twenty feet (20') to the property line fronting on a street or highway.
- B. Side Yard: When property abuts upon a lot in a residential zone, the required side yard shall be thirty feet (30'). Otherwise, no side yard is required.
- C. Rear Yard: When property abuts any lot in a residential zone, the required rear yard shall be thirty feet (30'). Otherwise, no rear yard is required.

12-3D-4: FENCES AND WALLS:

- A. Maximum Height: Fences and walls are permitted but not required in the HI zones. Such fences and walls shall not exceed twelve feet (12') in height.
- B. Barbed Wire; Chainlink: Fences in HI zones may be constructed of chainlink and may have not more than three (3) strands of barbed wire on the top of the chainlink

ARTICLE E. MOBILE HOME COURTS, PARK AND SUBDIVISIONS

Section:

- 12-3E-1: General Requirements
- 12-3E -2: Permitted Uses
- 12-3E -3: Permitted Accessory Uses
- 12-3E -4: Home Occupations
- 12-3E -5: Minimum Area
- 12-3E -6: Minimum Width
- 12-3E-7: Minimum Yards For Structures
- 12-3E-8: Permitted Yard Encroachments
- 12-3E-9: Maximum Height Of Structures
- 12-3E-10: Permitted Exceptions To Maximum Height
- 12-3E-11: Fences, Walls And Retaining Walls
- 12-3E-12: Maintenance
- 12-3E-13: Utilities
- 12-3E-14: Development Plans For Mobile Home Courts And Parks

12-3E-1: GENERAL REQUIREMENTS:

- A. Compliance Required: Mobile home courts and parks and mobile home subdivisions shall comply with the provisions of this title and the subdivision regulations of the town of Superior.
- B. Separate Zone Lots: No separate zone lots are required for each structure containing a permitted use or uses located in mobile home courts or parks. (Ord. 982, 5-28-1992)
- C. Procedure For Zoning Permit: An application shall be filed requesting a permit. Prior to issuance of permit, mobile home shall be inspected by Planning & Zoning at the mobile home's present location within 100 mile radius of Superior. Outside of this district, a photo of the mobile home must be sent for Planning & Zoning review. A permit will only be issued for a specific mobile home and not for a particular person or firm.

12-3E-2: PERMITTED USES:

The following uses may be operated as permitted uses in the district, except of storage of hazardous wastes or supplies:

Business offices, repair, sales or storage facilities.

Church.

Daycare facilities.

Essential public utility and public service installations.

Fire station.

Greenhouses (refer to definitions, chapter 2 of this title).

Mobile home.

Modular home.

Double wide

Stick built

Public park or playground.

Single-family dwelling. (Ord. 982, 5-28-1992)

12-3E-3: PERMITTED ACCESSORY USES:

Any use which complies with all of the following conditions may be operated as an accessory use to permitted use:

- A. Is clearly and commonly associated with the operation of the permitted use.
- B. Is operated and maintained under the same ownership and on the same zone lot as the permitted use.
- C. Separate, detached structures may be placed against a hill, creek, or mining tailings upon planning commission's approval. (Ord. 982, 5-28-1992)

12-3E-4: HOME OCCUPATIONS:

Home occupations may be conducted in that dwelling unit provided all of the following conditions are met:

- A. Incidental And Secondary Use: Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- B. Performance Standards: There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the mobile home lot line.
- C. Off Street Parking: A home occupation shall provide additional off street parking of one parking space for each two hundred (200) square feet of gross floor area occupied by the home occupation.
- D. Exterior Storage: There can be exterior storage on the premises of material or equipment used as part of the home occupation. The maximum storage area is twenty feet by twenty feet by five feet (20' x 20' x 5'). (Ord. 982, 5-28-1992)

12-3E-5: MINIMUM AREA:

- A. Mobile Homes: Three thousand (3,000) square feet for each mobile home. Provided, however, that if no public water and sewer is available, the required minimum lot area shall be one acre.
- B. Other Permitted Uses: Three thousand (3,000) square feet for all permitted uses except mobile homes. Provided, however, that if no public water and sewer are available, the required minimum lot area shall be one acre. (Ord. 982, 5-28-1992)

12-3E-6: MINIMUM WIDTH:

- A. Mobile Home: Thirty feet (30') at front setback line for mobile homes.
- B. Other Permitted Uses: Fifty feet (50') at front setback line for all permitted uses except mobile homes. (Ord. 982, 5-28-1992)

12-3E-7: MINIMUM YARDS FOR STRUCTURES:

- A. Front Yard: Twenty feet (20)
- B. Side Yards:
 - 1. For the main entry side of the mobile home: Ten feet (10').
 - 2. For the main entry side of the mobile home and forty foot (40') wide zone lot existing on the effective date of this title: Fourteen feet (14').
 - 3. For the nonentry side of the mobile home: Seven and one-half feet (7 1/2 '), except that all mobile homes shall set back at least fifteen feet (15') from any boundary line of a mobile home park or a mobile home subdivision.
 - 4. For permitted uses: Seven and one-half feet (7 1/2').
 - 5. Structures containing an accessory use only: Five feet (5) from property line.
- C. Rear Yard: Ten feet (10') for mobile homes. (Ord. 982, 5-28-1992)

12-3E-8: PERMITTED YARD ENCROACHMENTS:

- A. Belt courses, sills, eaves, lintels, exterior columns, chimneys and building accessories may project twenty four inches (24") into all yards.
- B. Open or unwallled porches, terraces balconies and exterior stairways may project three and one-half feet (3 1/2') into front yards and any distance into rear yards. Greenhouses or any solar structure may project ten feet (10') into front yards and any distance into rear yards.
- C. Outdoor terraces or patios without roofs or walls may project any distance into any yard.
- D. Outdoor terraces or patios with roofs or walls may project one-half (1/2) the distance of the required yard into the yard.
- E. Outdoor steps or stairs may project six feet (6') into any yard. (Ord. 982, 5-28-1992)

12-3E-9: MAXIMUM HEIGHT OF STRUCTURES:

Thirty five feet (35'). (Ord. 982, 5-28-1992)

12-3E-10: PERMITTED EXCEPTIONS TO MAXIMUM HEIGHT:

Radio and television towers, church spires, church towers, water towers, flagpoles, antennas, wind generators and fire towers may be erected to any safe height not in conflict with other regulations. (Ord. 982, 5-28-1992)

12-3E-11: FENCES, WALLS AND RETAINING WALLS:

- A. Maximum Height: Fences, walls or retaining walls may be erected to six feet (6') in height in the front setback space and to a height of eight feet (8') on any other part of the zone lot, except that, on corner lots, any fence, wall, retaining wall or obstructing foliage located in that triangular portions of the zone lot with two (2) sides consisting of twenty foot (20') segments of the intersecting front lines extending away from the point of intersection shall not exceed six feet (6') in height with the top three feet (3') of any such fence to be visually clear.
- B. Hazardous Or Dangerous Fence: No fence, wall or retaining wall shall be constructed which is hazardous to persons or animals.
- C. Damage To Adjacent Property: No fence, wall or retaining wall shall be constructed which will materially damage adjacent property by obstructing views or shutting out light and air or otherwise adversely affecting the general public health, safety and welfare.
- D. Schools And Playgrounds: Open mesh fences of any height may be erected on zone lots containing schools and playgrounds. (Ord. 982, 5-28-1992)

12-3E-12: MAINTENANCE:

- A. Identification: Each mobile home shall be identified by letter or number.
- B. Space Beneath Mobile Home: The space beneath each mobile home shall be kept clean and free from refuse. No flammable materials shall be stored beneath a mobile home.
- C. Abandoned, Burned Or Derelict Mobile Homes: No abandoned, burned, or derelict mobile homes shall be allowed to occupy a lot. A time of one year shall be given to clean up said mobile home. After said time is up, the mobile home will be removed at owner's expense.
- D. Skirting: Skirting shall be placed around each mobile home. Said skirting shall be equipped with doors and access panels to permit access to utilities connections and shall be weatherproof, rigid, durable, fireproof, and finished in a manner compatible with the appearance of the mobile home. Such skirting must be in place within sixty (60) days after the mobile home is set on the mobile home lot.
- E. Anchoring: Each mobile home shall be anchored or tied down.
- F. Support: Mobile homes shall be placed on support not to exceed four feet (4') from the ground to the bottom of the mobile home.

G. Abandonment: Abandonment clause is combined with subsection C of this section. (Ord. 982, 5-28-1992)

12-3E-13: UTILITIES:

- A. Hookups: Utility hookups shall be provided for each mobile home unit.
- B. Lines And Equipment: Utility lines and equipment shall be located and constructed in conformity with good engineering practices as determined by the town engineer. (Ord. 982, 5-28-1992)

12-3E-14: DEVELOPMENT PLANS FOR MOBILE HOME COURTS AND PARKS:

A. Submittal And Contents: All applications for approval of a development plan shall be filed with the planning and zoning commission. Such a filing shall include:

1. Statement Certifying Ownership: A statement certifying that the signatories are the owners of the tract described and agree to be bound by the provisions of the development plan.

2. Plats Or Plans: Plats or plans drawn to scale on Mylar showing at least the following details:

- a. Name, address, and telephone number of applicant.
- b. The legal description of the land area included in the proposed zone lot.
- c. Name of the mobile home court or park.
- d. The land area to be included within the development plan, its present zoning classification, the zoning classification of abutting lands and all public and private rights of way and easements abutting or crossing the land area which are existing, proposed or to be abandoned.
- e. The proposed finished grade of the designated area.
- f. The location of each existing and proposed structure in the designated area together with a notation of the permissible uses to be contained in the structures, the gross floor area of the structure, the height of the structure and the location of the entrances and loading areas.
- g. The location and height of all fences and walls.
- h. The type of surfacing such as paving, turf, or gravel.

i. The location of all fire hydrants.

j. A place for the certificate and date of approval of the commission, reading:

Approved by the town of Superior planning and zoning commission this _____ day of _____, A.D. 20____ .

Chairperson

k. Certificate of review of the town engineer as follows:

Data on this plat reviewed this _____ day of _____, A.D. 20____, by the town engineer of the town of Superior, Wyoming.

Town Engineer

l. Certificate of acceptance and approval by the town council of the town of Superior as follows:

Approved by the town council of the town of Superior, Wyoming, this _____ day of _____, A.D. 20____ .

Mayor

m. Certificate for recording with the town clerk-treasurer as follows:

This development plan was filed for record in the office of the town clerk-treasurer at _____ o'clock _____.M., this _____ day of _____, A.D. 20____ .

Town Clerk-Treasurer

B. Review And Approval:

1. Review By Planning And Zoning Commission: The planning and zoning commission shall receive all development plans submitted pursuant to this section. The commission shall review the submitted development plans for appropriateness and for compliance with these regulations. During its review of the development plan, the commission may make development plan information available to and confer with any agency or person. Upon completing its review, the commission shall make a written recommendation

for approval or disapproval of the plan and schedule the development plan and the recommendations for discussion at a regular meeting of the commission. The commission's consideration of the development plan shall be based on the following standards:

- a. The structures noted on the plan must meet all of the limitations as to height, setback, open space and other regulations governing in the zoning district in which the development plan is located.
 - b. Buildings or mobile homes shall not be so arranged that any part of any structure containing a permitted use is closer than ten feet (10') from another building containing a permitted use.
 - c. Buildings or mobile homes shall not be so arranged that any structure is inaccessible by emergency vehicles.
2. Approval/Disapproval: After due deliberation, the commission shall either approve or disapprove the development plan. An approved development plan shall be recorded by the town clerk-treasurer and a copy filed among the commission's records as a reference in issuing the proper permits. If the development plan is disapproved, the commission shall state, in writing, conditions whereby the plan might gain approval.
3. Submittal To Town Council: After due deliberation and either approval or disapproval by the commission, the development plan will be submitted to the town council for review and final decision.
4. Financial Guarantee: A performance bond, cash escrow agreement, or other acceptable instrument shall be deposited with the town in an amount as set by the town council. This financial guarantee shall be used to ensure the full completion as specified of:
- a. Private street and utilities.
 - b. Removal of abandoned trailers.
5. Significance: Development plans approved by the commission and recorded and filed by the town clerk-treasurer shall be binding upon the owner or owners of the land included in the plan and all permits and certificates shall be issued in accordance with the recorded plan.
6. Final Approval: Final approval of all development plans will be made by the town council.

7. Amendments: Recorded development plans may be withdrawn or may be amended pursuant to the same conditions and procedures whereby they first gained approval. (Ord. 982, 5-28-1992)

ARTICLE F. B-1 OLD TOWN BUSINESS DISTRICT

Section:

- 12-3F-1: General Requirements
- 12-3F -2: Permitted Uses
- 12-3F -3: Permitted Accessory Uses
- 12-3F -4: Minimum Area
- 12-3F -5: Minimum Width
- 12-3F-6: Minimum Yards For Structures
- 12-3F-7: Permitted Yard Encroachments
- 12-3F-8: Maximum Height Of Structures
- 12-3F-9: Permitted Exceptions To Maximum Height
- 12-3F-10: Fences, Walls And Retaining Walls

12-3F-1: GENERAL REQUIREMENTS:

None. (Ord. 982, 5-28-1992)

12-3F-2: PERMITTED USES:

The following uses may be operated as permitted uses in the district:

Any, with approval of the town council and the planning and zoning commission.

12-3F-3: PERMITTED ACCESSORY USES:

Residence. (Ord. 982, 5-28-1992)

12-3F-4: MINIMUM AREA:

None. (Ord. 982, 5-28-1992)

12-3F-5: MINIMUM WIDTH:

None. (Ord. 982, 5-28-1992)

12-3F-6: MINIMUM YARDS FOR STRUCTURES:

- A. Front Yard: None.
- B. Side Yard: None.
- C. Rear Yard: Where any rear yard backs onto an R-1, R-2, R-3 or MH district, the rear yard shall be Ten feet (10')

- D. Negation Of Requirements: The existence of a street, easement, way or alley adjacent to one or more of the boundary lines of the zone lot shall not negate these requirements. (Ord. 982, 5-28-1992)

12-3F-7: PERMITTED YARD ENCROACHMENTS:

- A. Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty four inches (24") into all yards.
- B. Open or unwallled porches, terraces, balconies and exterior stairways may project ten feet (10') into front yards and any distance into rear yards.

12-3F-8: MAXIMUM HEIGHT OF STRUCTURES:

Thirty five feet (35'). (Ord. 982, 5-28-1992)

12-3F-9: PERMITTED EXCEPTIONS TO MAXIMUM HEIGHT:

Radio and television towers, church spires, church towers, water towers, flagpoles, antennas, schools, wind generators and fire towers may be erected to any safe height not in conflict with other regulations. (Ord. 982, 5-28-1992)

12-3F-10: FENCES, WALLS AND RETAINING WALLS:

- A. Maximum Height: Fences, walls or retaining walls may be erected to six feet (6') in height in the front setback space and to a height of eight feet (8') on any other part of the zone lot, except that, on corner lots, any fence, wall, retaining wall or obstructing foliage located in that triangular portions of the zone lot with two (2) sides consisting of twenty foot (20') segments of the intersecting front lines extending away from the point of intersection shall not exceed six feet (6') in height with the top three feet (3') of any such fence to be visually clear.
- B. Hazardous Or Dangerous Fence: No fence shall be constructed which is hazardous to persons or animals.
- C. Damage To Adjacent Property: No fence shall be constructed which will materially damage adjacent property by obstructing views or shutting out light and air or otherwise adversely affecting the general public health, safety and welfare.
- D. Schools And Playgrounds: Open mesh fences of any height may be erected on zone lots containing schools and playgrounds. (Ord. 982, 5-28-1992)

ARTICLE G. B-2 GENERAL COMMERCIAL DISTRICT

Section:

- 12-3G-1: General Requirements
- 12-3G -2: Permitted Uses
- 12-3G -3: Minimum Area
- 12-3G -4: Minimum Width
- 12-3G -5: Minimum Yards For Structures
- 12-3G -6: Permitted Yard Encroachments
- 12-3G-7: Maximum Height Of Structures
- 12-3G-8: Permitted Exceptions To Maximum Height
- 12-3G-9: Fences, Walls And Retaining Walls

12-3G-1: GENERAL REQUIREMENTS:

None. (Ord. 982, 5-28-1992)

12-3G-2: PERMITTED USES:

The following uses may be operated as permitted uses in the district:

Any with the approval of the town council and the planning and zoning commission which complies with all of the following conditions may be operated as an accessory use to a permitted use:

- A. Is clearly and commonly associated with the operation of the permitted use.
- B. Is operated under the same ownership and on the same zone lot as the permitted use.
- C. If in a structure, is secured to a permanent foundation.
- D. Separate detached accessory structures may be placed against a hill, a creek, or mining tailings upon planning commission's approval.
- E. Residence with approval of planning and zoning commission. (Ord. 982, 5-28-1992)

12-3G-3: MINIMUM AREA:

None. (Ord. 982, 5-28-1992)

12-3G-4: MINIMUM WIDTH:

None. (Ord. 982, 5-28-1992)

12-3G-5: MINIMUM YARDS FOR STRUCTURES:

- A. Front Yard: None.
- B. Side Yard: None.
- C. Rear Yard: Where any rear yard backs onto an R-1, R-2, R-3 or MH district, the rear yard shall be twenty five feet (25').
- D. Negation Of Requirements: The existence of a street, easement, way or alley adjacent to one or more of the boundary lines of the zone lot shall not negate these requirements. (Ord. 982, 5-28-1992)

12-3G-6: PERMITTED YARD ENCROACHMENTS:

- A. Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty four inches (24") into all yards.
- B. Open or unwallled porches, terraces, balconies and exterior stairways may project ten feet (10') into front yards as long as set backs are met and any distance into rear yards. Greenhouses or any solar structure may project ten feet (10') into front yards and any distance into rear yards. (Ord. 982, 5-28-1992)

12-3G-7: MAXIMUM HEIGHT OF STRUCTURES:

Thirty five feet (35'). (Ord. 982, 5-28-1992)

12-3G-8: PERMITTED EXCEPTIONS TO MAXIMUM HEIGHT:

Radio and television towers, church spires, church towers, water towers, flagpoles, antennas, schools, wind generators and fire towers may be erected to any safe height not in conflict with other regulations. (Ord. 982, 5-28-1992)

12-3G-9: FENCES, WALLS AND RETAINING WALLS:

- A. Maximum Height: Fences, walls or retaining walls may be erected to six feet (6') in height in the front setback space and to a height of eight feet (8') on any other part of the zone lot, except that, on corner lots, any fence, wall, retaining wall or obstructing foliage located in that triangular portions of the zone lot with two (2) sides consisting of twenty foot (20') segments of the intersecting front lines extending away from the point of intersection shall not exceed six feet (6') in height with the top three feet (3') of any such fence to be visually clear.
- B. Hazardous Or Dangerous Fence: No fence, shall be constructed which is hazardous or dangerous to persons or animals.

C. Damage To Adjacent Property: No fence, shall be constructed which will materially damage adjacent property by obstructing views or shutting out light and air or otherwise adversely affecting the general public health, safety and welfare. (Ord. 982, 5-28-1992)

CHAPTER 4
CONDITIONAL USES

Section:

- 12-4-1: Scope
- 12-4 -2: Permit Requirements
- 12-4 -3: Application
- 12-4 -4: Annual Renewal
- 12-4 -5: Uses By Conditional Use Permit

12-4-1: SCOPE:

Under the normal provisions of this title, a zoning permit for construction or alteration is required before any structure can be constructed as a permitted use. Pursuant to the regulations hereinafter set forth, the following uses may be operated as uses by conditional use permit in any zone district and without the requirement that the use occupy a designated zone lot. (Ord. 982, 5-28-1992)

12-4-2: PERMIT REQUIREMENTS:

Upon application to and issuance by the planning and zoning commission, approval by the town council, notification of conditions and approval by property owners within a four hundred foot (400') radius from all property lines, the uses listed in this chapter may be operated as uses by conditional use permit. The application for a use by conditional use permit shall contain and may attach conditions when necessary. (Ord. 982, 5-28-1992; amd. 2005 Code)

12-4-3: APPLICATION:

The application for a use by conditional use permit shall contain:

- A. Name And Address: The name and address of the applicant, person, firm or organization responsible for the operation of the use by conditional use permit.
- B. Description Of Land Or Structure: A description of the location of the event or use including the land area or structure or part of a structure to be occupied or otherwise utilized by the event or use.
- C. Description Of Activity: A description of the activity or use for which the permit is being sought.
- D. Hours Of Operation; Duration: A statement on the hours of operation and the duration of the event or use. (Ord. 982, 5-28-1992)

12-4-4: ANNUAL RENEWAL:

The conditional use permit must be reviewed yearly. (Ord. 982, 5-28-1992)

12-4-5: USES BY CONDITIONAL USE PERMIT:

- A. Minimum Use: Conditions, if required, will be the minimum that will afford the relief sought.
- B. Violation; Revocation: If any part of permit or condition is violated, the permit will be revoked. (Ord. 982, 5-28-1992)

CHAPTER 5
NONCONFORMING USES AND STRUCTURES

Section:

- 12-5-1: Nonconforming Use
- 12-5 -2: Nonconforming Structure

12-5-1: NONCONFORMING USE:

- A. Definition: A nonconforming use shall be any legal use which on the effective date hereof or as a result of subsequent amendments hereto, does not now conform to the permitted uses established for the district in which the nonconforming use is located.
- B. Regulations:
 - 1. Continuation: A nonconforming use may be continued on the same land area and within the same floor area as that which existed on the date when the use first became nonconforming.
 - 2. Change In Use: A nonconforming use may be changed within its existing structure or on its existing land area to a conforming use or to any use which is a permitted use in a more restrictive district than the district in which the nonconforming use is located.
 - 3. Enlarged Or Extended: The area occupied by a nonconforming use within an existing structure or on a tract of land cannot be enlarged or extended without approval.
 - 4. Nonconforming Corral: An area occupied by a nonconforming corral may not be enlarged; however, additional horses may be accommodated provided that each horse will have three hundred (300) square feet of unobstructed area and the corral is not used for commercial boarding of horses.
 - 5. Discontinuance: If active and continuous operation of a nonconforming use is discontinued for a period of one year, the structure or tract of land shall thereafter be used only for a conforming use. A yearly letter of intent, which is notarized, will be permitted for three (3) years to resume operations. (Ord. 982, 5-28-1992)

12-5-2: NONCONFORMING STRUCTURE:

- A. Definition: A nonconforming structure shall be any structure which on the effective date hereof or as the result of subsequent amendments thereto, does not now comply with the provisions of this title for the district in which the nonconforming structure is located.
- B. Regulations:

1. Altered, Repaired Or Enlarged: A nonconforming structure may be altered, repaired or enlarged ² provided its degree of nonconformance is not increased.
2. Unsafe Structure: A nonconforming structure found to be unsafe must be restored, removed, or repaired to a safe condition within one year (1). (Ord. 982, 5-28-1992)

² See subsection 12-5-1B3 of this chapter.

CHAPTER 6
ADMINISTRATION AND ENFORCEMENT

Section:

- 12-6-1: Administering Agency
- 12-6 -2: Enforcement Agency
- 12-6 -3: Permits
- 12-6 -4: Schedule Of Fees
- 12-6 -5: Appeals From Commission Decision
- 12-6-6: Board Of Adjustment
- 12-6-7: Variances
- 12-6-8: Violations, Penalties And Remedies

12-6-1: ADMINISTERING AGENCY:

- A. Designated: The planning and zoning commission of the town of Superior shall be responsible for the administration of this title. For this purpose, they shall administer such other persons and monies as the town council may approve.
- B. Duties: In performing these duties, the commission, among other things, shall:
 - 1. Establish and administer rules and procedures for conducting the zoning affairs of the town to include the development of the necessary forms and permits and development of procedures not described by this title.
 - 2. Coordinate with other officials in the administration and enforcement of this title.
 - 3. Receive all applications for amendments to the language of this title or to the zoning map, refer such applications to appropriate agencies for comment and submit all such applications along with the comments of the examining agencies and recommendations of the commission to the town council.
 - 4. Participate in meetings or public hearings relating to zoning before the board of adjustment or the town council.
 - 5. Maintain the official zoning map or maps and other records showing the current zoning classification of all lands within the town of Superior.
 - 6. Recommend to the town council any changes to the zoning ordinance or to the official zoning map that may, from time to time, be desirable or necessary. All such changes shall be subject to the amendment procedures set forth in chapter 7 of this title.
 - 7. Make any necessary examinations or studies relative to the use of land or structures to determine compliance with and appropriateness of these regulations. (Ord. 982, 5-28-1992)

12-6-2: ENFORCEMENT AGENCY:

The planning and zoning commission of the town of Superior or their designated representatives shall enforce and otherwise ensure compliance with those provisions of this title governing the actual development of land and the use of structures. In the performance of these duties, the commission, among other things, shall:

- A. Applications: Receive and review all applications for permits for construction, alteration, or change of use or occupancy of land or structures, and approve or disapprove such applications based on their conformance with the provisions of these regulations.
- B. Request For Variance: Upon receipt of a notice of a request for a variance from the terms of this title, transmit to the secretary of the board of adjustment all original documents, or true copies thereof, constituting the record of the denial, order, or requirement from which the appeal was made³.
- C. Zoning Permits: Upon reasonable cause, revoke any zoning permit, issue cease and desist orders or take any other lawful action to ensure substantial compliance with the provisions of this title.
- D. Investigations: Make or cause to be made any investigation which may be necessary to determine compliance with this title.
- E. Records And Files: Maintain such records and files as may be necessary to the efficient conduct of the above duties. (Ord. 982, 5-28-1992)

12-6-3: PERMITS:

- A. **Construction Or Alteration Permit:**
 - 1. Required: No building or structure shall be commenced, erected or altered until a zoning permit for construction or alteration has been issued by the commission or their designated representatives, on forms provided by them, certifying that the proposed structure or structures comply with all of the provisions of this title.
 - 2. Exemptions: Accessory structures which are minor in nature, do not normally require a permanent foundation, are not fixed to a permanent location on the ground or are not attached to a structure containing a permitted use shall not require such a permit but, the Planning and Zoning Commission must be notified before any structure can be erected even though a permit is not required.
 - 3. Mobile Homes: Mobile homes not in transit, not at a mobile home sales lot or not in storage and unoccupied shall require such a permit.
- B. Change In Use; Use Permit:
 - 1. Required: Neither the use of any land nor the use within any building or structure shall be established or changed until a zoning permit termed a use permit has been issued by the commission or their designated representatives certifying that the use complies with all of the

³ See subsection 12-6-5A of this chapter.

provisions of this title. Such a permit shall not be required of accessory uses.

2. Application; Additional Information: Applications for zoning permits required by subsection A of this section shall be accompanied by a site plan, drawn to scale, containing the name and address of the applicant; the location, shape and dimensions of the land area in question; the dimensions, shape and location of existing and proposed structures; existing and proposed uses of the structure, structures or land area; location layout and number of spaces for off street parking and loading; and such other information as may be necessary for the proper enforcement of this title.
- C. Sewage System: No zoning permit shall be issued for the erection, alteration, use or occupancy of any structure intended for human use or occupancy which will not be connected to a public sewage system unless it is neither technically nor economically feasible to extend to or establish a public system on the property. Any nonpublic system shall be approved by the commission, town council and appropriate state agencies.
- D. Water Supply: No zoning permit shall be issued for the erection, alteration, use or occupancy of any structure intended for human use or occupancy which will not be adequately served by a water supply system which meets all of the standards and requirements of the state of Wyoming health and social services department and which has been approved by a legally licensed engineer.
- E. **Commission Action:** The commission shall act promptly upon any permit application filed with them; and shall grant permits in all cases in which the proposed construction or use complies with the requirements of this title; and if the commission denies the application, shall specify the reasons for such denial within ten (10) days and submit to the board of adjustments for final determination.
- F. Existing Uses: Permits shall not be required for structures existing nor for the use of any structure or land area established prior to the effective date hereof.
- G. **Copy On File: A copy of all required permits shall be filed by the commission and shall be available for examination.** (Ord. 982, 5-28-1992)

12-6-4: SCHEDULE OF FEES:

The following fees shall be tendered to the appropriate agency for the filing of the following applications:

A. Zoning permits:

Construction or alteration permit for structure	\$25.00
Mobile home permit	\$25.00

B. Amendments:

Amendment to official zoning map	\$50.00	In addition, applicant shall pay all postage and publication costs
Amendment to language of the provisions of this title	\$50.00	In addition, applicant shall pay all publication costs

C. Appeals and variances \$25.00

In addition, applicant shall pay all postage and publication costs

D. Conditional use permits \$25.00

Reviewed yearly

E. Development plans \$300.00

In addition the applicant shall pay publication costs and all other costs and expenses associated with processing of the development plans

(Ord. 982, 5-28-1992)

F. The above fees may be modified, from time to time, upon resolution of the Town Council.

12-6-5: APPEALS FROM COMMISSION DECISION:

- A. Right To Appeal; Notice Of Appeal: An order or decision of the commission or their authorized representatives may be appealed to the board of adjustment by any person or agency aggrieved by any such order or decision. Any such appeal shall be taken within thirty (30) days from the date of the action appealed from by filing a notice of appeal specifying the grounds for the appeal with the secretary of the board and copy of the notice of appeal with the commission. Forms shall be provided for this purpose. Upon receipt of a notice of appeal, the commission shall transmit to the board of adjustment all of the original documents or true copies, thereof, constituting the record upon which the action appealed from was taken.
- B. Stay Of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the commission or their authorized representatives shall certify to the board of adjustment, after notice of appeal has been filed with both of them, that by reason of facts stated in the

certificate a stay would cause imminent peril to life or property. In such a case, the board shall tentatively reaffirm the action of the commission and allow the order or decision to stand, or shall direct the commission to stay further proceedings, both actions to be taken by the board pending the results of the appeal public hearing. If the board reaffirms the order or decision of the commission, proceedings shall not be stayed except by a restraining order which may be granted by a court of record after giving due notice to the commission. (Ord. 982, 5-28-1992)

12-6-6: BOARD OF ADJUSTMENT:

- A. Created; Membership: A board of adjustment is hereby created. The board shall consist of five (5) members: two (2) council members, two (2) planning and zoning members, and one member of the community at large. All members must live within the town limits of the Town of Superior.
- B. Secretary: The board shall appoint a secretary to the board. The secretary shall receive all notifications of appeal and all requests for variances from the provisions of this title, notify the commission of the appeal or the request to the board of adjustment. The salary of the secretary shall be set by the town council.
- C. Meetings; Officers; Quorum: The members of the board of adjustment shall meet at the call of the chairman. In the absence of the chairman, the meeting may be called by the vice chairman. The board shall select one of their members as chairman and one as vice chairman, who shall serve for one year or until their successors have been selected. Three (3) members of the board shall constitute a quorum for transaction of business.
- D. Rules And Procedure: The board of adjustment shall adopt rules and procedures for the conduct of its business in accordance with the provisions of this title.
- E. Powers And Jurisdiction: The board of adjustment has the following powers and jurisdiction:
 - 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the commission in the enforcement of this title.
 - 2. To authorize, upon appeal, such variances from the terms of this title as will not be contrary to the public interest whenever a property owner can show that the strict application of any of the requirements of this title would result in practical difficulty or unnecessary hardship that would deprive him of the reasonable use of his land or structure when compared to other land or structures similarly situated.
 - 3. To permit the reconstruction of a nonconforming building which has been damaged by casualty, act of God or public enemy to the extent of more that sixty percent (60%) of the structural value of the building and the land upon which it is located where the board finds some compelling public necessity requiring continuance of the nonconforming use, and the primary purpose of continuing the

nonconforming use is not to continue a monopoly. In the case of doubt, the fair market value shall be determined, as provided in this title.

4. To authorize, upon appeal and in specific cases, an increase in the land area occupied by a legal, existing, nonconforming use on an existing zone lot, or the floor area occupied by a legal nonconforming use in an existing structure, subject to terms and conditions fixed by the board.
 5. To interpret the provisions of this title in such a way so as to further the intent and purposes of the recommendations and policies of the duly adopted land use plan.
 6. Subject to the limitations set forth in this section, the board, by majority vote, may reverse, affirm or modify the order, requirement, decision or determination appealed from and relating to this title and may make such order, decision or requirement as ought to be made, and to that end, the board shall have all of the powers of the official or agency appealed from. The board may also attach conditions to a decision.
- F. Public Hearing; Notice; Decisions: Decisions of the board of adjustment in regard to appeals from an order or decision of an agency or official or in regard to variances from the provisions of this title shall be reached only after a public hearing. The board shall fix a reasonable time and place for the hearing and shall proceed in accordance with the following rules:
1. Public notice shall be given of all hearing. Public notice shall consist of the posting of a sign or signs by the applicant on the affected property for at least five (5) days prior to the date of the hearing and one publication of a notice by the town in a newspaper of general circulation at least fifteen (15) days prior to the hearing. The posted signs shall be in number, size and location as prescribed by the secretary to the board of adjustment. Both the sign and the newspaper notice shall identify the applicant, shall briefly state the nature of the appeal or the variance sought and shall give the date, time and place of the hearing. All hearings and other meetings of the board shall be open to the public. The applicant shall be responsible for the removal of the sign within five (5) days after the hearing.
 2. Due notice of the hearing shall also be given to the parties at interest, including the commission. This agency shall be permitted to be heard on behalf of the town in all public hearings.
 3. At any public hearing, any interested party may appear in person or be represented by an agent or attorney and, after being duly sworn, may offer evidence and testimony and cross examine witnesses.
 4. All witnesses shall be sworn by the chairman or acting chairman or shall affirm their testimony in the manner required in courts of record.
 5. All testimony and evidence shall be presented publicly.
 6. The board shall keep a record of the proceedings for each matter heard which shall be kept on file in the office of the board and copies made available to any party at cost. The record of proceedings may include documents and physical evidence considered in the case.

7. The board shall render a written decision on each case heard within fifteen (15) days of the hearing. Each decision must be accompanied by reasons therefore and based on findings of fact. The record shall show the grounds for each decision and vote of each member upon each question. The record of proceedings shall be a public record. In addition of this record of proceedings, the board shall cause a description of each variance granted to be filed with the title of the affected property. The description shall include the nature of the variance any time limitations and any special conditions are imposed by the board.
 8. A majority vote of the board's quorum shall be necessary to reverse any order, requirement, or decision or determination of the commission or to decide in favor of the applicant upon any matter which it is required to pass concerning this title, or to effect any variation in this title.
- G. Appeals From Board: Decisions of the board of adjustment upon any matter herein described may be reviewed by the district court as provided in Wyoming Statutes, article 7, subsection 15.1-89(h). (Ord. 982, 5-28-1992)

12-6-7: VARIANCES:

- A. Power To Authorize; Request For Variance: The board of adjustment may authorize, upon appeal, such variances from the terms of this title as shall not be contrary to the public interest. Such appeals shall be made only after the denial of a zoning permit by the planning and zoning commission and shall be made on forms provided for this purpose. The request for a variance shall be filed with the secretary of the board of adjustment and a copy filed with the commission. Upon receipt of a request for a variance, the commission shall transmit a copy of the denial and any other pertinent information to the board of adjustment for its consideration within thirty (30) days.
- B. Purpose Of Variance: The purpose of any variance shall be to modify the strict application of the requirements of this title where it can be shown that, by reason of exceptional topography or other extraordinary or exceptional circumstances, literal enforcement of the terms of this title will result in an unnecessary hardship to the extent that the property might be prohibited from being used in a manner similar to other property in the same district.
- C. Criteria For Approval: Each variance authorized shall not be personal to the applicant but shall apply to the specific use or structure for which the variance was granted and shall run with the land. No variance shall be authorized unless the board shall find that all of the following conditions exist:
 1. Owing to extraordinary circumstances or conditions relating to the land or building for which the variance is sought, literal enforcement of the provisions of this title will result in unnecessary hardship and deprive the applicant of a reasonable use of his land or building.

2. The variance, if granted, will not substantially or permanently injure any adjacent conforming properties.
3. The variance, if granted, is the minimum variance and the least modification that will afford the relief sought.
4. The variance will not adversely affect the public health, safety, or welfare.
5. The decision of the board may be appealed to a court of competent jurisdiction.
6. The extraordinary circumstances were not created by the owner of the property and do not represent a general condition of the district in which the property is located. (Ord. 982, 5-28-1992)

12-6-8: VIOLATIONS, PENALTIES AND REMEDIES:

- A. Compliance Required: No person shall locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or use any land in violation of this title.
- B. **Commission Order:** The commission or their authorized representatives shall order, in writing, the remedying of any violation. Such order shall state the nature of the violation, the title provision violated, and the time by which the violation must be corrected. After any such order has been served, no work shall proceed on any structure or tract of land covered by such an order except to correct such violation or to comply with the order.
- C. Civil Enforcement: This title shall be enforceable by the court by injunction, mandamus, abatement, or by any other appropriate action or proceeding that may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure premises, and these remedies shall be in addition to the penalties described above.
- D. **Penalty:** Persons or corporations convicted of violations of this title shall be subject to penalty as provided in section 1-4-1 of this code. Each day's continuation of such a violation is a separate offense. (Ord. 982, 5-28-1992; amd. 2005 Code)

CHAPTER 7 **AMENDMENTS**

Section:

- 12-7-1: Statement Of Policy
- 12-7 -2: Types Of Amendments
- 12-7 -3: Applications
- 12-7 -4: Commission Action
- 12-7 -5: Hearings
- 12-7-6: Minimum Size Of Area

12-7-1: STATEMENT OF POLICY:

It is the intent of the town of Superior that these regulations, which include this title and the official zoning map, have been established for the purpose of promoting sound and desirable development and for maintaining stable land use patterns. In harmony with this purpose, this title and map shall not be amended except to correct an obvious error or oversight in the regulations, or recognize changing conditions in the town which require that amendments be adopted for the promotion of the public health, safety and general welfare. In conformity with this statement of policy, the town council and the planning commission may initiate amendments, or any person, firm or corporation may initiate amendments, in the manner hereinafter set forth. (Ord. 982, 5-28-1992)

12-7-2: TYPES OF AMENDMENTS:

Amendments shall be of two (2) types:

7. Language: Language amendments which seek to change the wording of the zoning ordinance; and
8. Map: Map amendments which seek to change the district boundary lines on the official zoning map. (Ord. 982, 5-28-1992)

12-7-3: APPLICATIONS:

Applications for amendments of either type shall be made to the planning and zoning commission. The commission may develop forms for this purpose.

- A. Both Types Of Amendments: The application shall include, among other things:
 1. The name and address of the applicant.
 2. The applicant's interest in the application, i.e., whether owner of the land or structure affected, or his or her agent.
 3. The name and address of any other interested parties.
 4. The nature and effect of the proposed amendment.

5. A statement of the legal basis for such an amendment, whether to correct an error or to recognize changing conditions.
- B. Zoning Map Amendments: Amendments to the official zoning map shall, in addition, include:
1. A legal description and a map of the area sought to be rezoned. The map shall show the relationship of the property to abutting properties.
 2. The existing zoning district designation and the proposed district designation.
 3. A time schedule for development.
 4. The names and addresses of all owners of land within the area proposed for rezoning and within one hundred forty feet (140') of the outer limits of the area proposed for rezoning. In determining the one hundred forty feet (140'), the width of any intervening street or alley shall not be included. (Ord. 982, 5-28-1992)

12-7-4: COMMISSION ACTION:

- A. Review; Forwarding To Council: A majority of the planning and zoning commission shall review the application for correctness and completeness and shall send a copy of the application to the town council and notify same concerning the nature of the application and the date of its filing.
- B. Other Agency Review: The commission may forward a copy of the application to any other agency which might be affected by the amendment for their comment. The commission shall seek a timely response from agencies in regard to the application. If a response, or notification that a response will be given, is not forthcoming within thirty (30) days from the date on which the application was sent, then the agency or party not responding shall be considered to have no objection.
- C. Schedule Hearings: The planning office shall assemble all comments, including its own, and schedule the matter for a public hearing before the commission and for a later public hearing before the town council. (Ord. 982, 5-28-1992)

12-7-5: HEARINGS:

- A. Commission Hearing:
1. Required: The commission shall hold a public hearing on all amendments to this title and to the official zoning map at which all interested parties shall have an opportunity to be heard.
 2. Notice Of Hearing:
 - a. Publication: Notice of the time and place of the public hearing and publication in a newspaper of general circulation in the town at least fifteen (15) days before the date of such hearing.
 - b. Posting: The area which is to be the subject of the hearing shall be posted for at least fifteen (15) days prior to the hearing. The posted notices shall be in number, size and

location as prescribed by the planning office and shall state the present zoning classification, the proposed zoning classification, and the time and place of the public hearing on signs provided by the town. Notices shall be posted by the applicant and shall be removed by the applicant within fifteen (15) days after the public hearing has been held.

- B. Commission Findings: After its public hearing and after due deliberation, the commission shall certify its findings and recommendations on any proposed amendments to this title or to the official zoning map to the town council, in writing, within ten (10) days.
- C. Hearing Before Council:
 - 1. Required: No amendment to this title or the official zoning map shall be enacted until after a public hearing has been held before the town council at which all interested parties shall have an opportunity to be heard.
 - 2. Notice Of Hearing: Notice of the time and place of the public hearing and the nature of the amendment sought shall be given by one publication in a newspaper of general circulation in the town at least fifteen (15) days before the date of such hearing.
- D. Council Action: After the public hearing has been held, the town council shall then vote on the zoning matter before it. In its deliberations, the council shall take into consideration all of the evidence and comments presented at the hearing, agency and community comments and the recommendations of the planning and zoning commission. No zoning change shall be put into effect unless a majority of the town council votes in favor of its adoption.
- E. Protest:
 - 1. In the event of a protest to a proposed amendment to the official zoning map duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of the lots included within the proposed change, or those immediately adjacent within a distance of one hundred forty feet (140'), the amendment shall not become effective except by the affirmative vote of three-fourths (3/4) of all the members of the town council. In determining the one hundred forty feet (140'), the width of any intervening street or alley shall not be included.
 - 2. All protests to a proposed amendment to the official zoning map, or any withdrawals from such a protest, may be filed with the town council at least twenty four (24) hours before the time set by notice for the public hearing on the proposed amendment to which the protests are directed. (Ord. 982, 5-28-1992)

12-7-6: MINIMUM SIZE OF AREA:

- A. Intent: It is the intent of this title that all zoning districts be of such a size as to function effectively when developed to the use for which the district was intended and to be of substantial benefit to significant segments of the populace of the town of Superior. For

that reason, no amendment to this title shall be adopted whereby a zoning classification is established for any land area unless the area to be zoned meets the following minimum size requirements for the zoning districts noted:

1. O open lands district: Five (5) acres.
2. R-1 single-family residential district: Two (2) acres.
3. R-2 single- and multi-family residential district: Two (2) acres.
4. R-3 mixed residential district: One acre.
5. MH mobile home district: One and one-half (1 1/2) acres.
6. B-1 old town business district: One acre.
7. B-2 general commercial district: Two (2) acres. (Ord. 982, 5-28-1992; amd. 2005 Code)

B. Measurement:

1. One-half (1/2) of the area of abutting right of way; not, however, to exceed a dimension of fifty feet (50') to the centerline.
2. All of the area of public rights of way interior to the area being changed.
3. Adjacent and contiguous land within the town already zoned in the zoning classification being sought for the new area.
4. Adjacent and contiguous land in the surrounding county that is zoned in a similar category or is used substantially for uses similar to those being sought by the applicant. (Ord. 982, 5-28-1992)