

Town of Burlington Zoning Ordinance

Adopted August 9, 2005

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Zoning Ordinance
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ORDINANCE NO. 05-5

**AN ORDINANCE CREATING ZONING REGULATIONS
THAT REGULATE THE USE OF PRIVATE AND PUBLIC LANDS
IN THE TOWN OF BURLINGTON, WYOMING.**

ARTICLE I – GENERAL PROVISIONS

Section 101. Short Title

This Ordinance shall be known, cited and referred to as the Burlington Zoning Ordinance.

Section 102. Purpose

The Burlington Zoning Ordinance has been prepared to encourage an orderly development pattern within the Town of Burlington, Wyoming. The Burlington Zoning Ordinance represents an important planning tool that will be used by the Town of Burlington to help implement its Community Land Use Plan. The Town of Burlington Community Development Plan, which was adopted by the Burlington Town Council on September 14, 2004, contains, in part, a general community land use plan that expresses a vision for future land uses within the community.

Section 103. Authority

This Ordinance is adopted in accordance with the authority vested in the Town Council of the Town of Burlington, Wyoming, by Wyoming Statutes 15-1-601 through 15-1-611.

Section 104. Applicability of Ordinance

This ordinance shall apply to all private and public lands within the corporate limits of the Town of Burlington, Wyoming. All land use development projects will be subject to the required land use development review and approval process that is outlined in Article IV of the Burlington Zoning Ordinance.

Existing land uses, buildings, and structures authorized by the Town of Burlington before the enactment of this ordinance will be considered legal land uses even if such uses are contrary to the current Burlington Zoning Ordinance.

Restrictive covenants or agreements associated with land subdivisions or other land sales will not supersede the Burlington Zoning Ordinance, unless said restrictive covenant or agreements are more restrictive, in which case the restrictive covenant shall apply as well. Further, the Town of Burlington will not use the Burlington Zoning Ordinance as a tool for enforcing private restrictive covenants or agreements.

Section 105. Planning and Zoning Commission

(a) Creation of the Burlington Planning and Zoning Commission

- (1) A Planning and Zoning Commission will be created by the Burlington Town Council pursuant to the requirements outlined in W.S. 15-1-604 and W.S. 15-1-605.

- (2) The Planning and Zoning Commission shall consist of five (5) residents of the Town of Burlington.
- (3) Appointments shall be for a period of three (3) years and will be staggered. In the first year that appointments are made, one commissioner shall be appointed for a one (1) year period, two commissioners for a two (2) year period, and two commissioners for a three (3) year period. After the first year, the replacing commissioner for the initial one year term will be appointed for three years. After the second year, the replacing commissioners for the initial two-year term will be appointed for three years. In this manner, one or two commissioners will be eligible for appointment each year.

Example:

Appointments in 2005

Appointment A: one-year term – September 2005 through August 2006

Appointments B and C: two-year terms – September 2005 through August 2007

Appointments D and E: three-year terms – September 2005 through August 2008

Appointments in 2006

Appointment A: three year term – September 2006 through August 2009

Appointments in 2007

Appointments B and C: three year terms – September 2006 through August 2010

Appointments in 2008

Appointments D and E: three-year terms – September 2008 through August 2011

- (4) A Chairman and Vice Chairman of the Planning and Zoning Commission will be selected by the Commission to serve for a period of one year, or until their successors have been selected.
- (5) The Planning and Zoning Commission may appoint a Secretary to the Commission.
- (6) Upon its receipt of written allegations and the holding of a public hearing, the Town Council may remove any member of the Planning and Zoning Commission for reasonable cause. Members of the Planning and Zoning Commission will serve without compensation.
- (7) The Planning and Zoning Commission shall meet once a month, or as needed, at times and places which may be determined by resolution of the Commission. Special meetings may be called at any time by the Chair, or, in his absence, by the Vice Chair.
- (8) A simple majority of the Planning and Zoning Commission shall constitute a quorum for the transaction of business.
- (9) The Commission may adopt rules of procedure for conducting its business. Copies of all rules or regulations adopted by the Commission shall be forwarded to the Town Council, who will also adopt the rules and regulations. The Commission shall then transmit all adopted rules and regulations to the Zoning Administrator who will make them readily accessible to the general public.

(b) Scope of Responsibility

The Planning and Zoning Commission will have the following responsibilities:

- (1) Evaluate requests for proposed amendments to the Burlington community land use plan; planned unit development projects; proposed zone changes; and variances.
- (2) Hear concerns of the general public concerning any proposed land action.
- (3) Make recommendations to the Burlington Town Council regarding proposed amendments to the Burlington community land use plan, planned unit development projects, zone changes, and variances.
- (4) Initiate amendments to the Burlington community land use plan and make recommendations to the Burlington Town Council.
- (5) Recommend revisions to the Burlington Zoning Ordinance to the Burlington Town Council.
- (6) Provide guidance and direct the activities of the Zoning Administrator.
- (7) Concurrently serve as the board of adjustment to hear any appeals related to any order, requirement, decision, or determination made by the Zoning Administrator.

Section 106. Zoning Administrator

(a) Creation of the Burlington Zoning Administrator

- (1) A Zoning Administrator will be appointed by the Mayor of the Town of Burlington with consent of the Burlington Town Council.
- (2) The Zoning Administrator will report to the chair of the Burlington Planning and Zoning Commission.

(b) Scope of Responsibility

The Zoning Administrator will have the following responsibilities:

- (1) Evaluate requests for proposed amendments to the Burlington community land use plan; planned unit development projects; proposed zone changes; and variances.
- (2) Hear concerns of the general public concerning any proposed land action.
- (3) Make recommendations to the Burlington Planning and Zoning Commission regarding proposed amendments to the Burlington community land use plan, planned unit development projects, zone changes, and variances.
- (4) Review building permit applications and issue building permits.

- (5) Inspect any properties in the Town of Burlington where any new construction, building renovations, or alterations are being made.
- (6) Inspect any properties in the Town of Burlington where a potential violation of the Burlington Zoning Ordinance is suspected or known to be present.
- (7) Supervise any building inspector(s) that may be hired or retained by the Town of Burlington.

Section 107. Zoning Districts

In order to carry out the provisions of this ordinance, the municipality is divided into the following zoning districts:

- R-1 - Single-family Residential District
- R-2 - Multi-Unit Residential District
- R-3 - Rural Living District
- GC - General Commercial District
- LI - Light Industrial District
- PF - Public and Community Facilities District
- RC- Recreation and Conservation District

Section 108. Zoning Map

The Burlington Zoning Map (Appendix A) depicts the location and boundaries of zoning districts that were established by the Burlington Town Council at the time of ordinance adoption.

Section 109. Legal Rulings

Any legal rulings that may be made against one or more specific provisions within the Burlington Zoning Ordinance will not negate the applicability, requirements, and enforceability of other ordinance provisions that are not affected by such rulings.

Section 110. Severability

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining chapters, sections, subsections, and clauses shall not be affected.

ARTICLE II - LAND USE AND BUILDING PERMIT APPROVAL PROCESS

Section 201. General Development Review and Approval Process

- (a) The process of reviewing private and public land use proposals is the method used by the Town of Burlington to:
 - (1) Ensure the public health, safety, and welfare of Town residents; and
 - (2) Evaluate the consistency of proposed land use with the community land use plan contained in the Burlington Community Development Plan.

- (b) The development review process will generally involve the Town of Burlington's consideration and evaluation of, at least, the following issues:
 - (1) Consistency of proposed land uses with the community land use plan contained in the Burlington Community Development Plan.
 - (2) Consistency of proposed land uses to permitted uses, minimum lot sizes, densities, and accessory uses outlined in the Burlington Zoning Ordinance and related Burlington Zoning Map.
 - (3) Potential project stipulations for a land use plan amendment, zone change, or variance that may be required to ensure the compatibility of the project with adjacent land uses and protect the health, safety and welfare of the general public.
 - (4) Long-term operation and maintenance of multi-use residential complexes, community facilities, public facilities, and on-site amenities.
 - (5) Conformance of proposed buildings and structures to required building setbacks, building heights, and signage limitations outlined in the Burlington Zoning Ordinance.
 - (6) Conformance of proposed buildings and structures to building code requirements adopted by the Town of Burlington and outlined in the Burlington Zoning Ordinance.
 - (7) Conformance of proposed land use to vehicular parking limitations outlined in the Burlington Zoning Ordinance.
 - (8) Connection of primary structures to municipal water and sewer systems.

- (c) No construction, alteration or expansion of any site, building or structure will be made before receiving documented approval for all required land use and building permits from the Town of Burlington. Land use application requirements and building permit requirements are summarized in Table II-1 and Table II-2.

**TABLE II-1
LAND USE PERMIT APPLICATION REQUIREMENTS
TOWN OF BURLINGTON**

Land Use Permit	Information Accompanying Application Form	Public Hearing	Notice Prior to Public Hearing	Decision Process	Appeals
Land Use Plan Amendment	Rationale for plan amendment; proposed changes in land use plan designations	Planning and Zoning Commission	30 days	Planning and Zoning Commission makes recommendation to Town Council for final action	Town Council
Planned Unit Development	Conceptual site plan of proposed land use development; proposed changes in zoning designations; Legal property description; authorization of landowner	Planning and Zoning Commission	30 days	Planning and Zoning Commission makes recommendation to Town Council for final action	Town Council
Zone Change	Conceptual site plan of proposed land use development; proposed changes in zoning designations; legal property description; authorization of landowner	Planning and Zoning Commission	30 days	Planning and Zoning Commission makes recommendation to Town Council for final action	Town Council
Variance	Plot plan, description and rationale for deviation from ordinance	Planning and Zoning Commission	30 days	Planning Commission	Town Council

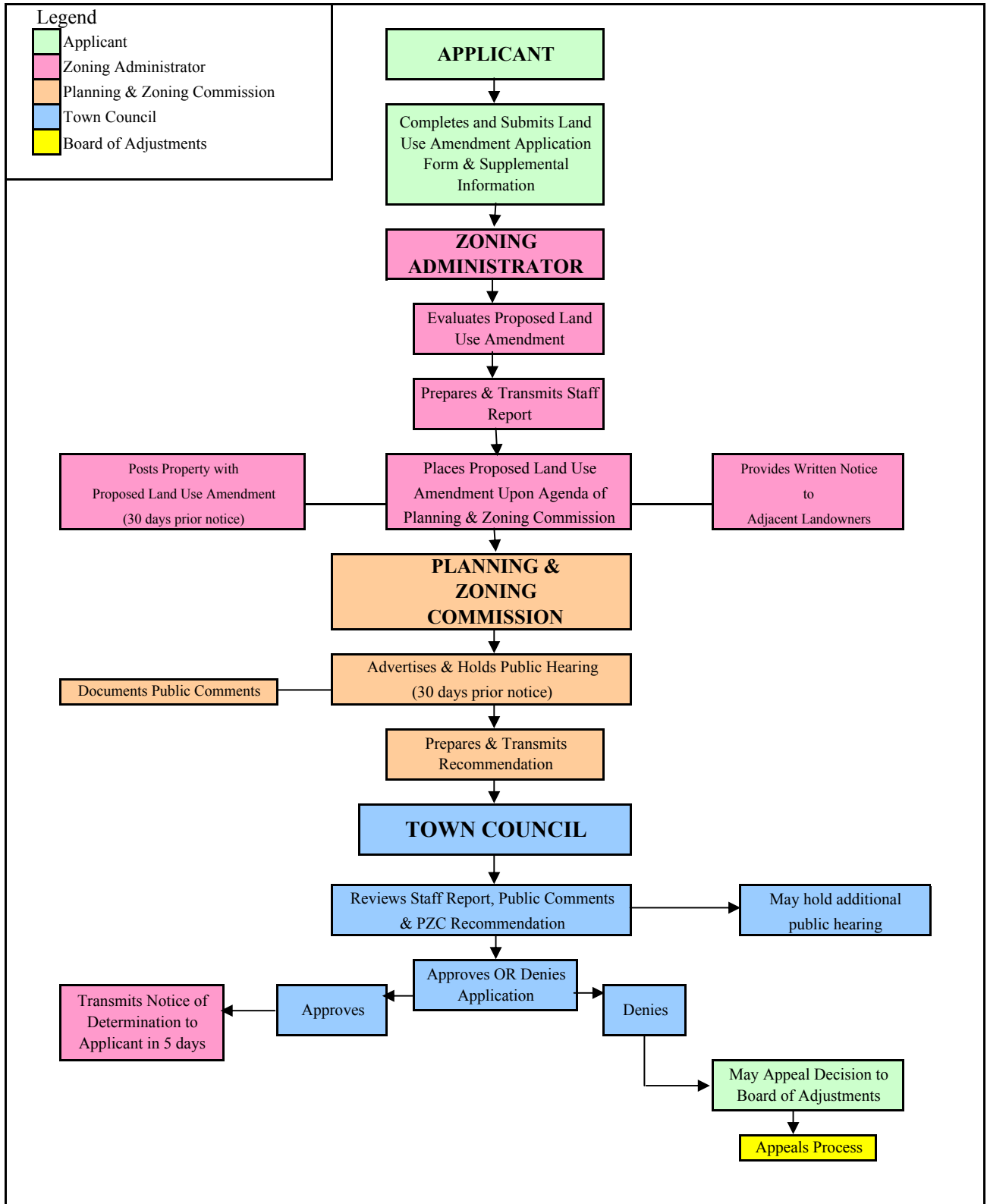
**TABLE II-2
BUILDING PERMIT REQUIREMENTS
TOWN OF BURLINGTON**

Type of Permit	Information Accompanying Application Form	Inspections Required	Decision	Appeals
Building	<p>Two (2) sets of a plot plan indicating the general location of proposed buildings and the distances from the property line to the front, back and sides of proposed buildings.</p> <p>Two (2) sets of construction drawings that illustrate the proposed foundation, floor plan, typical wall section, roof system, building elevations, as well as the type, location, and size of electrical, plumbing, and HVAC systems.</p>	Three (3)	Zoning Administrator	Planning and Zoning Commission

- (d) All completed land use permit applications, which are submitted to the Town of Burlington, must contain documented approval of the landowner(s) of the subject property prior to the review of the Burlington Planning and Zoning Commission and approval by the Burlington Town Council. Decisions concerning applications for land use plan amendments, planned unit developments, zone changes, and variances, which are considered by the Burlington Planning and Zoning Commission and Burlington Town Council, will be transmitted to applicants in writing. Approvals may contain specific stipulations, which modify the original application. Denials of any application will be accompanied with a documentation of the rationale used by the Burlington Town Council to make its determination.
- (e) Any authorized construction activity will be subject to various inspections by the Town of Burlington building inspector, or its designated representative, during the construction process.
- (f) Upon final approval of all construction under municipal building permits, the Town of Burlington Building Officer will issue a Certificate of Occupancy to the applicant.

Section 202. Land Use Plan Amendment Process

- (a) A proposed amendment to the adopted community land use plan contained within the Burlington Community Development Plan may be initiated by the Burlington Planning and Zoning Commission or other residents of the Town of Burlington (Figure II-1).
- (b) Applicants must complete a land use amendment form that will request at least the following information:
 - (1) Name, address, telephone number, e-mail address, and fax number of the applicant.
 - (2) Proposed changes in land use plan designations.
 - (3) Rationale for the proposed land use amendment.
 - (4) A scaled illustration depicting the location of the proposed land use amendment.
- (c) The Zoning Administrator, or his or her authorized representative, will evaluate the merits, disadvantages, and potential impacts of the proposed land use amendment upon community residents, municipal infrastructure, community land use relationships, and the economy of Burlington. Subsequently, the Zoning Administrator will prepare and transmit a documented staff report containing these analyses and related recommendations to the Burlington Planning and Zoning Commission.
- (d) The Zoning Administrator will, as soon as practical, place the proposed land use amendment upon the agenda of the Burlington Planning and Zoning Commission.
- (e) Before any decision is reached by the Burlington Planning and Zoning Commission:
 - (1) The Zoning Administrator will post a copy of the proposed land use amendment upon the property where the zone change is requested. This public notice will be made, at least, thirty (30) days before the proposed land use amendment is considered publicly by the Burlington Planning and Zoning Commission.



Burlington Zoning Ordinance

Land Use Amendment Process

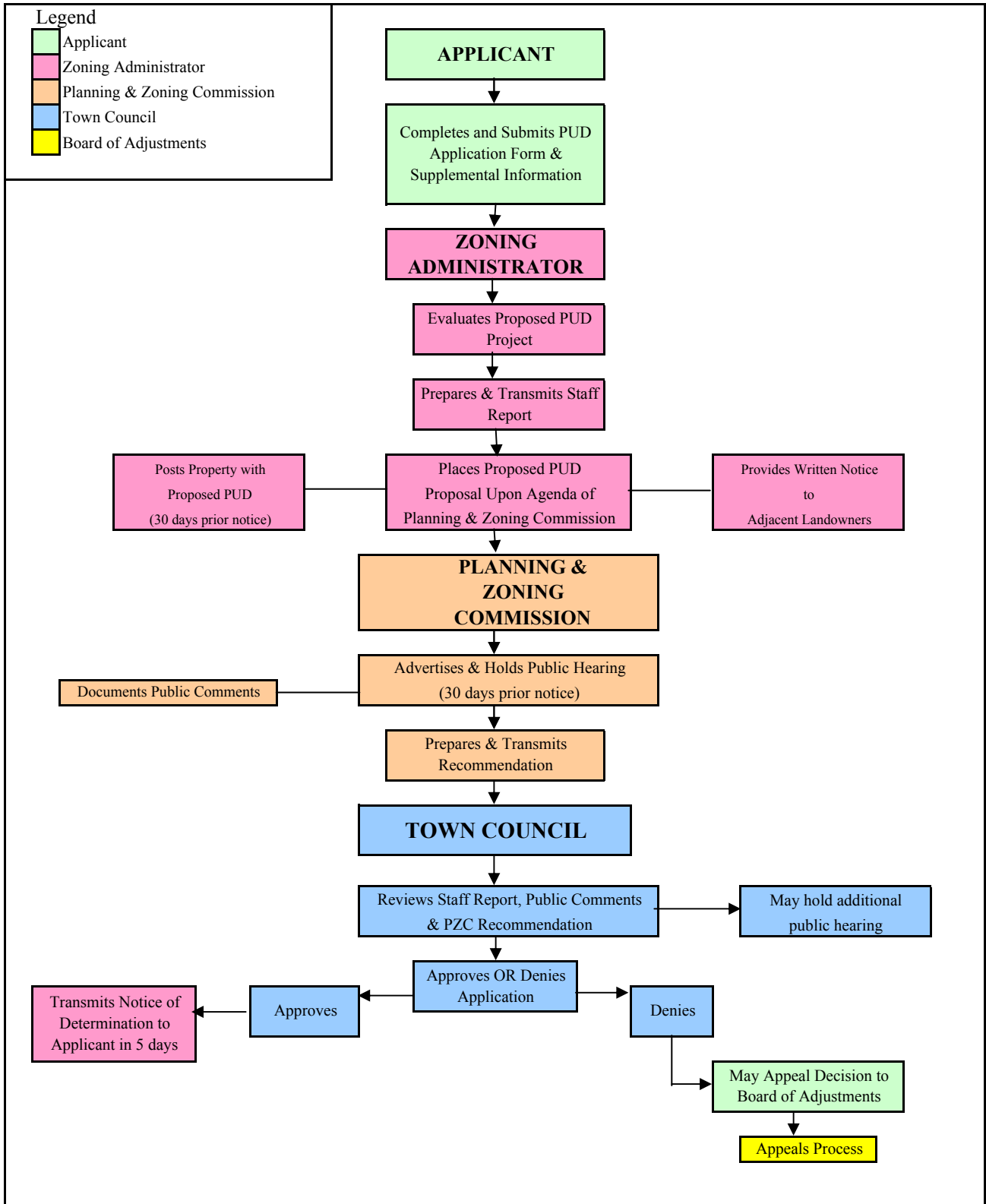
Prepared by: Pedersen Planning Consultants
P.O. Box 66, Encampment, WY, 82325 Tel: 307-327-5434

Figure II-1

- (2) The Zoning Administrator will provide written notice to all adjoining property owners, as well as the date, time and place when the proposed land use amendment will be considered by the Burlington Planning and Zoning Commission.
- (3) The Burlington Planning and Zoning Commission will hold one public hearing at a public facility within the Town of Burlington. Town residents and the general public will receive at least thirty (30) days notice of the public hearing. Public notice will be advertised in one (1) newspaper of general circulation throughout Big Horn County. Public comments received during the meeting will be documented for subsequent reference during the zone change process.
- (f) Upon consideration of a staff report from the Zoning Administrator and public comment, the Burlington Planning and Zoning Commission will make a written recommendation to the Burlington Town Council. The recommendation will state the rationale for its decision.
- (g) The Town Council will review the staff report from the Zoning Administrator, public comments, and the recommendation of the Burlington Planning and Zoning Commission. In the course of its review, the Town Council may hold an additional public hearing to provide an expanded opportunity for public comment.
- (h) The Town Council will approve or deny the proposed land use amendment by ordinance. In the event that further information is required by the Town Council to complete its evaluation, the Town Council may table the proposed land use amendment until desired information is obtained and reviewed by the Town Council.
- (i) The Zoning Administrator will issue a written notice of determination to the applicant within five (5) working days of the decision of the Town Council. The notice will indicate the decision made and, when appropriate, stipulations that may accompany the approval of a specific application.
- (j) Any appeal of the decisions by the Burlington Planning and Zoning Commission will be made to the Burlington Board of Adjustments in accordance with Article V of this ordinance.

Section 203. Planned Unit Development Process

- (a) The purpose of the planned unit development process (Figure II-2) is to:
 - (1) Permit and encourage the development of a combination of land uses that would not be possible via the permitted uses authorized within each zoning district.
 - (2) Permit and encourage the creative design of new residential areas that may vary from residential subdivisions of standard lot sizes and standard street systems; and
 - (3) Permit the creative design of new buildings associated with residential, commercial, industrial, community facility and public facility land uses; open space areas; bicycle and pedestrian access; vehicular access and parking; and landscaping which may vary, in part, from future subdivision regulations and development standards of the Town of Burlington.



Burlington Zoning Ordinance

Planned Unit Development Process

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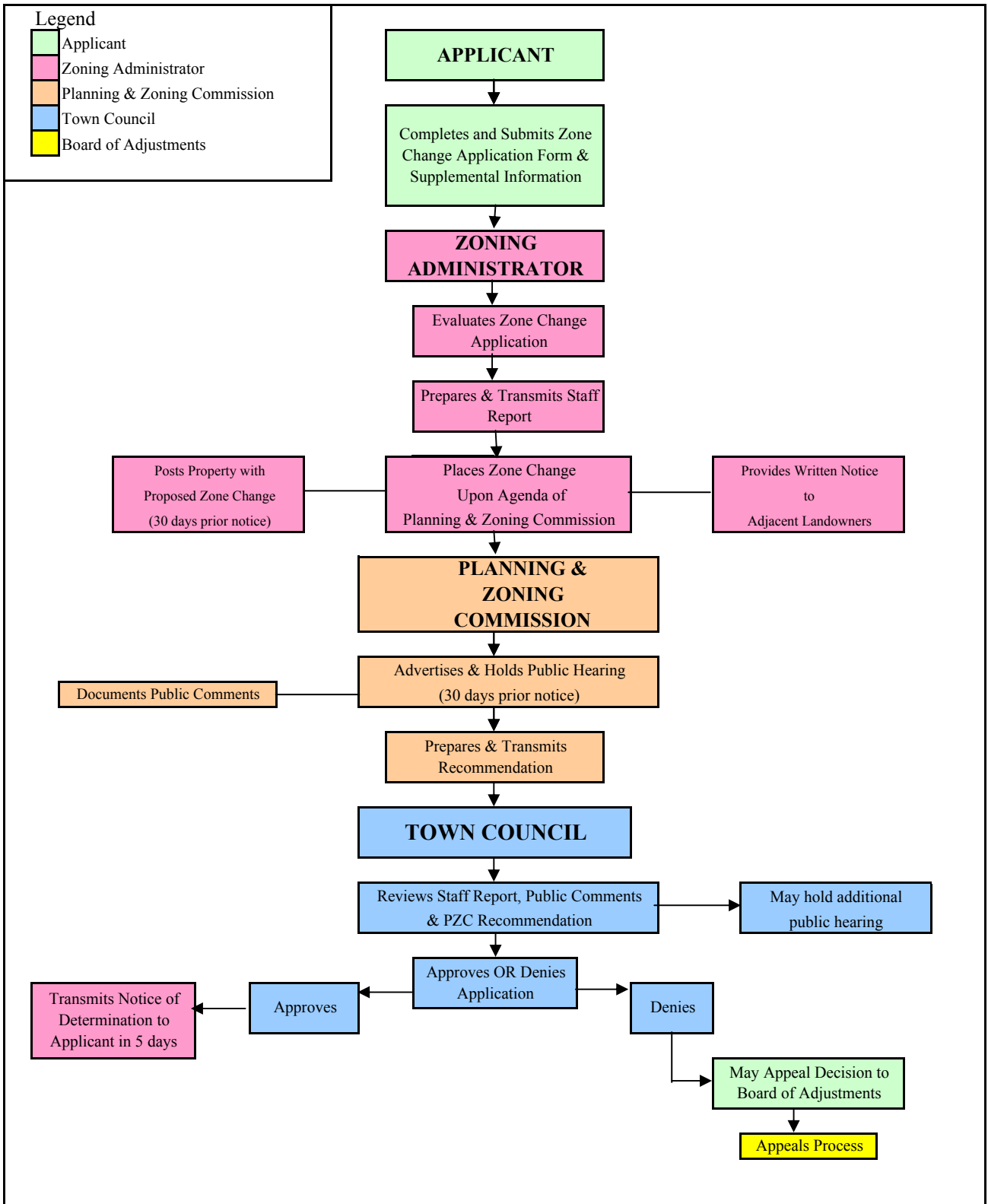
Figure II-2

- (b) Owners and/or prospective developers of one or more lots or parcels, which comprise more than four (4) acres of land area, may make application for a planned unit development in any zoning district. If approved, owners will gain somewhat greater flexibility in site design and development in exchange for a more detailed site and building plan review and development stipulations.
- (c) Applicants must complete a planned unit development application form that will request at least the following information:
 - (1) Name, address, telephone number, e-mail address, and fax number of the applicant.
 - (2) When the applicant is not the landowner, the applicant will furnish a written letter from the landowner, which authorizes the application and endorses the proposed project.
 - (3) Name, address, and telephone number of the person or company responsible for preparation of the conceptual site plan, which supports the application.
 - (4) Legal description and total land area of the lands incorporated into the proposed planned unit development.
- (d) Applicants will also provide the following additional information, which will supplement a completed application form.
 - (1) Location map of project site and properties immediately adjacent to the proposed planned unit development.
 - (2) A scaled illustration of the existing properties within the proposed planned unit development site. This illustration will locate all existing utility systems, easements, roads and streets, drainage areas and facilities, existing zoning, existing buildings, and topography.
 - (3) A conceptual site plan of the proposed land use development concept.
 - (4) A schedule for the proposed development project.
 - (5) A project narrative describing proposed land uses, proposed site design and construction criteria, as well as any proposed covenants and restrictions of record.
- (e) The Zoning Administrator, or his or her authorized representative, will make a careful plan review of the proposed development project. The Zoning Administrator, or his or her authorized representative, will evaluate the merits, disadvantages, and potential impacts of the proposed project upon adjoining land uses, municipal infrastructure, public health and safety, and community land use relationships. Subsequently, the Zoning Administrator will prepare and transmit a documented staff report containing these analyses and related recommendations to the Burlington Planning and Zoning Commission.
- (f) The Zoning Administrator will, as soon as practical, place the proposed planned unit development application on the agenda of the Burlington Planning and Zoning Commission.
- (g) Before any decision is reached by the Burlington Planning and Zoning Commission:

- (1) The Zoning Administrator will post a copy of the proposed planned unit development application upon the property where the planned unit development is requested. This public notice will be made, at least, thirty (30) days before the planned unit development application is considered publicly by the Burlington Planning and Zoning Commission.
 - (2) The Zoning Administrator will provide written notice to all adjoining property owners, as well as the date, time and place when the proposed planned unit development will be considered by the Burlington Planning and Zoning Commission.
 - (3) The Burlington Planning and Zoning Commission will hold one public hearing at a public facility within the Town of Burlington. Town residents and the general public will receive at least thirty (30) days notice of the public hearing. Public notice will be advertised in one (1) newspaper of general circulation throughout Big Horn County. Public comments received during the meeting will be documented for subsequent reference during the zone change process.
- (h) Upon consideration of a staff report from the Zoning Administrator and public comment, the Burlington Planning and Zoning Commission will make a written recommendation to the Burlington Town Council. The recommendation will state the rationale for its decision. When necessary, the recommendation from the Burlington Planning and Zoning Commission may include project stipulations that may be imposed to mitigate potential impacts upon neighboring properties and the general community.
 - (i) The Town Council will review the staff report from the Zoning Administrator, public comments, and the recommendation of the Burlington Planning and Zoning Commission. In the course of its review, the Town Council may hold an additional public hearing to provide an expanded opportunity for public comment.
 - (j) The Town Council will approve or deny the proposed planned unit development project by Ordinance. In the event that further information is required by the Town Council to complete its evaluation, the Town Council may table the proposed land use amendment until desired information is obtained and reviewed by the Town Council.
 - (k) The Zoning Administrator will issue a written notice of determination to the applicant within five (5) working days of the decision of the Town Council. The notice will indicate the decision made and, when appropriate, stipulations that may accompany the approval of a specific application.
 - (l) No statement of covenants and restrictions shall be filed at the Big Horn County Courthouse until the Burlington Town Council first approves the planned unit development by Ordinance.
 - (m) Any appeal of the decisions by the Burlington Planning and Zoning Commission or the Burlington Town Council will be made to the Burlington Board of Adjustments in accordance with Article V of this ordinance.

Section 204. Zone Change Process

- (a) The purpose of the zone change process (Figure II-3) is to provide landowners and/or prospective developers with the potential opportunity to modify zoning district boundaries depicted on the Burlington Zoning map. This process is required for those landowners and/or prospective developers who wish to make uses on one (1) or more lots or land parcels that are inconsistent with the permitted land uses authorized under existing zoning.
- (b) Owners and/or prospective developers of any lots or parcels may make application for a zone change in any zoning district.
- (c) Applicants must complete a zone change application form that will request at least the following information:
 - (1) Name, address, telephone number, e-mail address, and fax number of the applicant.
 - (2) When the applicant is not the landowner, the applicant will furnish a written letter from the landowner, which authorizes the application and endorses the proposed zone change.
 - (3) Name, address, and telephone number of the person or company responsible for preparation of the conceptual site plan supporting the application.
 - (4) Legal description and total land area of the lands proposed for a zone change.
- (d) Applicants will also provide the following additional information, which will supplement a completed application form.
 - (1) Location map of the lots or land parcels being considered for a zone change.
 - (2) A conceptual site plan of the proposed land use development concept.
 - (3) A development schedule for proposed land use.
- (e) The Zoning Administrator, or his or her authorized representative, will make a careful plan review of the proposed zone change and related land use development proposal. The Zoning Administrator, or his or her authorized representative, will evaluate the merits, disadvantages, and potential impacts of the proposed zone change upon adjoining land uses, municipal infrastructure, public health and safety, and community land use relationships. Subsequently, the Zoning Administrator will prepare and transmit a documented staff report containing these analyses and related recommendations to the Burlington Planning and Zoning Commission.
- (f) The Zoning Administrator will, as soon as practical, place the proposed zone change application on the agenda of the Burlington Planning and zoning Commission.
- (g) Before any decision is reached by the Burlington Planning and Zoning Commission:
 - (1) The Zoning Administrator will post a copy of the proposed zone change upon the property where the zone change is requested. This public notice will be made, at least, thirty (30) days before the zone change is considered publicly by the Burlington Planning and Zoning Commission.



Burlington Zoning Ordinance

Zone Change Process

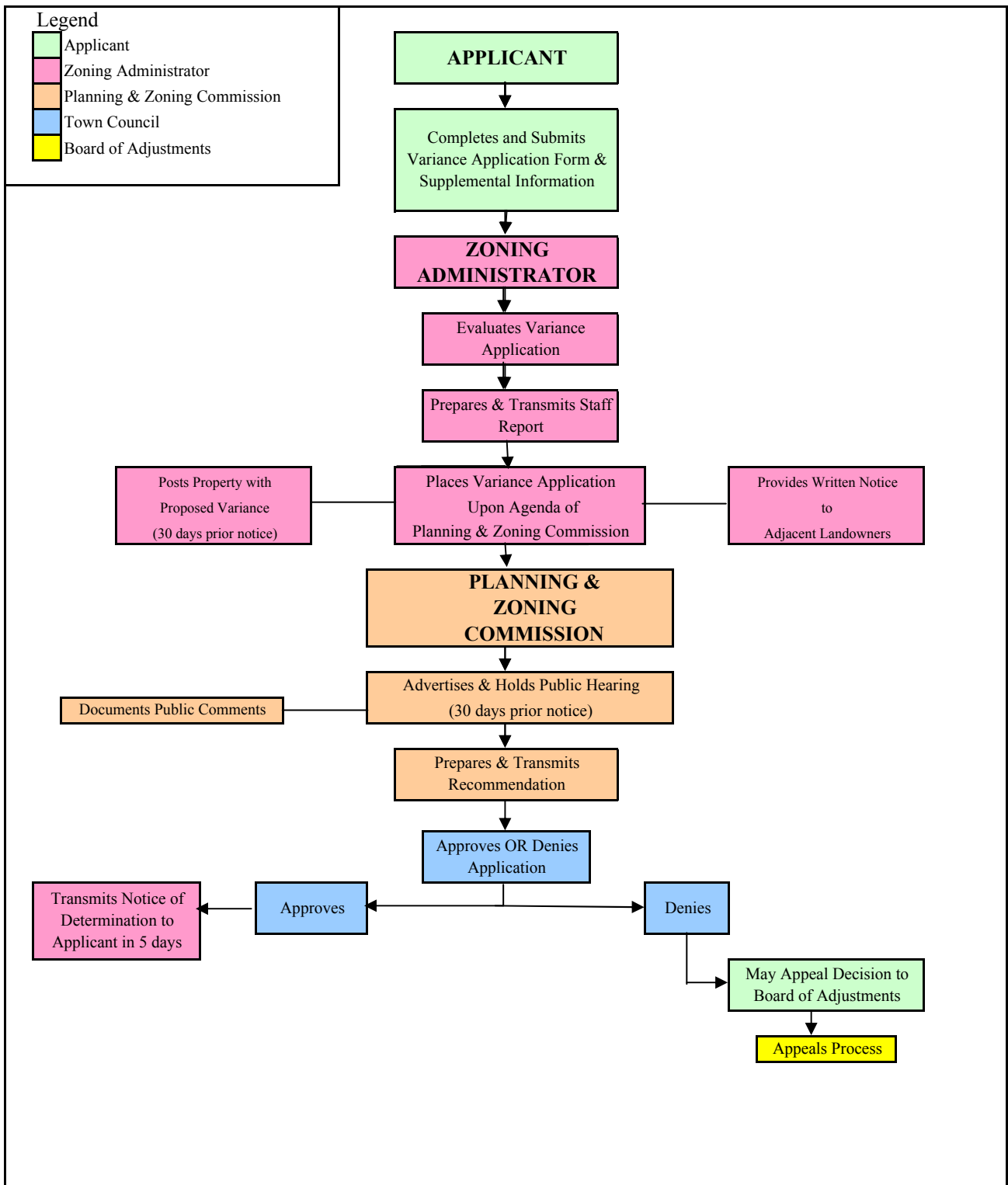
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Figure II-3

- (2) The Zoning Administrator will provide written notice to all adjoining property owners, as well as the date, time and place when the proposed zone change will be considered by the Burlington Planning and Zoning Commission.
- (3) The Burlington Planning and Zoning Commission will hold one public hearing at a public facility within the Town of Burlington. Town residents and the general public will receive at least thirty (30) days notice of the public hearing. Public notice will be advertised in one (1) newspaper of general circulation throughout Big Horn County. Public comments received during the meeting will be documented for subsequent reference during the zone change process.
- (h) Upon consideration of a staff report from the Zoning Administrator and public comment, the Burlington Planning and Zoning Commission will make a written recommendation to the Burlington Town Council. The recommendation will state the rationale for its decision. When necessary, the recommendation from the Burlington Planning and Zoning Commission may include project stipulations that may be imposed to mitigate potential impacts upon neighboring properties and the general community.
- (i) The Town Council will review the staff report from the Zoning Administrator, public comments, and the recommendation of the Burlington Planning and Zoning Commission. In the course of its review, the Town Council may hold an additional public hearing to provide an expanded opportunity for public comment.
- (j) The Town Council will approve or deny the proposed zone change by ordinance. In the event that further information is required by the Town Council to complete its evaluation, the Town Council may table the proposed zone change until desired information is obtained and reviewed by the Town Council.
- (k) The Zoning Administrator will issue a written notice of determination to the applicant within five (5) working days of the decision of the Town Council. The notice will indicate the decision made and, when appropriate, stipulations that may accompany the approval of a specific application.
- (l) Any appeal of the decisions by the Burlington Planning and Zoning Commission or the Burlington Town Council will be made to the Burlington Board of Adjustments in accordance with Article V of this ordinance.

Section 205. Variance Process

- (a) The purpose of the variance process (Figure II-4) is to modify the strict application of the requirements of the Burlington Zoning Ordinance. A variance can be granted by the Burlington Planning and Zoning Commission where it can be shown that unusual site or building characteristics, extraordinary circumstances, or other relevant factors, prevent a landowner from using a lot or land parcel for purposes permitted in the zoning district where the property is located.
- (b) Each authorized variance will apply to a specific use or structure, and will continue in perpetuity regardless of future changes in land ownership.



Burlington Zoning Ordinance

Variance Process

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Figure II-4

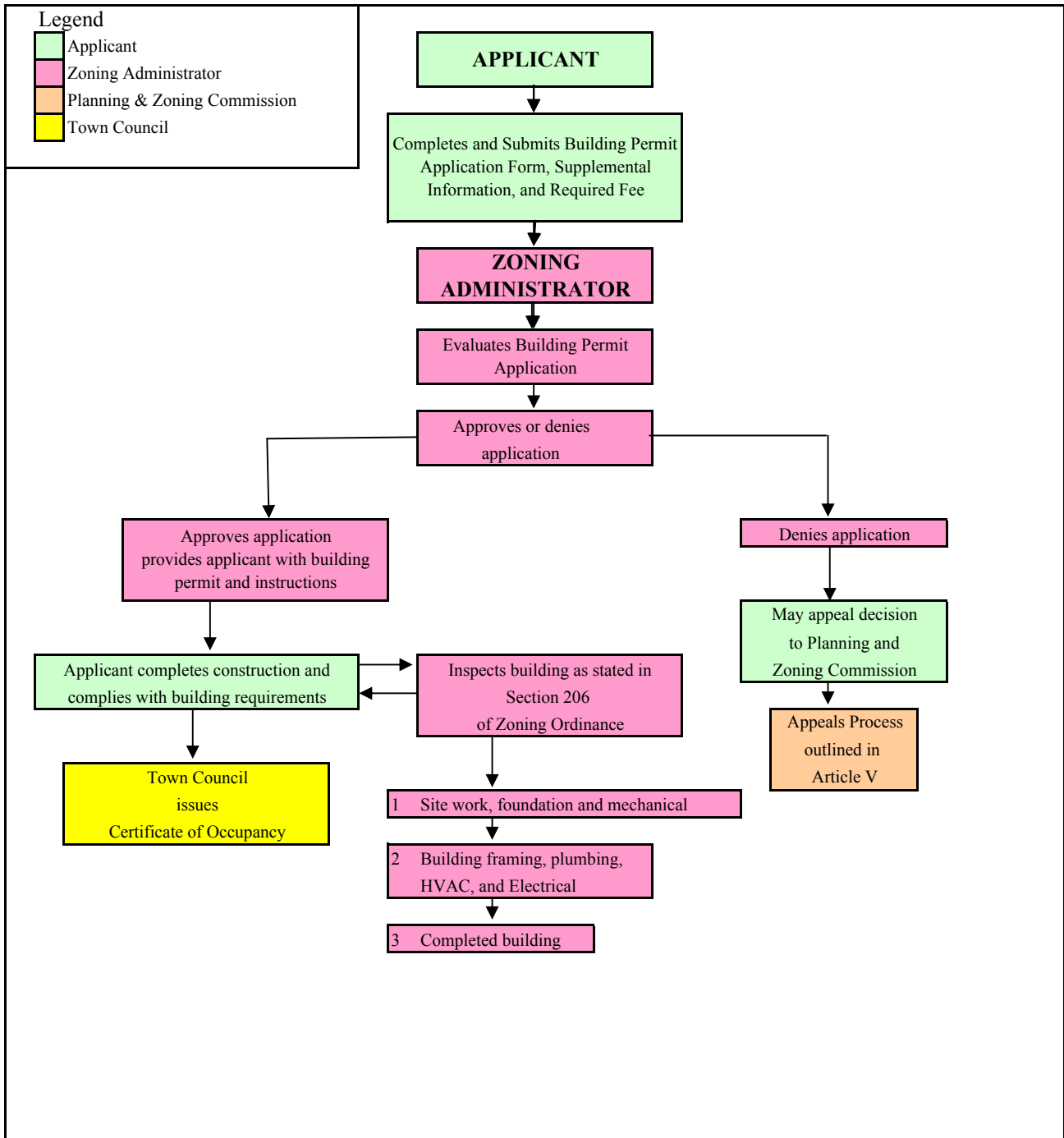
- (c) Owners and/or prospective developers of any lots or parcels may make application for a variance in any zoning district.
- (d) Applicants must complete a variance application form that will request at least the following information:
 - (1) Name, address, telephone number, e-mail address, and fax number of the applicant.
 - (2) When the applicant is not the landowner, the applicant will furnish a written letter from the landowner, which authorizes the application and endorses the proposed variance.
 - (3) Legal description and total land area of the land and/or the total floor area of the building(s) where the proposed variance would be located.
- (e) Applicants will also provide the following additional information, which will supplement a completed application form.
 - (1) Location map of the lots or land parcels being considered for a variance.
 - (2) A plot plan of the site and buildings where the proposed variance would occur.
 - (3) The limitations in the dimensions of the lot and/or buildings under consideration that prevent the applicant from developing or pursuing the type of land uses permitted in the zoning district where the property is located.
 - (4) Exceptional circumstances that do not apply to neighboring properties and are not caused by the applicant.
- (f) The Zoning Administrator, or his or her authorized representative, will make a review of the proposed variance. This evaluation will consider the limitation in the dimensions of the lots and/or buildings under consideration, the exceptional circumstances described by the applicant, and the impact that the proposed variance would have upon the character of the surrounding neighborhood. This evaluation and a related recommendation will be documented and transmitted to the Burlington Planning and Zoning Commission.
- (g) The Zoning Administrator will, as soon as practical, place the proposed variance on the agenda of the Burlington Planning and Zoning Commission.
- (h) Before any decision is reached by the Burlington Planning and Zoning Commission:
 - (1) The Zoning Administrator will post a copy of the proposed variance upon the property where the variance is requested. This public notice will be made, at least, thirty (30) days before the proposed variance is considered publicly by the Burlington Planning and Zoning Commission.
 - (2) The Zoning Administrator will provide written notice to all adjoining property owners, as well as the date, time and place when the proposed variance will be considered by the Burlington Planning and Zoning Commission.
 - (3) The Burlington Planning and Zoning Commission will hold one public hearing at a public facility within the Town of Burlington. Town residents and the general public will receive at least thirty (30) days notice of the public hearing. Public notice will

be advertised in one (1) newspaper of general circulation throughout Big Horn County. Public comments received during the meeting will be documented for subsequent reference during the variance process.

- (i) Upon consideration of a staff report from the Zoning Administrator and public comments made during a scheduled public hearing concerning the proposed variance, the Burlington Planning and Zoning Commission will make its decision concerning the variance request. Any affirmative decision may contain specific stipulations which may modify the specific variance request.
- (j) In determining whether to approve or deny a variance application, the Burlington Planning and Zoning Commission will use and address the following considerations. No variance shall be authorized unless the Burlington Planning and Zoning Commission finds that all of the following conditions will exist.
 - (1) The variance will not authorize a permitted use other than those specifically authorized in the zoning ordinance in the district regulations.
 - (2) Enforcement of the provisions of the Burlington Zoning Ordinance will result in unnecessary hardship, and prevent a landowner from using a lot or land parcel for purposes which are similar to other land use in the same zoning district.
 - (3) The extraordinary circumstances of physical site constraints were not created by the owner of the property and do not represent a general condition of the zoning district where the property is located.
 - (4) The variance will not substantially or permanently damage any adjacent property that contains a conforming land use.
 - (5) The variance will not alter the character of the zoning district where the variance would occur.
 - (6) The variance is a reasonable deviation from the Burlington Zoning Ordinance that affords the relief sought by the landowner.
 - (7) The variance will be generally consistent with the Burlington Zoning Ordinance and community land use plan contained in the Burlington Community Development Plan.
 - (8) The variance will not adversely affect the public health, safety, or welfare of the community.
- (k) A notice of determination of the Burlington Planning and Zoning Commission will be prepared by the Zoning Administrator and transmitted to the applicant. The notice of determination will state the rationale for approval or disapproval for the proposed variance, and outline any required stipulations to any approved variance application.
- (l) Any appeal of the decisions by the Burlington Planning and Zoning Commission will be made to the Burlington Board of Adjustments in accordance with Article V of this ordinance.

Section 206. Building Permit Process

- (a) No construction, alteration or expansion of any site, building or structure will be initiated or completed by any private landowner or public agency before receiving an approved building permit application from the Town of Burlington (Figure II-5).
- (b) A building permit is required for all of the following:
 - (1) Any new building that contains greater than two hundred (200) square feet.
 - (2) Additions to existing structures.
 - (3) Utility line installations and replacements, and other mechanical improvements.
 - (4) The demolition or relocation of an existing building
 - (5) A change in the type of occupancy of a building
- (c) The Town of Burlington will make available a building permit application form that requests, at least, the following information:
 - (1) Name of Applicant
 - (2) Authorization by Landowner (if not the applicant)
 - (3) Mailing Address
 - (4) Contact information for telephone, fax, and e-mail communication
 - (5) Legal description and size of land parcel where proposed construction will take place
 - (6) Scope of proposed site and facility improvements
 - (7) Existing zoning designation and related permitted uses.
 - (8) A plot plan indicating the general location of proposed buildings and the distances from the property line to the front, back and sides of proposed buildings.
 - (9) Two sets of construction drawings that illustrate the proposed foundation, floor plan, typical wall section, roof system, building elevations, as well as electrical, plumbing, and HVAC systems.
- (d) The construction of all new buildings, as well as the construction of all plumbing, mechanical and electrical systems, in the Town of Burlington will conform to the most current version of the following building codes:
 - International Building Code.
 - International Residential Code, Appendix E (manufactured homes)
 - International Plumbing Code.
 - International Mechanical Code.
 - National Electrical Code.
- (e) When necessary, potential exemptions to specific standards within any of the adopted building codes may be adopted by the Burlington Town Council by ordinance.



**Burlington
Zoning Ordinance**

Building Permit Process

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Figure II-5

- (f) Conformance to the International Building Code, International Residential Code (Appendix E), International Plumbing Code, International Mechanical Code, and National Electrical Code standards will be ensured through a related inspection process that the Zoning Administrator, or his or her representative, will make:
- (1) When site preparation and building site excavation is complete. Concrete forms, reinforcing rods (if used) or pins are in place prior to the placement of concrete for concrete slab foundations or concrete footings. All mechanical piping and conduit is in place, all fittings are properly connected, and all work is adequately supported prior to the placement of utilities, e.g., sewer line, within a concrete foundation.
 - (2) When all building framing is completed and properly nailed, bolted or secured. The installation of plumbing, heating, ventilation and air conditioning (HVAC), and electrical systems is completed, but prior to the covering of walls and ceilings.
 - (3) When all construction is work is completed.
- (g) Once all required building inspections have been made and approved by the Zoning Administrator, the Town of Burlington will issue a Certificate of Occupancy to the applicant. The Certificate of Occupancy represents a formal notification by the Town of Burlington that the building can legally be occupied. The Certificate of Occupancy will be signed by the Zoning Administrator.

ARTICLE III - DISTRICT REGULATIONS

Section 301. General

- (a) The following regulations outline the type of land uses permitted within various zoning districts established under Section 105 of this ordinance. Permitted land uses are also subject to various requirements such as the type of allowable structures, setbacks, building height, signage, fencing and vehicular parking.
- (b) Prior to the issuance of a building permit, some permitted uses also require a more detailed plan review by the Commission to ensure that specific project issues are adequately addressed by the owner of a development project. In some cases, stipulations may be attached to a building permit to address the specific concerns of the Planning and Zoning Commission.

Section 302. R-1 Single-Family Residential District

- (a) Intent & Purpose of District: This zoning district designation is intended to encourage the development and maintenance of low-density residential areas. These regulations are intended to provide a diverse and compatible housing stock, limit the density of the resident population, provide adequate open space around buildings and accessory structures, provide accessibility to community utility systems and community open space areas, as well as encourage a safe and attractive living environment for community residents.
- (b) Permitted Uses:
 - (1) Single-family dwelling units including various types of residential structures such as stick-built homes, manufactured homes, and modular homes.
 - (2) One individual family or household will primarily occupy single-family dwelling units. However, owners may provide room and board for up to two (2) persons, provided no separate kitchen is provided.
 - (3) Bed-and-breakfast operation in the principal residence on the property that is operated by the property owner.
 - (4) Public park, playgrounds, trails, bikeways and other public recreational facilities.
 - (5) Structures supporting community utility systems.
- (c) Residential Building Standards:
 - (1) The construction of stick-built homes will conform to the residential construction standards outlined in the current editions of the International Building Code, International Plumbing Code, International Mechanical Code, and National Electrical Code.
 - (2) The construction of manufactured homes will conform to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401 et seq.) and all subsequent amendments, as well as manufactured home construction and safety standards outlined in the current regulations of the U.S. Department of Housing and Urban Development (24 CFR, Chapter XX, Part 3280).

- (3) All manufactured homes will also be subject to the following criteria to ensure compatibility with residential neighborhoods:
- (a) Structures will be attached to a permanent foundation in accordance with Sections AE 500 and AE 600 of Appendix E of the International Residential Code, or the U.S. Department of Housing and Urban Development Handbook, *Permanent Foundations Guide for Manufactured Housing*, 1996.
 - (b) Structures will have a minimum width of twelve (12) feet and contain a minimum total floor area of six hundred (600) square feet.
 - (c) Structures will be able to resist a wind load of ninety (90) miles per hour.
 - (d) Structures will be able to support a snow load of fifteen (15) pounds per square foot.
 - (e) Siding material will consist of wood or wood products, stucco, brick, rock, lap steel, lap aluminum or lap vinyl. One or a combination of these materials will be used to cover the exterior of the housing unit.
 - (f) The lower perimeter of the dwelling unit shall be fully enclosed from the lower edge of the dwelling unit to the ground. The material used to enclose the lower perimeter of the dwelling shall be either masonry or the same siding material as on the dwelling proper. Any material used to enclose the lower perimeter of the dwelling unit shall be able to withstand the effects of wind, soil, decay, termites and prevent the entry of rodents.
 - (g) An unobstructed access will be provided along the lower perimeter. The size of the access will be at least twenty-four by thirty-six (24 x 36) inches.
 - (h) No attachments, additions, alterations or modifications to the exterior walls of a manufactured home are allowed except those approved by the manufacturer for the specific unit. All other additions, porches, decks, garage or other add-on attachments must be freestanding and self-supporting with no structural reliance on the manufactured unit itself.
 - (i) All towing devices, wheels, and undercarriage support used solely for initial transportation of the home will be removed from the unit within thirty (30) days of delivery to the site.
 - (j) Structures will contain under-floor areas that are ventilated by an approved mechanical means, or by openings into the under-floor area walls.
- (4) Modular homes will be constructed in a factory in accordance with the most current version of the International Building Code.
- (5) All modular homes will also be subject to the following criteria to ensure compatibility with residential neighborhoods:
- (a) Structures will have a minimum width of, at least, twenty-four (24) feet wide; and contain a minimum total floor area of eight hundred (800) square feet; and

- (b) Structures will be attached to a permanent foundation that conforms to the current International Building Code; and
 - (c) Siding will consist of wood or wood products, stucco, brick, rock, lap steel, lap aluminum or lap vinyl. One or a combination of these materials will be used to cover the exterior of the housing unit; and
 - (d) An unobstructed access will be provided along the lower perimeter of the building. The size of the access will be at least twenty-four by thirty-six (24 x 36) inches; and,
- (3) All buildings in the R-1 Single-Family Residential District will require a plan review by the Zoning Administrator, or his or her representative, prior to the issuance of a building permit.
- (d) Minimum Lot Area:
- Burlington Addition Blocks 8, 9, 12, 13, 18 and 19: 28,000 square feet.
 All Other Blocks in Burlington Addition: 22,800 square feet.
 Davidson Addition: 16,800 square feet.
 Original Townsite: 16,800 square feet.
 West of Bateman Addition and South of West Poplar: One acre.
 Husky Addition: Block 1: 10,300 square feet
 Block 2: 21,000 square feet
 Blocks 3-9: 19,500 square feet
- (e) Minimum Setbacks:
- (1) Front Yard: Primary residential structure will be set back twenty-five (25) feet from front property line. Detached accessory buildings will not be located beyond the front line of any primary residential structure. Both street frontages of corner lots shall be considered front yards.
 - (2) Side Yards: Primary residential structures and detached accessory structures will be set back not less than ten (10) feet from side property lines.
 - (3) Rear Yard: Primary residential structures will be set back not less than ten (10) feet from the rear property line. Detached accessory structures will be located not less than eight (8) feet from the rear property line.
 - (4) Any deviations from setback requirements will require a plan review and approval of a variance.
- (f) Maximum Building Height: Primary residential structures will be thirty-five (35) feet or less in height. The height of detached accessory structures will be twenty-six (26) feet or less.

(g) Vehicular Parking and Storage:

- (1) A minimum of four hundred (400) square feet of off-street parking will be provided for each single-family dwelling unit. The parking area will extend from edge of pavement or improved road surface of any municipal street. In the event that no improved road surface exists, the parking area will extend from the edge of the municipal street right-of-way.
- (2) Recreational vehicles (RVs) and travel trailers {smaller than eight by thirty-two (8 x 32) feet} shall be parked only on side or rear yards on paved, gravel, scoria, or other crushed rock surface.
- (3) Parking of any vehicle which has a gross vehicle weight (GVW) of greater than twenty-six thousand (26,000) pounds, is prohibited along any public street that adjoins an R-1 District, except for the following:
 - (a) Vehicles loading or unloading passengers, materials, and merchandise.
 - (b) Vehicles engaged in performing a service activity on the adjacent residential lot or parcel of land.
 - (c) Vehicles used in association with construction or maintenance activities in the immediate vicinity.
- (4) No more than one (1) unlicensed or inoperable vehicle will be permitted on any residential lot.

(h) Fencing:

- (1) Fences shall be no more than four (4) feet high between the front building line and front property line.
- (2) Fences shall be no more than six (6) feet high if located along side or rear property lines.
- (3) Electric and barbed wire fencing is prohibited except for seasonal fencing around gardens.

(i) Accessory Uses and Buildings

- (1) Home occupations operated by the occupants of a single-family residence and not more than two (2) non-household employees. However, such enterprises will generate limited vehicular traffic and vehicular parking along residential streets, as well as limited noise within residential neighborhoods.
- (2) Children day care facilities operated by the occupants of a single-family residence and not more than two (2) non-household employees.
- (3) Personal storage buildings such as pole barns, garages, work shop and tool sheds. These uses will only be permitted on the same lot with a primary residential structure, or on an adjacent lot associated with the primary residential structure.

(j) Authorized Signs:

- (1) One (1) unlighted nameplate or sign for each single-family dwelling which indicates the name of the building occupant and/or home occupation taking place within the dwelling unit. The total area of each authorized nameplate or sign will not exceed two (2) square feet.
- (2) Home occupation signs must be attached to the dwelling unit and be parallel with the wall to which it is attached.
- (3) Any unlighted sign or signs not exceeding a total area of twelve (12) square feet which indicate the availability of single-family dwelling unit rentals or the sale of the property where the signs are located.
- (4) Directional signs, not exceeding one (1) square foot in area.
- (5) Freestanding election signs not exceeding sixteen (16) square feet may be temporarily placed in residential areas but must be removed by the landowner or occupants of a property within seven (7) days after the election date.
- (6) Freestanding yard sale, garage sale or other similar signs, which do not exceed sixteen (16) square feet, may temporarily be placed in residential areas. However, the landowner or occupants of a property must remove these signs within twenty-four (24) hours after the event has occurred.

Section 303. R-2 Multi-Unit Residential District

- (a) Intent and Purpose of District: This district is intended to provide and encourage the development of duplexes, townhouses, apartments and other multi-unit residential facilities which can serve both transient and long-term residents. The R-2 Multi-Unit Residential District regulations are intended to provide adequate vehicular parking, setbacks, landscaping and/or other screening to ensure its compatibility with adjoining single-family residential districts, as well as accessibility to community utility systems and community open space areas.
- (b) Permitted Uses
 - (1) Residential duplexes, apartment units, townhouses or multi-unit complexes that include stick-built homes, manufactured homes and modular homes.
 - (2) One individual family or individual household will primarily occupy each dwelling unit. However, owners may provide room and board for up to two (2) persons provided no separate kitchen is provided.
 - (3) Assisted-care facilities.
 - (4) Day Care Facility (Family Day Care Home, Group Day Care Home or Group Day Care Center, with appropriate State License) and Community Centers.
 - (5) Public parks, playgrounds, trails, bikeways and other public recreational facilities.
 - (6) Structures supporting community utility systems.

(c) Residential Building Standards

- (1) The construction of stick-built homes will conform to the residential construction standards outlined in the current editions of the International Building Code, International Plumbing Code, International Mechanical Code, and National Electrical Code.
- (2) The installation of manufactured homes will conform to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 *et seq.*) and all subsequent amendments, as well as manufactured home construction and safety standards outlined in the current regulations of the U.S. Department of Housing and Urban Development (24 CFR, Chapter XX, Part 3280).
- (3) All manufactured homes will also be subject to the following criteria to ensure compatibility with residential neighborhoods.
 - (a) Structures will be attached to a permanent foundation in accordance with Sections AE 500 and AE 600 of Appendix E of the International Residential Code, or the U.S. Department of Housing and Urban Development Handbook, *Permanent Foundations Guide for Manufactured Housing*, 1996.
 - (b) Structures will have a minimum width of twelve (12) feet and contain a minimum total floor area of six hundred (600) square feet.
 - (c) Structures will be able to resist a wind load of ninety (90) miles per hour.
 - (d) Structures will be able to support a snow load of fifteen (15) pounds per square foot.
 - (e) Siding material will consist of wood or wood products, stucco, brick, rock, lap steel, lap aluminum or lap vinyl. One or a combination of these materials will be used to cover the exterior of the housing unit.
 - (f) The lower perimeter of the dwelling unit shall be fully enclosed from the lower edge of the dwelling unit to the ground. The material used to enclose the lower perimeter of the dwelling shall be either masonry or the same siding material as on the dwelling proper. Any material used to enclose the lower perimeter of the dwelling unit shall be able to withstand the effects of wind, soil, decay, termites and prevent the entry of rodents.
 - (g) An unobstructed access will be provided along the lower perimeter. The size of the access will be at least twenty-four by thirty-six (24 x 36) inches.
 - (h) No attachments, additions, alterations or modifications to the exterior walls of a manufactured home are allowed except those approved by the manufacturer for the specific unit. All other additions, porches, decks, garage or other add-on attachments must be freestanding and self-supporting with no structural reliance on the manufactured unit itself.
 - (i) All towing devices, wheels, and undercarriage support used solely for initial transportation of the home will be removed from the unit within thirty (30) days of delivery to the site.
 - (j) Structures will contain under-floor areas that are ventilated by an approved mechanical means, or by openings into the under-floor area walls.

- (4) Modular homes will be constructed in a factory in accordance with the most current version of the International Building Code.
 - (5) All modular homes will also be subject to the following criteria to ensure compatibility with residential neighborhoods:
 - (a) Structures will have a minimum width of, at least, twenty-four (24) feet wide; and contain a minimum total floor area of eight hundred (800) square feet; and
 - (b) Structures will be attached to a permanent foundation that conforms to the current International Building Code; and
 - (c) Siding will consist of wood or wood products, stucco, brick, rock, lap steel, lap aluminum or lap vinyl. One or a combination of these materials will be used to cover the exterior of the housing unit; and
 - (d) An unobstructed access will be provided along the lower perimeter of the building. The size of the access will be at least twenty-four by thirty-six (24 x 36) inches.
 - (6) All buildings in the Multi-Unit Residential District will require a plan review by Town of Burlington staff, or its representative, prior to the issuance of a building permit.
- (d) Landscaping Requirements: At least five (5) percent of each multi-unit residential lot will be landscaped and maintained with grasses, shrubs, and/or trees to increase the compatibility with adjoining land uses, increase the attractiveness of the residential site or complex, and enhance the general aesthetics of the community. This requirement may be made within setback areas, designated easements, vehicular parking areas, or any portion of the site.
- (e) Minimum Lot Area: None.
- (f) Minimum Setbacks:
- (1) Front Yard: Primary residential structure will be set back twenty-five (25) feet from the front property line. Detached accessory buildings will not be located beyond the front line of any primary residential structure. Both street frontages of corner lots shall be considered front yards.
 - (2) Side Yards: Primary residential structures and detached accessory structures will be set back not less than ten (10) feet from side property lines.
 - (3) Rear Yard: Primary residential structures will be set back not less than ten (10) feet from the rear property line. Detached accessory structures will be located not less than eight (8) feet from the rear property line.
 - (4) Any deviations from setback requirements will require a plan review and approval of a variance.
- (g) Maximum Building Height: Primary residential structures will be thirty-five (35) feet or less in height. The height of detached accessory structures will be twenty-six (26) feet or less.

(h) Vehicular Parking and Storage:

- (1) Parking requirements will be met through the construction and use of centralized vehicular parking areas, driveways associated with each dwelling unit, and/or private garages. Centralized vehicular parking areas will be designed and constructed in accordance with the vehicular parking standards outlined in Article Four. The parking area and/or driveways will extend from the edge of pavement or improved road surface of any municipal street. In the event that no improved road surface exists, the parking area will extend from the edge of the municipal street right-of-way.
- (2) Recreational vehicles (RVs) and travel trailers smaller than eight by thirty-two (8 x 32) feet may be parked only on rear or side yards on a paved, gravel, scoria, or other crushed rock surface.
- (3) One (1) designated parking space will be required for each dwelling unit. Multi-unit residential buildings containing more than four (4) dwelling units will also have one (1) designated guest parking space for every two (2) dwelling units.
- (4) Additional parking spaces within a centralized parking area may be provided to park recreational vehicles (RVs) and travel trailers. These parking spaces will not be longer than eight by thirty-two (8 x 32) feet.
- (5) Parking of any vehicle, which has a gross vehicle weight (GVW) of greater than twenty-six thousand (26,000) pounds, is prohibited along any public street that adjoins an R-2 District, except for the following:
 - (a) Vehicles loading or unloading passengers, materials, and merchandise.
 - (b) Vehicles engaged in performing a service activity on the adjacent residential lot or parcel of land.
 - (c) Vehicles used in association with construction or maintenance activities in the immediate vicinity.
- (6) No more than one (1) unlicensed or inoperable vehicle will be permitted on any residential lot.

(i) Fencing:

- (1) Fences shall be no more than four (4) feet high between the front building line and front property line.
- (2) Fences shall be no more than six (6) feet high if located along side or rear property lines.
- (3) Electric and barbed wire fencing is prohibited except for seasonal fencing around gardens.

(j) Accessory Uses and Buildings:

- (1) Home occupations operated by the occupants of a multi-family residential unit and not more than two (2) non-household employees. However, such enterprises will generate limited vehicular traffic and vehicular parking along residential streets, as well as limited noise within residential neighborhoods.
- (2) Personal storage buildings such as workshops and tool sheds. These uses will only be permitted on the same lot with a primary residential structure, or on an adjacent lot that is associated with a primary residential structure.

(k) Authorized Signs:

- (1) One (1) unlighted identification sign not exceeding sixty (60) square feet in area for multi-unit residential buildings used for the housing of four (4) or more families or households.
- (2) The identification sign for multi-unit residential buildings shall not exceed six (6) feet in height or twelve (12) feet in length.
- (3) One (1) unlighted nameplate or sign for each multi-unit dwelling unit which indicates the name of the building occupant and/or home occupation taking place within the dwelling unit. The total area of each authorized nameplate or sign will not exceed two (2) square feet.
- (4) Name plate or home occupation signs must be attached to the dwelling unit and be parallel with the wall to which it is attached.
- (5) Any unlighted sign, or a combination of signs, not exceeding a total area of twelve (12) square feet which indicate the availability of multi-unit dwelling rentals, or the sale of the property where the signs are located.
- (6) Directional signs, not exceeding one (1) square feet in area.
- (7) Freestanding election signs not exceeding sixteen (16) square feet may be temporarily placed in residential areas but must be removed by the landowner or occupants of a property within seven (7) days after the election date.
- (8) Freestanding yard sale, garage sale or other similar signs, which do not exceed sixteen (16) square feet, may temporarily be placed in residential areas. However, the landowner or occupants of a property must remove these signs within twenty-four (24) hours after the event has occurred.

Section 304. R-3 Rural Living District

(a) Intent and Purpose of District

This district is intended to accommodate a variety of agricultural uses and single-family dwellings in lower density rural areas of the community.

(b) Permitted Uses

Property and/or buildings in the Rural Living District shall be used for the following purposes:

- (1) A maximum of two (2) single-family dwelling units including stick-built homes, manufactured homes, and modular homes supporting one commercial agricultural operation. Any rural residential homes on properties south of Oak Avenue will be subject to a plan review and potential structural stipulations due to the presence of saturated soils and poor drainage conditions in some areas
- (2) One (1) individual family or household will primarily occupy single-family dwelling units. However, owners may provide room and board for up to two (2) persons, provided no separate kitchen is provided.
- (3) Public parks, playgrounds, trails, bikeways and other public recreational facilities.
- (4) Livestock and poultry operations.
- (5) Crop production
- (6) Agricultural equipment storage facilities and repair shops
- (7) Grain storage facilities
- (8) Veterinary clinic, including observation pens.
- (9) Structures supporting community utility systems.
- (10) Fuel storage facilities supporting onsite agricultural activities.
- (11) Wellhead protection areas.

(c) Residential Building Standards:

- (1) The construction of stick-built residential dwelling units will conform to the residential construction standards outlined in the current International Building Code, International Plumbing Code, International Mechanical Code, and National Electrical Code.
- (2) The installation of manufactured homes will conform to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and all subsequent amendments, as well as manufactured home construction and safety standards outlined in the current regulations of the U.S. Department of Housing and Urban Development (24 CFR, Chapter XX, Part 3280).
- (3) All manufactured homes will also be subject to the following criteria to ensure compatibility with residential neighborhoods:
 - (a) Structures will be attached to a permanent foundation in accordance with Sections AE 500 and AE 600 of Appendix E of the International Residential Code, or the U.S. Department of Housing and Urban Development Handbook, *Permanent Foundations Guide for Manufactured Housing*, 1996.

- (b) Structures will have a minimum width of twelve (12) feet and contain a minimum total floor area of six hundred (600) square feet.
 - (c) Structures will be able to resist a wind load of ninety (90) miles per hour.
 - (d) Structures will be able to support a snow load of fifteen (15) pounds per square foot.
 - (e) Siding material will consist of wood or wood products, stucco, brick, rock, lap steel, lap aluminum or lap vinyl. One or a combination of these materials will be used to cover the exterior of the housing unit.
 - (f) The lower perimeter of the dwelling unit shall be fully enclosed from the lower edge of the dwelling unit to the ground. The material used to enclose the lower perimeter of the dwelling shall be either masonry or the same siding material as on the dwelling proper. Any material used to enclose the lower perimeter of the dwelling unit shall be able to withstand the effects of wind, soil, decay, termites and prevent the entry of rodents.
 - (g) An unobstructed access will be provided along the lower perimeter. The size of the access will be at least twenty-four by thirty-six (24 x 36) inches.
 - (h) No attachments, additions, alterations or modifications to the exterior walls of a manufactured home are allowed except those approved by the manufacturer for the specific unit. All other additions, porches, decks, garage or other add-on attachments must be freestanding and self-supporting with no structural reliance on the manufactured unit itself.
 - (i) All towing devices, wheels, and undercarriage support used solely for initial transportation of the home will be removed from the unit within thirty (30) days of delivery to the site.
 - (j) Structures will contain under-floor areas that are ventilated by an approved mechanical means, or by openings into the under-floor area walls.
- (4) Modular homes will be constructed in a factory in accordance with the most current version of the International Building Code.
- (5) All modular homes will also be subject to the following criteria to ensure compatibility with residential neighborhoods:
- (a) Structures will have a minimum width of, at least, twenty-four (24) feet wide; and contain a minimum total floor area of eight hundred (800) square feet; and
 - (b) Structures will be attached to a permanent foundation that conforms to the current International Building Code; and
 - (c) Siding will consist of wood or wood products, stucco, brick, rock, lap steel, lap aluminum or lap vinyl. One or a combination of these materials will be used to cover the exterior of the housing unit; and
 - (d) An unobstructed access will be provided along the lower perimeter of the building. The size of the access will be at least twenty-four by thirty-six (24 x 36) inches.

- (6) All buildings in the R-1 Single-Family Residential District will require a plan review by the Zoning Administrator, or his or her representative, prior to the issuance of a building permit.
- (d) Minimum Lot Area: One-half (0.5) acre for rural residential building site. No minimum lot areas for agricultural land uses and related support facilities.
- (e) Minimum Setbacks:
- (1) Front Yard: Rural residential structures and detached agricultural support facilities will be set back twenty-five (25) feet from front property line.
 - (2) Side Yards: Rural residential structures and detached agricultural support facilities will be set back not less than twenty-five (25) feet from side property lines.
 - (3) Rear Yard: Rural residential structures and detached agricultural support facilities will be set back not less than twenty-five (25) feet from the rear property line.
 - (4) Any deviations from setback requirements will require a plan review and approval of a variance.
- (f) Maximum Building Height: Rural residential structures will be thirty-five (35) feet or less in height. The height of detached agricultural support facilities will be fifty (50) feet or less.
- (g) Vehicular Parking and Storage
- (1) Recreational vehicles (RVs) and travel trailers, smaller than eight by thirty-two (8 x 32) feet or smaller associated with a rural residential use may be parked anywhere on properties within the rural living district.
 - (2) No more than one unlicensed or inoperable vehicle will be permitted on properties within the rural living district.
- (h) Accessory Uses
- (1) Home occupations operated by the occupants of a single-family residence and not more than two (2) non-household employees.
- (j) Authorized Signs:
- (1) One (1) unlighted nameplate or sign for each single-family dwelling which indicates the name of the building occupant and/or home occupation, taking place within the dwelling unit. The total area of each authorized nameplate or sign will not exceed two (2) square feet.
 - (2) Home occupation signs must be attached to the dwelling unit and be parallel with the wall to which it is attached.
 - (3) Directional signs, not exceeding one (1) square feet in area.

- (4) Freestanding election signs not exceeding sixteen (16) square feet may be temporarily placed in residential areas but must be removed by the landowner or occupants of a property within seven (7) days after the election date.
- (5) Freestanding yard sale, garage sale or other similar signs, which do not exceed sixteen (16) square feet, may temporarily be placed on properties in rural residential district areas. However, the landowner or occupants of a property must remove these signs within twenty-four (24) hours after the event has occurred.

Section 305. GC General Commercial District

(a) Intent and Purpose of District

This district is intended to provide and encourage potential locations for commercial retail facilities, commercial offices, and other commercial services. The General Commercial District regulations are intended to provide adequate vehicular parking, setbacks, landscaping and/or other screening to ensure its compatibility with adjoining land uses, as well as accessibility to community utility systems and community open space areas.

(b) Permitted Uses

- (1) Motels, hotels, inns, lodges, guest houses, as well as bed-and-breakfast operations.
- (2) Medical and veterinary clinics.
- (3) Commercial offices and office complexes.
- (4) Eating and drinking establishments including cafes, restaurants and bars.
- (5) Commercial retail establishments such as agricultural supply stores, convenience stores, mercantile stores, automobile part stores, computer stores, grocery stores, hardware stores, pharmacies, automated teller machine operations, barber shops and hair salons, boot and shoe repair shops, building supply centers, and truck stops.
- (6) Service and repair establishments such as video production, self-storage facilities, auto repair shops, auto lubrication services and car wash facilities,
- (7) Commercial recreational facilities such as theatres.

(c) Commercial Building Standards:

All commercial construction will conform to the commercial construction standards outlined in the current editions of the International Building Code, International Plumbing Code, International Mechanical Code, and National Electrical Code.

- (d) Landscaping Requirements: At least five (5) percent of each commercial site will be landscaped and maintained with grasses, shrubs, and/or trees to increase compatibility with adjoining land uses, increase the attractiveness of the site, and enhance the general aesthetics of the community. This requirement may be made within setback areas, designated easements, vehicular parking areas, or any portion of the site.

- (e) Minimum Lot Area: None.

- (f) Minimum Setbacks:
- (1) Front Yard: Commercial buildings will be located, at least, twenty-five (25) feet from the front property line. Both street frontages of corner lots shall be considered front yards.
 - (2) Side Yard: Commercial buildings and detached accessory structures will be situated, at least, ten (10) feet from side property lines.
 - (3) Rear Yard: Commercial buildings and detached accessory structures will be set back not less than ten (10) feet from the rear property line.
- (g) Maximum Building Height: Fifty (50) feet.
- (h) Vehicular Parking and Storage: Off-street parking areas will consist of designated parking spaces and/or centralized parking areas within the commercial building site. Centralized vehicular parking areas will be designed and constructed in accordance with the vehicular parking standards outlined in Article Four. Off-street parking requirements are summarized in Table III-1.

**TABLE III-1
MINIMUM COMMERCIAL OFF-STREET PARKING REQUIREMENTS**

Type of Commercial Use	Standard
Motel/Hotel	1 parking space per guest room
Inns or Lodges	1 per guest room; 50% of total seating capacity of associated cafe & restaurant operations.
Medical and Veterinary Clinics	1 per 200 square feet of floor space
Commercial Offices	1 per 200 square feet of retail floor space
Cafes and Restaurants (including fast-food outlets with seating)	Number of parking spaces will equal 50% of total seating capacity
Fast-food Outlets (with no seating)	1 per number of employees for average work shift
Retail Stores	1 per 200 square feet of retail floor space
Self-Storage Facilities	1 per every 2,000 square feet of storage space
Commercial Services	1 per 200 square feet of retail floor space
Service and Repair Establishments	1 per 200 square feet of retail floor space. No storage or parking of vehicles which are not currently licensed.
Commercial Recreational Facilities	1 parking space for 25% of the total number of customers that can be served at any give time

- (i) Fencing:
- (1) Fencing shall be no more than four (4) feet high between the front building line and front property line.
 - (2) Fencing shall be no more than six (6) feet high if located along side or rear property lines.
 - (3) Fencing and walls are prohibited within access, drainage, and utility easements.

(4) Electric and barbed wire fencing is prohibited.

(j) Accessory Uses and Buildings

Storage buildings will be permitted with a primary commercial structure on a commercial lot.

(k) Authorized Signs:

- (1) One (1) or more freestanding signs, which may be unlighted or illuminated, may be used to identify commercial facilities. Identification signs shall not exceed six (6) feet in height or twelve (12) feet in length, and will not obstruct motorists' views of vehicular, pedestrian, or bicycle traffic at any highway, road or street intersection.
- (2) Any exterior sign display associated with a specific commercial use will pertain to uses within the commercial building where the sign is located.
- (3) A maximum of two (2) square feet of illuminated or unlighted sign area is permitted for each lineal foot of commercial building frontage. The sign will be attached flat against the wall of the building and be parallel with this horizontal dimension.
- (4) Signs suspended from any commercial building shall not project beyond a vertical plane two (2) feet inside the street curb line from any building. The bottom of the sign shall not be less than ten (10) feet above the finished grade of the adjacent sidewalk, walkway, or other pedestrian access to the commercial building.
- (5) Any unlighted sign, or signs not exceeding a total area of twelve (12) square feet, which indicate the availability of commercial facility or commercial space for lease or sale.
- (6) Directional signs, not exceeding one (1) square feet in area.

Section 306. LI Light Industrial District

(a) Intent and Purpose of District

This district is intended to encourage the development of manufacturing facilities which produce finished products and/or parts from previously prepared materials. The Light Industrial District is also to provide area within the community for the storage and distribution of finished products, the storage of heavy equipment, industrial service and repair operations, as well as laboratory and administrative facilities supporting light industrial operations. The Light Industrial District regulations are intended to provide adequate vehicular parking, setbacks, landscaping and/or other screening to ensure compatibility with adjoining land uses, as well as accessibility to community utility systems and community open space areas.

(b) Permitted Uses

- (1) Manufacturing of finished products, or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, as well as the wholesale distribution of such products.

- (2) Light industrial parks.
- (3) Storage and distribution of chemical products supporting agricultural operations.
- (4) Regional warehouse and distribution facilities.
- (5) Construction and maintenance equipment yards.
- (6) Cabinet, plumbing, welding, and steel fabrication shops.
- (7) Industrial service and repair operations.
- (8) Truck terminals.
- (9) Storage yards for heavy equipment and industrial materials.
- (10) Solid waste collection or transfer facilities.

(c) Light Industrial Building Standards

All light industrial construction will conform to the commercial construction standards outlined in current editions of the International Building Code, International Plumbing Code, International Mechanical Code, and National Electrical Code.

(d) Landscaping Requirements

At least five percent (5%) of each light industrial site will be landscaped and maintained with grasses, shrubs, and/or trees to increase compatibility of use with adjoining land uses, increase the attractiveness of the site, and enhance the general aesthetics of the community. This requirement may be made within setback areas, designated easements, vehicular parking areas, or any portion of the site.

(e) Minimum Lot Area: None.

(f) Minimum Setbacks

- (1) Front Yard: Industrial buildings will be located, at least, twenty-five (25) feet from the front property line. Both street frontages of corner lots shall be considered front yards.
- (2) Side Yard: Industrial buildings and detached accessory structures will be situated, at least, twenty (20) feet from side property lines.
- (3) Rear Yard: Industrial buildings and detached accessory structures will be set back not less than twenty (20) feet from the rear property line.

(g) Maximum Building Height: Fifty (50) feet.

(h) Vehicular Parking and Storage

Off-street parking areas will consist of designated parking spaces and/or centralized parking areas within the building site. Centralized vehicular parking areas will be designed

and constructed in accordance with the vehicular parking standards outlined in Article Four. Off-street parking requirements are summarized in Table III-2.

**TABLE III-2
MINIMUM LIGHT INDUSTRIAL OFF-STREET PARKING REQUIREMENTS**

Type of Light Industrial Use	Standard
Manufacturing	One parking space for each two persons employed, or intended to be employed, on the largest work shift.
Warehouse and Distribution Facilities	One parking space for every 1,000 square feet of floor area.
Construction and Maintenance Equipment Yards	One parking space for each two persons employed.
Cabinet, plumbing, welding, and steel fabrication shops	One parking space every 200 square feet of floor space.
Industrial Service and Repair Operations	One parking space for each two persons employed.
Truck Terminals	One parking space for every semi truck and trailer anticipated during peak use of the truck terminal. One automobile parking space for each two persons employed.
Solid Waste Collection or Transfer Facilities	One parking space for each two persons employed.
Light Industrial Parks	1 parking space for each employee.

(i) Fencing:

- (1) Fencing shall be no more than four (4) feet high between the front building line and front property line.
- (2) Fencing shall be no more than six (6) feet high if located along side or rear property lines.
- (3) Fencing and walls are prohibited within access, drainage, and utility easements.
- (4) Electric and barbed wire fencing is prohibited.

(j) Accessory Uses and Buildings

Offices, storage buildings and other structures directly associated with the operation of a light industrial complex, facility, or operation are permitted.

(k) Authorized Signs:

- (1) One (1) or more freestanding signs, which may be unlighted or illuminated, may be used to identify authorized industrial sites. Identification signs shall not exceed six (6) feet in height or twelve (12) feet in length, and not obstruct motorists' views of vehicular, pedestrian, or bicycle traffic at any highway, road or street intersection.
- (2) Any exterior sign display associated with a specific industrial use will pertain to uses within the industrial building where the sign is located.

- (3) Two (2) square feet of illuminated or unlighted sign area is permitted for each lineal foot of industrial building frontage. The sign will be attached flat against the wall of the building and be parallel with this horizontal dimension.
- (4) Any unlighted sign or signs not exceeding a total area of twelve (12) square feet which indicate the availability of an industrial site or industrial space for lease or sale.
- (5) Directional signs, not exceeding one (1) square feet in area.

Section 307. PCF Public and Community Facilities District

(a) Intent and Purpose of District

The intent of this district is to provide area for the development of municipal, state, federal, and quasi-public facilities. This district is also intended to encourage the development of churches, community visitor centers, private membership clubs, and other privately-owned facilities that are generally available for public use.

(b) Permitted Uses

- (1) Government administrative facilities.
- (2) Public works shops and equipment base yards.
- (3) Public multi-purpose facilities.
- (4) Public safety facilities for law enforcement, fire protection, and emergency medical services.
- (5) Public schools, educational facilities, and related administrative offices.
- (6) Public recreation centers and recreational facilities.
- (7) Public medical clinics.
- (8) Public libraries and other cultural facilities.
- (9) Public conference centers.
- (10) Solid waste collection and transfer facilities.
- (11) Structures supporting regional and community utility systems.
- (12) Churches and other places of worship.
- (13) Community visitor centers.
- (14) Day-care facilities
- (15) Museums.
- (16) Private membership club facilities.
- (17) Exhibition halls.

- (18) Other private recreational or education facilities that are accessible to the general public.
- (19) Riding and roping arenas.

(c) Public Facility Building Standards

All public and community facility construction will conform to the commercial construction standards outlined in the current editions of the International Building Code, International Plumbing Code, International Mechanical Code, and National Electrical Code.

(d) Landscaping Requirements

At least five percent (5%) of each public or private facility site, or complex, will be landscaped and maintained with grasses, shrubs, and/or trees to increase compatibility with adjoining land uses, increase the attractiveness of the site, and enhance the general aesthetics of the community. This requirement may be made within setback areas, designated easements, vehicular parking areas, or any portion of the site.

(e) Minimum Lot Area: None.

(f) Minimum Setbacks

- (1) Front Yard: Public and community facility structures will be located, at least, twenty-five (25) feet from the front property line. Both street frontages of corner lots shall be considered front yards.
- (2) Side Yard: Public and community facility structures and detached accessory structures will be situated, at least, twenty (20) feet from side property lines.
- (3) Rear Yard: Public and community facility structures and detached accessory structures will be set back not less than twenty (20) feet from the rear property line.

(g) Maximum Building Height: Fifty (50) feet.

(i) Vehicular Parking and Storage

Off-street parking areas will contain designated parking spaces and/or centralized parking areas within the building or facility complex site. Centralized vehicular parking areas will be designed and constructed in accordance with the vehicular parking standards outlined in Article Four. Off-street parking requirements are summarized in Table III-3.

**TABLE III-3
MINIMUM PUBLIC AND COMMUNITY FACILITIES
OFF-STREET PARKING REQUIREMENTS**

Type of Public or Community Facility Use	Standard
Government administrative facilities	1 parking space per 200 square feet of floor space
Public works centers and base yards	1 parking space for each two persons employed
Public multi-purpose facilities	The number of parking spaces will equal 50 percent of the total seating capacity.
Public safety facilities for law enforcement, fire protection, and emergency medical services	To be determined by Planning and Zoning Commission staff. Zoning Administrator during project review.
Public schools, educational facilities, and related administrative offices	The number of parking spaces will include 1 parking space for each employee, school bus parking to accommodate peak bus traffic, parking spaces for 50 percent of anticipated school enrollment, and visitor parking adequate to support events at the facility.
Public recreation centers and recreational facilities	The number of parking spaces will equal 50 percent of the peak number of adult recreational users during any one period.
Public medical clinics	1 parking space for each employee, 1 reserved parking space for each anticipated paramedic van or ambulance serving the facility in one 8-hour period, 2 reserved parking spaces for law enforcement, 1 parking space for the maximum number of patients served by the facility at any given time.
Public libraries	1 parking space for each employee; 1 parking space for each anticipated facility user during an anticipated peak hour of facility use.
Public cultural facilities	The number of parking spaces will equal 50 percent of the total seating capacity
Public conference facilities	The number of parking spaces will equal 50 percent of the total seating capacity
Operations centers, administrative offices, and facilities supporting quasi-public utilities	1 parking space per 200 square feet of floor space for administrative areas and workshop areas. 2 parking spaces at each facility, e.g., water storage tank.
Solid waste collection and transfer facilities	One parking space for employee(s) working at solid waste site; one parking space/loading area for incoming trucks used for collection and transfer.
Structures supporting regional and community utility systems.	One parking space for maintenance personnel.
Churches and other places of worship	The number of parking spaces will equal 50 percent of the seating capacity of the primary sanctuary at each church.
Museums	One parking space for each two persons employed.
Private membership club facilities	1 parking space for every 1.5 persons as rated by the maximum capacity of the building defined by the fire code.
Community visitor centers	One parking space for every employee, as well as 10 spaces for visitors.
Riding and roping clubs	The number of parking spaces will equal 10 percent of the total club membership.
Other private or educational facilities accessible to the general public	One parking space for every two persons employed. The total parking spaces for facility users will equal 50 percent of the peak user capacity.

(j) Fencing

- (1) Fencing shall be no more than four (4) feet high between the front building line and front property line.
- (2) Fencing shall be no more than six (6) feet high if located along side or rear property lines.
- (3) Fencing and walls are prohibited within access, drainage, and utility easements.
- (4) Electric and barbed wire fencing is prohibited.

(k) Accessory Uses and Buildings

Office and storage buildings directly associated with the operation of public and community facilities are permitted.

(l) Authorized Signs

- (1) One (1) unlighted or illuminated bulletin or activity board, which does not exceed eighteen (18) square feet of area.
- (2) One (1) or more freestanding signs, which may be unlighted or illuminated, may be used to identify authorized public and community facilities. Identification signs shall not exceed six (6) feet in height or twelve (12) feet in length, and not obstruct motorists' views of vehicular, pedestrian, or bicycle traffic at any highway, road or street intersection.
- (3) Any exterior sign display associated with a specific public or community facility use will pertain to uses within the building where the sign is located.
- (4) Two (2) square feet of illuminated or unlighted sign area (excluding flashing or animated signs) is permitted for each lineal foot of public or community facility building frontage. The sign will be attached flat against the wall of the building and be parallel with this horizontal dimension. However, the sign will not project above the roofline.
- (5) Signs suspended from any public or community facility shall not project beyond a vertical plane two (2) feet inside the street curb line from any building. The bottom of the sign shall not be less than ten (10) feet above the finished grade of the adjacent sidewalk, walkway, or other pedestrian access to the public or community facility.
- (6) Directional signs, not exceeding one (1) square feet in area.

Section 308. RC Recreation and Conservation District

(a) Intent and Purpose of District

This district is intended to encourage the conservation of sensitive environmental areas and enhance the aesthetics of the community via the provision of community parks and other open space. The purpose of this district also includes the development of recreational facilities to

support outdoor recreational activities such as walking, biking, horseback riding, and picnicking. Overnight camping, as well as the use of motorized vehicles such as 4-wheelers and snowmobiles are not envisioned for these areas. The recreation and conservation district regulations are established to ensure compatibility with adjoining land uses, as well as accessibility to residential areas.

(b) Permitted Uses

- (1) Outdoor public parks, pavilions, outdoor cooking facilities, and recreational equipment.
- (2) Pedestrian, bicycle, and equestrian trails.
- (3) Outdoor courts for basketball, volleyball, tennis, and other activities.
- (4) Recreational areas for soccer, baseball, football, and other outdoor recreation.
- (5) Historical sites and related interpretation facilities.
- (6) Wellhead protection areas.
- (7) Undeveloped lands.
- (8) Man-made water features.

(c) Recreation & Conservation Building Standards

All recreation and conservation facilities construction will conform to the commercial construction standards outlined in the current editions of the International Building Code, International Plumbing Code, International Mechanical Code, and National Electrical Code.

(d) Landscaping Requirements: None

(e) Minimum Lot Area: None

(f) Minimum Setbacks: Twenty-five (25) feet from adjoining land uses in other zoning districts.

(g) Maximum Building Height: Twenty-five (25) feet.

(h) Accessory Uses and Buildings

Storage buildings directly associated with the operation and maintenance of community parks, recreational facilities, historic sites, and conservation areas are permitted.

(i) Authorized Signs:

- (1) Freestanding, unlighted signs, which may be used to identify recreational and historic sites, wellhead protection, and other conservation areas. Identification signs shall not exceed six (6) feet in height or twelve (12) feet in length, and not obstruct motorists' views of vehicular, pedestrian, or bicycle traffic at any highway, road or street intersection.
- (2) Directional signs, not exceeding one (1) square feet in area.

ARTICLE IV – VEHICULAR PARKING STANDARDS

Section 401. Purpose

The purpose of the vehicular parking standards is to establish reasonable parking provisions for the design of vehicular parking facilities in the multi-unit residential, general commercial, light industrial, public and community facility, and recreation and conservation zoning districts. The number of parking spaces required for various land uses is identified within the requirements for each zoning district in Article III.

Section 402. Applicability

- (a) The provisions of Article IV will apply at the time a building is constructed, altered, or enlarged, or whenever the use and/or occupant load of a building is changed.
- (b) In the case of mixed land uses, the total number of required vehicular parking spaces will represent the sum of the parking requirements for the various uses computed separately. Required vehicular parking spaces for one use shall not be considered required parking spaces for any other land use.

Section 403. Width of Driveways

Driveways will not be less than ten (10) feet wide.

Section 404. Specifications for Development of Vehicular Parking Facilities

- (a) Where access to a parking space or spaces is from a State highway, street or alley paved with asphalt or concrete surfacing, vehicular parking areas, as well as the maneuvering areas and driveways used for, will be paved with:
 - (1) Concrete surfacing to a minimum thickness of 3.5 inches, with expansion joints as necessary; or,
 - (2) Asphalt surfacing, rolled to a smooth, hard surface having a minimum thickness of 1.5 inches after compaction, and laid over a base of crushed rock, gravel, or other similar material compacted to a minimum thickness of four (4) inches. However, the requirement for the base may be modified if:
 - (a) A Wyoming registered professional engineer, retained to furnish a job-site soil analysis, provides an engineering report that finds that the base is unnecessary to ensure a firm and unyielding subgrade, equal from the standpoint of the service, life and appearance of the asphalt surfacing, to that provided if a base were required.
 - (b) Other available information which provides similar evidence.
 - (3) Other alternate material that will provide, at least, the equivalent in service, life and appearance of the materials and standards, as well as related standards to be used during construction.

- (b) Where access to a vehicular parking area or space is from a municipal road that contains a crushed rock surface, vehicular parking areas, as well as maneuvering areas and driveways, will be constructed with crushed rock, gravel or other similar material.
- (c) Marking of Spaces
 - (1) Land uses which require more than two (2) parking spaces will have all required spaces clearly marked with paint, or other similar distinguishing material.
- (d) Wheel Stops
 - (1) Wheel stops shall be provided for parking lots with a ground slope of more than three (3) percent. However, the installation of wheel stops is optional for parking stalls oriented at right angles to the direction of the ground slope.
 - (2) Wheel stops are required on the perimeter of parking lots, which are adjacent to walls, fences, or pedestrian walkways.
- (e) Landscaping
 - (1) Where parking facilities are situated adjacent to a street right-of-way, a minimum of five (5) feet of landscaping will be provided adjacent to the right-of-way line. Driveways, sidewalks and bikeways adjacent to the right-of-way line will be excluded from this requirement. The landscaped area will increase to a minimum of ten (10) feet when the parking area adjoins a State highway. Landscaping will consist of trees, shrubs, and/or groundcover.
 - (2) At least five (5) percent of the total gross area of a parking area will be landscaped with trees, shrubs, and/or groundcover.
 - (3) Concrete curb, at least, five (5) inches high will border all landscaped areas within the parking area.
- (f) Lighting
 - (1) A lighting system will be installed to provide illumination over the entire parking area during regular business hours and minimum-security illumination during non-business hours.
 - (2) All floodlights will be shielded to minimize the glare onto adjoining properties.
- (g) Slope: Parking areas will have a design slope, which does not exceed five (5) percent. However, access ramps or driveways may contain slopes up to twenty (20) percent.
- (h) Design: Parking spaces and drive aisles will be designed, constructed, and striped as outlined in Table IV-1.

**TABLE IV-1
MINIMUM DIMENSIONS
STANDARD VEHICULAR PARKING STALLS**

Parking Stall Angle (degrees)	Stall Depth (measured perpendicular from base of stall)	Drive Aisle Width with Parking Stalls	Total Stall and Drive Aisle Width	Curb Length
30°	16 feet-10 inches	15 feet-10 inches*	49 feet-2 inches	18 feet
45°	19 feet-1 inch	16 feet-6 inches*	54 feet-8 inches	12 feet-8 inches
60°	20 feet-1 inch	19 feet-4 inches*	59 feet-6 inches	10 feet-5 inches
90°	18 feet	26 feet**	62 feet	9 feet

Notes: * One-way traffic only; ** Two-way traffic for standard and compact parking spaces

Section 405. Parking for Handicapped and Disabled Persons

(a) Parking Space Requirements:

- (1) All non-residential parking areas accessible to the general public shall provide parking spaces designated for use by handicapped and disabled persons. The required number of parking stalls for handicapped and disabled persons is outlined in Table IV-2.

**TABLE IV-2
NUMBER OF PARKING SPACES REQUIRED
FOR HANDICAPPED AND DISABLED PERSONS**

Total Number of Parking Spaces in Vehicular Parking Area	Number of Required Parking Spaces for Handicapped and Disabled Persons
1-25	1
26-50	2
51-75	3
76-100	4
100-150	5
151 or more	2 percent of total

- (2) When less than five (5) parking spaces are provided, one parking stall shall be fourteen (14) feet wide and striped to provide a nine-foot parking area and a five-foot loading and unloading area. However, there is no requirement that the space be reserved exclusively or identified for use by only handicapped persons.

(b) Location of Parking Spaces:

- (1) Parking spaces for handicapped and disabled persons will be located as near as practical to a primary entrance, and not be less than fourteen (14) feet wide and striped to accommodate curb cut to access walkways.
- (2) The parking space will be located so that a handicapped or disabled person is not compelled to wheel, or walk, behind parked vehicles.

- (3) Pedestrian walkways, which are accessible to the physically handicapped, shall be provided from each handicap parking space to related facilities. When needed, curb cuts or ramps will also be provided.
- (c) Slope: The surface slopes of parking spaces for handicapped and disabled persons will be the minimum possible, but not exceed one-quarter inch per foot (2.083% slope) in any direction.
- (d) Marking: The surface of each parking space will have a surface identification sign duplicating the symbol of accessibility in blue print; the identification sign will be at least three (3) square feet in size.

Section 406. Compact Automobile Spaces

- (a) Not more than twenty (20) percent of the parking spaces in a non-residential parking area may be compact parking spaces.
- (b) Compact parking spaces will have a minimum dimension of fifteen (15) feet long and eight (8) feet wide.

ARTICLE V - APPEALS

Section 501. General

Any order or decision by the Zoning Administrator may be appealed to the Burlington Planning and Zoning Commission. Appeals may be made by any person, private company or corporation, or public agency affected by any such order or decision.

Section 502. Authority and Scope of Responsibility

The Burlington Planning and Zoning Commission will have the following responsibilities related to appeals.

- (a) Hear and make decisions concerning appeals of orders, decisions, determinations, and interpretations made by the Zoning Administrator, or his or her authorized representatives.
- (b) Hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of the Burlington Zoning Ordinance.
- (c) Interpret the provisions of this ordinance in a manner that promotes the recommendations and policies of the current community land use plan that is contained within the Burlington Community Development Plan.
- (d) Permit the reconstruction of a nonconforming building upon a property, which has been damaged by casualty, act of God, or public enemy, when the Board finds some compelling public necessity requiring continuance of the non-conforming use.
- (e) Authorize 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.
- (f) Subject to the limitations set forth in Article V, a simple majority vote of the Burlington Planning and Zoning Commission may reverse, affirm or modify the order, requirement, decision or determination which is appealed. To that end, the Burlington Planning and Zoning Commission shall have all of the powers of the Zoning Administrator and may attach stipulations to any decision.

Section 503. Rules for Appeal Proceedings Before the Planning and Zoning Commission

- (a) Appeals to the Burlington Planning and Zoning Commission may be taken by any person aggrieved, or by any officer, department or agency affected by any decision of the Zoning Administrator, or his or her authorized representatives. Such appeal shall be made in writing on forms provided by the Zoning Administrator, and delivered to the Town of Burlington within ten (10) days from the date of the action being appealed. Upon receipt of notice of appeal, the Zoning Administrator shall transmit to the Burlington Planning and Zoning Commission the notice of appeal and all of the original documents or copies which represent the record of the action being appealed.

- (b) After a notice of appeal has been filed, an appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Administrator, or his or her authorized representative, shall certify to the Burlington Planning and Zoning Commission that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such a case, the Burlington Planning and Zoning Commission shall tentatively reaffirm the action of the Zoning Administrator and allow the order or decision to stand, or shall direct the Zoning Administrator that 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 Zoning Administrator.
- (c) Decisions of the Burlington Planning and Zoning Commission concerning an appeal shall be reached only after a public hearing concerning the specific appeal. 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 for all hearings of the Burlington Planning and Zoning Commission. Public notice shall consist of posting a sign by the Zoning Administrator on the affected property for at least thirty (30) days prior to the date of the hearing; and one (1) posting of a notice by the Zoning Administrator in the Burlington Town Hall for at least five (5) days prior to the hearing. Both the sign and the notice shall identify the applicant, the nature and general scope of the appeal, as well as the date, time and place of the hearing. All hearings shall be open to the public.
 - (2) Notice of the hearing will also be given to any parties of interest, including the Town Attorney, Zoning Administrator and any attorney of record for the applicant. All parties of interest shall be permitted to be heard during all public hearings.
 - (3) Any interested party may also appear in person, or be represented by an agent or attorney, at any public hearing. After being duly sworn, the interested party may offer evidence and testimony, as well as cross-examine witnesses.
 - (4) All witnesses shall be sworn, or shall affirm their testimony, in the manner required in courts of record.
 - (5) All testimony and evidence shall be presented publicly.
 - (6) The Burlington Planning and Zoning Commission shall keep a record of the proceedings for each matter heard. Records of the proceedings will be kept on file 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 Burlington Planning and Zoning Commission shall render a written decision on each case heard within thirty (30) days of the hearing. Each decision must be supported by the rationale for its decision and based on findings of fact. The record shall also document the vote of each member for each decision and be available for public review.
 - (8) The concurring vote of three (3) members of the Burlington Planning and Zoning Commission shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant.

- (9) Appeal of the decision of the Burlington Planning and Zoning Commission may be made to the District Court in the manner prescribed by State Law within ten (10) days of a decision rendered by the Burlington Planning and Zoning Commission.

ARTICLE VI – ENFORCEMENT

Section 601. Administration, Inspections, Right of Entry, and Other Powers

(a) Administration

The Zoning Administrator is authorized to render interpretations of the Burlington Zoning Ordinance. Interpretations of the Burlington Zoning Ordinance shall conform to the general intent and purpose of this ordinance.

(b) Inspections

The Zoning Administrator, or his or her representative, is authorized to make site and building inspections, as well as other actions that may be required to enforce the provisions of the Burlington Zoning Ordinance.

(c) Right of Entry:

(1) The Zoning Administrator, or his or her authorized representative(s), may enter any building in the Town of Burlington to make an authorized property or building inspection, enforce any of the provisions of this ordinance, or inspect buildings or properties. Such actions may be taken whenever the Zoning Administrator has reasonable cause to believe there is a condition or ordinance violation which makes such building or property unsafe, dangerous, hazardous, or in conflict with any provision of the Burlington Zoning Ordinance.

(2) Building or property inspections will be made at reasonable times during daylight hours. When a building on a given property is occupied, the Zoning Administrator and his or her authorized representatives will first present proper credentials to building occupants and request entry. When existing buildings are unoccupied, the Zoning Administrator and his or her authorized representatives will first make a reasonable effort to locate and contact the owner, or other person having charge or control of the building or premises, and request entry. If such entry is refused, the Zoning Administrator and his or her authorized representative shall have recourse to every remedy provided by law to secure entry.

(d) Other powers

(1) The Zoning Administrator is also authorized to perform the following:

(a) Receive and review all applications for amendments to the language of this ordinance, community land use plan amendments, planned unit developments, zone changes, and variances.

(b) Prepare and transmit land use permit applications, as well as related staff reports and recommendations, to the Burlington Planning and Zoning Commission for its review and submission of recommendations to the Burlington Town Council.

- (c) Solicit insights and recommendations from adjacent landowners, other appropriate public and private agencies, and the Burlington community to facilitate the evaluation of relevant project issues concerning a given application.
 - (d) Maintain and update the Burlington Zoning Map.
 - (e) Coordinate with other municipal officials in the administration and enforcement of the Burlington Zoning Ordinance.
 - (f) Receive and review, all building permit applications for all new construction, as well as renovations, alterations, and expansions to existing properties and buildings. Approve or disapprove building applications based on their conformance with the provisions of the Burlington Zoning Ordinance and other applicable building codes that may be adopted by the Town of Burlington.
 - (g) Participate in meetings or public hearings related to land use permits and building permits being considered by the Burlington Planning and Zoning Commission and the Burlington Town Council.
 - (h) Upon reasonable cause, revoke any land use or building permit, issue “Cease and Desist” orders, or take any other lawful action to ensure substantial compliance with the provisions of this ordinance.
 - (i) Prepare and propose desirable changes to the Burlington Zoning Ordinance, or other related Town ordinances, which may be necessary to improve the management of land use development within the community. All such changes shall be subject to the amendment procedures outlined in Article 2 of this ordinance.
 - (j) Maintain a community land use database and complete any land use studies which may be necessary to monitor future compliance and effectiveness of the Burlington Zoning Ordinance.
 - (k) Maintain records and files for all land use and building permit applications.
 - (l) Issue notices and/or citations for violations of the Burlington Zoning Ordinance.
- (2) The Town of Burlington shall hold harmless the Town Zoning Administrator, as well as his or her authorized representative, when acting in good faith and without malice from all personal liability for any damage which may accrue to any person or property as a result of any act or omission associated with the administration and enforcement of the Burlington Zoning Ordinance. The Town of Burlington’s attorney, through final determinations of such proceedings, shall defend any suit brought against the Town of Burlington, the Zoning Administrator, and/or his or her authorized representative.

Section 602. Permits and Inspections

All buildings or structural improvements, which are authorized via the review and approval processes of the Burlington Zoning Ordinance, are subject to inspection by the Zoning Administrator, or his or her authorized representative, in accordance with Article II of this ordinance.

Section 603. Inspection and Repair

After inspection by the Zoning Administrator and/or his or her authorized representative(s), all buildings or property determined to be unsafe, dangerous, hazardous, or in conflict with any of the provisions of this ordinance shall be repaired, rehabilitated, vacated, demolished, or removed in accordance with the procedure specified in Article VIII of the Burlington Zoning Ordinance.

Section 604. Citizen Complaints

Any landowner, resident, private company, corporation, or public agency shall be allowed to file a complaint of any violation of this ordinance at the office of the Town Clerk for the Zoning Administrator's review.

- (a) The forms for such complaint will be made available to the general public at the Town Clerk's office.
- (b) When a complaint is received, the Town Clerk shall send a copy of the complaint, via certified mail, to the landowner or person, who owns and/or occupies the subject property, within ten (10) days of receipt of the complaint. The landowner or person, who owns or occupies the subject property, shall have thirty (30) days to submit a written response to the complaint.
- (c) After receipt of the response, the Zoning Administrator, or his or her authorized representative, shall investigate the complaint and determine an appropriate action.
- (d) Should the Zoning Administrator, or his or her authorized representative, issue any notice concerning correction for violation of the ordinance, the landowner or person who receives any notice of violation shall have the right to appeal as set forth in Article V of this ordinance.

ARTICLE VII - NONCONFORMING USES AND STRUCTURES

Section 701. Nonconforming Uses

- (a) A nonconforming use may be continued on the same land lot or land parcel, as well as within the same floor area, which existed on the date when the use initially became nonconforming.
- (b) The area occupied by a nonconforming use within an existing structure or on a lot or parcel of land, may not be enlarged or extended except as provided in Article II, Section 201.
- (c) If active and continuous operation of a nonconforming use is discontinued for a period of twelve (12) consecutive months, the structure or tract of land shall subsequently be used only for a conforming use. A stated intent to resume operations shall not affect this provision.

Section 702. Facility Repairs

Ordinary repairs and maintenance of a nonconforming building shall be permitted.

ARTICLE VIII-VIOLATIONS, PENALTIES, AND REMEDIES

Section 801. Unlawful to Violate Ordinance

It shall be unlawful for any person, private firm or corporation, or public agency to construct, alter, expand, renovate, or demolish any building or structure in violation of this ordinance.

Section 802. Continuing Violations and Penalties

Any person, owner, lessee, occupant, or otherwise, who violates any of the provisions of this ordinance, or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon him by the provisions of this ordinance, shall be fined not more than \$750.00 per offense upon conviction. Each day, during which such violation shall continue, shall be deemed to be a separate offense.

Section 803. Order in Writing

- (a) The Zoning Administrator, or his authorized representative, shall order, in writing, the remedying of any violation.
- (b) After any order has been served, no work shall proceed on any structure, or tract of land, covered by such an order except to correct the violation, or comply with the order.

Section 804. Ordinance Enforceable in Addition to Other Remedies

These ordinances shall be enforceable in addition to the other remedies provided by law, by injunction, mandamus, or proceedings in abatement.

ARTICLE IX - DEFINITIONS

Accessory Building. A detached building on parcel of land that is used to support the primary use of a principal building.

Accessory Use. A secondary use of a parcel of land that is secondary to the primary use of the property.

Alley. A public thoroughfare which affords only a secondary means of access to an abutting property.

Authorized Representative. An individual appointed by the Town Council to enforce the provisions of the International Building Code (UBC), International Mechanical Code (UMC), International Plumbing Code (UPC), and the Burlington Zoning Ordinance.

Bed-and-Breakfast Operation. An owner-occupied single-family dwelling with a maximum of five guest bedrooms within the dwelling. Guest bedrooms used to provide short-term overnight accommodations are rented for periods less than thirty (30) days. Only breakfast meals are served to guests of the bed-and-breakfast operation.

Building. Any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

Building, Principal. A building which represents the primary use of a property.

Conceptual Site Plan. An illustration of a general land use development concept for one or more parcels of land which provides an identified map scale, identifies the boundaries of project development site, and locates all proposed buildings and other land uses, vehicular parking areas and access to the project development site, utility distribution systems, and primary site development features.

Driveway. A private road connecting a house, garage, or other building with the street.

Dwelling, Single-family. A residential structure such as a stick-built home, manufactured home, modular home, or factory-built home, which is physically arranged to create an independent housekeeping establishment for occupancy by one family or one household. The structure is characterized by separate facilities for wastewater disposal, cooking and sleeping.

Dwelling, Multi-Unit. A residential building occupied by two (2) or more families or households living independently of each other.

Factory-built Home. Any residential dwelling that is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly on a building site. Factory-built homes shall include, but not be limited to, manufactured homes, modular homes, and mobile homes.

Family. A family is any number of persons related by blood or marriage who reside in a single-family dwelling or multi-unit dwelling.

Full-time Employees. Full-time employees are those employees working forty (40) hours or more per week.

Governing Body. The Burlington Town Council.

Grade. The average finished ground elevation around a building.

Height of Buildings. The vertical distance from the average finished ground elevation around a building to the highest point of a building's roof surface.

Home Occupation. A professional, technical or retail service operated by the occupants of a single-family residence and not more than two (2) non-household employees. However, such enterprises will generate limited vehicular traffic and vehicular parking along residential streets, as well as limited noise within residential neighborhoods.

Hotel. Any building containing six (6) or more guestrooms used to provide short-term overnight accommodations, which are rented, for less than thirty (30) days. This facility may also include commercial food preparation and dining facilities, as well as other onsite amenities.

Household. A group of persons living together in one (1) single-family or multi-unit dwelling that does not include more than two (2) persons who are not related by blood or marriage.

Lot. A parcel of land within the Town of Burlington which may be vacant, occupied by a building or a group of buildings, contain utility systems, and/or accessory buildings.

Lot Area. The total land area contained within a parcel of land.

Manufactured Home. A single-family dwelling, which:

- (a) Is partially or entirely manufactured in an offsite factory facility; and
- (b) Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401 *et seq.*, as amended; and
- (c) Conforms to the current manufactured home and safety standards outlined in the current regulations of the U.S. Department of Housing and Urban Development (HUD) (24 CFR Chapter XX, Part 3280); and
- (d) Is attached to a permanent foundation in accordance with Sections AE 500 and AE 600 of Appendix E of the International Residential Code, or the U.S. Department of Housing and Urban Development Handbook, *Permanent Foundations Guide for Manufactured Housing*, 1996.
- (e) Has a minimum width of twelve (12) feet and contains a minimum total floor area of six hundred (600) square feet.
- (f) Is able to resist a wind load of ninety (90) miles per hour.
- (g) Is able to support a snow load of fifteen (15) pounds per square foot.
- (h) Includes siding material consisting of wood or wood products, stucco, brick, rock, lap steel, lap aluminum, lap vinyl, or a combination of these materials, that are used to cover the exterior of the housing unit.

- (i) Includes a fully enclosed lower building, from the lower edge of the dwelling unit to the ground, that is enclosed with siding or masonry material that is able to withstand the effects of wind, soil, decay, termites and prevent the entry of rodents.
- (j) Includes an unobstructed access will be provided along the lower perimeter of the building.
- (k) Contains no attachments, additions, alterations or modifications to the exterior walls of a manufactured home except those approved by the manufacturer for the specific unit.
- (l) All towing devices, wheels, and undercarriage support used solely for initial transportation of the home are removed from the unit within thirty (30) days of delivery to a building site.
- (m) Contain under-floor areas that are ventilated by an approved mechanical means, or by openings into the under-floor area walls.

Membership Club. A private group of persons organized in association with a national, state, or local non-profit organization.

Mobile Home. A single-family dwelling that does not meet the definition of a manufactured home of this ordinance, and has the following characteristics:

- (a) It is designed for long or short-term occupancy; and
- (b) It contains sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities; and
- (c) It contains plumbing and electrical connections to local utility systems; and
- (d) It is designed to be transported after fabrication, on its own wheels, a flatbed truck or other trailers, or on detachable wheels; and
- (e) It arrives at the building site where it is to be occupied as a complete unit and is ready for occupancy except for minor and incidental unpacking and assembly operations, installed on foundation supports or jacks, underpinned, and connected to utilities.

Modular Home. A residential dwelling constructed in a factory in accordance with the most current version of the International Building Code. All modular homes will also:

- (a) Have a minimum width of, at least, twenty-four (24) feet wide; and contain a minimum total floor area of eight hundred (800) square feet; and
- (b) Be attached to a permanent foundation that conforms to the current International Building Code; and
- (c) Contain exterior siding consisting of wood or wood products, stucco, brick, rock, lap steel, lap aluminum, lap vinyl, or a combination of these materials to cover the exterior of the housing unit; and
- (d) Includes an unobstructed access along the lower perimeter of the building.

Motel. Any building containing six (6) or more guestrooms used to provide short-term overnight accommodations, which are rented, for usually less than thirty (30) days.

Nonconforming Building. An existing or proposed structure which, on the effective date of this ordinance, does not comply with the provision of this ordinance for the zoning district where a building is located.

Nonconforming Use. A legal use of land which, on the effective date of this ordinance, does not conform to the permitted uses established for the zoning district where an existing or proposed land use is located.

Occupied. The use of a developed property for one (1) or more purposes.

Permanent Foundation. A system of supports, including piers, either partially or entirely below grade which is:

- (a) Capable of transferring all design loads imposed by or upon the structure into soil or bedrock without failure;
- (b) Placed at an adequate depth below grade to prevent frost damage;
- (c) Constructed of concrete, metal, treated lumber or wood, or grouted masonry; and
- (d) In accordance with manufacturer specifications and applicable sections of the International Building Code (IBC).

Planned Unit Development. A development of one (1) or more parcels of land that is planned and developed as a single development project and/or programmed for development over a series of incremental development stages. This development approach integrates site development considerations for proposed land uses, vehicular access, parking and circulation, supporting utility systems, landscaping, site constraints and development opportunities, and zoning requirements.

Plot Plan. An illustration depicting a proposed land use which is not prepared to a defined map scale, identifies the general location of the project site, project development site boundaries, locates the proposed vehicular access to the project development site, as well as identifies and locates proposed land uses.

Project Stipulations. Potential requirements which may accompany decisions by the Burlington Planning and Zoning Commission and Burlington Town Council concerning proposed planned unit developments, zone changes, and variances.

Setback. The minimum horizontal distance between the lot or property line and the nearest front, side or rear building line.

Street. A public or private transportation facility which affords public access to adjacent properties and/or other parts of the community.

Structure. A new, extended, expanded, or renovated building constructed on a property.

Use. The purpose for which a parcel of land or building is utilized.

Vehicular Parking Area. An off-street area containing a paved surface designated parking stalls, and appropriate signage for the parking of motor vehicles.

Yard, Front, Side, or Rear. Required open space area on an occupied lot which is defined via minimum setback requirements from property lines.

Zoning Administrator. An individual appointed by the Town Council and supervised by the Burlington Planning and Zoning Commission to enforce the applicable provisions of the International Building Code (IBC), International Mechanical Code (IMC), International Plumbing Code (IPC), National Electrical Code, National Manufactured Housing Construction and Safety Standards Act of 1974, U.S. Department of Housing and Urban Development Permanent Foundation Guide for Manufactured Housing of 1996, and the Burlington Zoning Ordinance.










Zoning District. A land use zoning designation for selected geographical areas within the Town of Burlington.

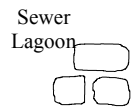
APPENDIX A

TOWN OF BURLINGTON ZONING MAP



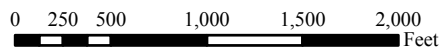
Legend

-  Municipal Boundary
- Zoning Districts**
-  LI -- Light Industrial
-  GC -- General Commercial
-  PCF -- Public & Community Facility
-  R1 -- Single-Family Residential
-  R2 -- Multi-Unit Residential
-  RL -- Rural Living
-  RC -- Recreation & Conservation
-  Streets



Burlington Zoning Ordinance

Burlington Zoning Map



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