

COWLEY DEVELOPMENT CODE

Council's Draft

TABLE OF CONTENTS

Chapter I. Findings	Page
Section 1. Findings Stated	4
Section 2. Resolution	4
Chapter II. Definition	
Section 1. Definitions	4
Chapter III. General Provisions	
Section 1. Compliance Permit Required	7
Section 2. Penalties	8
Section 3. Falsification of Information	8
Section 4. Burden of Proof	8
Section 5. Relationship to other Ordinances and Regulations	8
Section 6. Severability	8
Section 7. Construction	8
Section 8. Amendments	8
Chapter IV. Compliance Permits	
Section 1. Applicability	8
Section 2. Form of Application	8
Section 3. Time of Application	9
Section 4. Permit Approval	9
Section 5. Permit is for Development as Represented	9
Section 6. Duration of a Permit	9
Chapter V. Permit Review Process	
Section 1. Permit Review Process Generally	9
Section 2. Review of Single Family Dwelling, Duplex, and Accessory Building Applications	9
Section 3. Review of Minor Subdivisions	10
Section 4. Review of Larger Developments Generally	10
Section 5. Review Commencement	10
Section 6. Applicant's Presence Required	10

Section 7. On-site Inspection	10
Section 8. Substance of Review	10
Section 9. Further Information Requests	10
Section 10 Hearings	10
Section 11. Hearing Notice	11
Section 12. Planning Commission Action on Applications	11
Section 13. Town Council Action on Applications	11
Section 14. Plats of Subdivisions	12
Section 15. Plans of Manufactured Home Courts	12
 Chapter VI. Annexation and Services Extension Policies	 12
 Chapter VII. Performance Standards	
Section 1. Use of Public Facilities	13
Section 2. Single Family Residences, Duplexes and Accessory Buildings	13
Section 3. Multiple Family Dwellings and Townhouses	14
Section 4. Commercial Developments in the Downtown Commercial District	15
Section 5. Home Businesses	15
Section 6. Residential-Scale Businesses	16
Section 7. Commercial Developments	16
Section 8. Industrial Developments	17
Section 9. Major Subdivisions	18
Section 10. Minor Subdivisions	21
Section 11. Manufactured Home Courts	21
Section 12. Location of Public and Quasi Public Uses	23
Section 13. Mobile Homes	23
Section 14. Manufactured Homes	23
Section 15. Landscaping	25
Section 16. New Construction Required	25
 Chapter VIII. Zoning District Regulations	
Section 1. Zoning Districts Established	25
Section 2. Zoning Map	25
Section 3. District Boundaries	25
Section 4. Permitted Uses	25
Section 5. “R-1” Residential District	26
Section 6. “R-2” Residential District	28
Section 7. “C-1” Downtown Commercial District	29
Section 8. “C-2” Business Park Commercial District	30
Section 9. “P” Public Uses District	31
Section 10. “FP” Flood Plain District	31

Chapter IX. Nonconforming Lots, Uses and Structures

Section 1. Definitions	34
Section 2. Continuation	34
Section 3. Enlargement, Expansion and Relocation	34
Section 4. Alternation, Maintenance, and Repair	34
Section 5. Destruction and Reconstruction	34
Section 6. Change of Use	35
Section 7. Discontinuance	35
Section 8. Reduction of Lot Area	35
Section 9. New Construction on Nonconforming Lot	35

Chapter X. Planning Commission

Section 1. Appointment; Composition; Terms; Removal; Vacancies	35
Section 2. Organization and Meetings	35
Section 3. Compensation; Staff; Consultants; Expenditures	36
Section 4. General Powers of Commission	36
Section 5. Specific Powers of Commission	36

Chapter XI. Board of Adjustment

Section 1. Composition; Terms; Removal; Vacancies	36
Section 2. Meetings; Procedure; Records	36
Section 3. Appeals to Board; Grounds; How Conducted; Stay of Proceedings	37
Section 4. Powers and Duties	37
Section 5. Vote Required	38

Chapter XII. Enforcement

Section 1. Violation Defined	38
Section 2. Discovery of Violations	38
Section 3. Informal Resolution	39
Section 4. Notice of Violation	39
Section 5. Referral to Town Attorney	39
Section 6. Revocation of Permits	39
Section 7. Penalty for Violation	40
Section 8. Other Remedies	40

Chapter XIII. Fee Schedule

Section 1. Fee Schedule	40
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1 d. Average lot size. The sum of the land area of land within the lots in a subdivision
2 divided by the number of lots in the subdivision, not counting any land or lots dedicated for
3 parks or other public uses.

4
5 e. Board. Refers to the board of adjustment of the Town of Cowley,
6 Wyoming.

7 f. Building. Any structure built for the shelter or enclosure of persons, animals, or
8 property of any kind, and not including advertising signs or fences.

9 g. Building Permit. A permit issued by the town building official pursuant to
10 Ordinance # 271, Adoption of Uniform Building Code, giving permission for the construction,
11 repair, alteration, relocation, or addition to a structure. A building permit is not the same as a
12 compliance permit. Some development or construction activities will require both a building
13 permit and a compliance permit.

14 h. Commercial. All development for the purposes of retailing, wholesaling,
15 providing business services, personal services, or professional services.

16 i. Commission. Refers to the planning commission of the Town of Cowley,
17 Wyoming.

18 j. Compliance Permit. A permit issued by the Town of Cowley granting
19 approval for construction of a given proposal. The permit states any conditions imposed on the
20 issuance of the permit and the period of time for which the permit is valid.

21 k. Council. Refers to the governing body of the Town of Cowley, Wyoming.

22 l. DEQ. This refers to the Wyoming Department of Environmental Quality or its
23 successors.

24 m. Development. As used in this ordinance, a comprehensive term including
25 any and all building or construction and all changes in land use, except fences and accessory
26 buildings less than 120 square feet in size.

27 n. Duplex. A building occupied by two families living independently of each other.

28 o. Frontage. The horizontal distance between the side lot lines measured at the point
29 where the side lot lines intersect a public street right-of-way. For corner lots, the longest side
30 along a public street right-of-way shall be considered as the frontage.

31 p. Industrial. All development for the purposes of mining, manufacturing, or
32 processing materials.

33 q. Major Structure. A primary structure on a site representing the primary use of the
34 site such as a business, residence, apartment building etc.; same as “principal building”.

35 r. Manufactured home. A structure, transportable in one or more dependent

1 sections, constructed in conformance with the National Manufactured Housing Construction and
2 Safety Standards Act (42 U.S.C. 4501 et seq. as amended) , which is built on a permanent chassis
3 and designed to be used as a single family residential dwelling unit.

4 s. Master Plan. Refers to the plan adopted in accordance with the State Land Use
5 Planning Act of 1975 and Sections 15-1 through 503 -506 of the Wyoming Statutes. The terms
6 land use plan and comprehensive plan are synonymous.

7 t. Manufactured Home Court. A manufactured home court is an area under
8 one ownership, occupied by 2 or more mobile or manufactured homes or manufactured home
9 spaces.

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

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

23 w. Multiple Family Dwelling. A building occupied by 3 or more families
24 living independently of each other.

25 x. Performance Standards. Specific requirements used as rules against which
26 development proposals are judged for compliance.

27 y. Plat. A map illustrating a survey completed by a surveyor registered in the State
28 of Wyoming and show all details of the completed Survey.

29 z. Principal Building. Same as “major structure”.

30 aa. Public Uses and Facilities. Public and quasi-public buildings, structures, and land
31 uses operated by a governmental agency or non-profit community organization including non-
32 residential schools, churches, meeting halls, parks, fairgrounds, animal shelters, governmental
33 offices, fire, sheriff, and ambulance stations.

34 1. Major Public Uses and Facilities. Public uses and facilities consisting of
35 buildings of 5,000 square feet of floor area or larger or land uses without major structures that
36 occupy one acre or more of land.

37 2. Minor Public Uses and Facilities. Public uses and facilities consisting of

1 buildings of less than 5,000 square feet of floor area or land uses without major structures that
2 occupy more less than one acre of land.

3 ab. Single Family Dwelling. For the purpose of this ordinance the term includes all
4 manufactured, modular, or conventional "stick-built" dwellings designed for occupancy by a
5 single family.

6 ac. Sketch Plan. The sketch plan is the basis for discussions between the
7 applicant, the town building official, and the planning commission. It is intended that the sketch
8 plan be flexible and susceptible to modification in accordance with the recommendations of the
9 Commission. The complexity of the sketch plan will vary with the size and complexity of the
10 development. As a minimum the sketch plan includes:

11 1. A location map (to scale)

12 2. A complete overhead view drawing of the proposed development showing
13 all property lines, streets, alleys, and other public or private rights of way. Also showing all
14 setbacks and dimensions of all structures (including driveways, parking lots, patios, etc.) to be
15 erected. (All drawings must be to scale.)

16 ad. Subdivision. A subdivision is: a division of a unit of land into two or more lots,
17 plots, units, sites or other subdivisions of land for the immediate or future purpose of sale,
18 building development or redevelopment, for residential, recreational, industrial, commercial or
19 public uses. The word "subdivide" or any derivative thereof shall have reference to the term
20 subdivision. This term includes the division of original town lots.

21 1. Major Subdivision. A subdivision that creates five or more lots or a
22 subdivision of any number of lots that requires the extension of town utilities, town streets or
23 other town infrastructure to serve the proposed lots.

24 2. Minor Subdivision. A subdivision that creates four or fewer lots and does
25 not require the extension of town utilities, town streets or other town infrastructure to serve the
26 proposed lots.

27 ae. Town Building Official. An employee of the town responsible for enforcing the
28 provisions of this ordinance.

29 af. Townhouse. A single family dwelling in a row of at least three such units in
30 which each unit has its own front and rear access to the outside, no unit is located over another
31 unit, and each unit is separated from any other unit by one or more vertical fire-resistant walls
32 and each unit is on its own lot.

33 CHAPTER III
34 GENERAL PROVISIONS

35 Section 1. Compliance Permit Required. It is unlawful to erect, construct,

1 reconstruct, move, or change the use of any building, structure or land within the Town of
2 Cowley without obtaining a compliance permit, and no permit shall be issued unless the plans for
3 the proposed construction and/or change of use fully conform to this ordinance.

4 Section 2. Penalties. Any person who violates any provision of this ordinance
5 shall be subject to a penalty of up to \$750.00. Each day in which the violation continues shall be
6 deemed a separate offense.

7 Section 3. Falsification of Information. Any person who falsifies or distorts
8 information required by this ordinance shall be subject to the penalties provided for in Chapter
9 III, Section 1 of this ordinance.

10 Section 4. Burden of Proof. The applicant shall be responsible for the
11 submission and accuracy of all information required or requested to meet the performance
12 standards of this ordinance.

13 Section 5. Relationship to Other Ordinances or Regulations.

14 (a) Where other town and/or state regulations apply concurrently with this
15 ordinance the more restrictive shall govern.

16 (b) Proposed construction and/or change of building usage may require a
17 building permit pursuant to Ordinance #271, Adoption of Uniform Building Code, in addition to
18 the compliance permit required by this ordinance. No building permit shall be issued by the
19 town building official for the excavation for or erection of a building, or part of a building, or for
20 repairs to or alteration of, or moving of a building or part of a building, or for the change of use
21 of any building until a compliance permit has been issued by the town building official, planning
22 commission, or town council.

23 Section 6. Severability. If any provision of this ordinance or the applicability thereof
24 to any person or circumstance is held invalid, the remainder of the ordinance and its application
25 to other persons or circumstances shall not be affected.

26 Section 7. Construction. The provisions of this ordinance shall be liberally construed
27 in favor of the public interest.

28 Section 8. Amendments. This ordinance may be amended by the process
29 prescribed in Sections 15-1-602 through 603 of the Wyoming Statutes. Prior to adopting of any
30 amendment to this ordinance, the town council shall refer the amendment to the planning
31 commission for a recommendation on the amendment. The planning commission shall be
32 allowed 40 days to make its recommendation and the commission may hold a public hearing on
33 the amendment.

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CHAPTER IV
COMPLIANCE PERMITS

3 Section 1. Applicability. A compliance permit shall be necessary for any
4 development proposal, including accessory buildings greater than 120 square feet in size, or
5 request for extension or expansion of town services.

6 Section 2. Form of Application. Application for a compliance permit shall be
7 made on forms provided by the town. A filing shall not be accepted until all information required
8 is provided. Applications for single family dwellings, duplexes, and accessory buildings shall be
9 made to the town building official. Applications for all remaining permits shall be made to the
10 town planning commission by filing the application with the town clerk.

11 Section 3. Time of Application. Application for a compliance permit shall be
12 made prior to the physical layout or construction of the proposed development. Application shall
13 be filed at least 7 days before a regular meeting of the planning commission. Complete
14 applications filed after this deadline shall not be considered until the following month's regular
15 meeting. Applications for single family dwellings, duplexes, and accessory buildings may be
16 submitted to the town clerk during scheduled working hours from Monday-Friday at anytime
17 during the month.

18 Section 4. Permit Approval Includes Conditions. The approval of a
19 compliance permit may include conditions provided the conditions are transferred in writing to
20 the applicant by the planning commission and/or council with the signed permit. The council
21 may retain a town building official to insure compliance with conditions imposed.

22 Section 5. Permit is for Development as Represented. The compliance permit is
23 approved for the proposed development as represented to the council. Modification or deviation
24 of the development from its represented and approved form shall void the compliance permit and
25 subject the applicant to the penalties provided for in Chapter III, Section 1.

26 Section 6. Duration of a Permit. A compliance permit is valid for six months. If
27 physical construction is not substantially underway within one year from the date granted the
28 permit is said to be expired. Application would again be necessary before proceeding.

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CHAPTER V
PERMIT REVIEW PROCESS

31 Section 1. Permit Review Process Generally. All new developments and
32 subdivisions require an approved compliance permit from the town. Different agencies within
33 the town are responsible for granting the approval depending on the size and type of project.
34 Applications for single family dwellings, duplexes, and accessory buildings are approved
35 directly by the town building official. Approvals for all other developments and all subdivisions
36 undergo a two-part process wherein the planning commission reviews the project and makes a
37 recommendation to the town council; the council then makes the final decision on these projects.

1 Section 2. Review of Single Family Dwelling, Duplex, and Accessory
2 Building Applications. On applications for single family dwellings, duplexes, and accessory
3 buildings the town building official shall do one of the following within 5 days of receipt of a
4 complete plan:

- 5 a. certify that the plan as presented does or does not meet the requirements of
6 the code, or
7 b. place the plan on the agenda for the next council meeting for advisement
8 by the council.

9 Any certification of the town building official may be appealed to the board of
10 adjustment within 45 days of the action taken.

11 Section 3. Review of Minor Subdivisions. An application for a minor
12 subdivision shall be reviewed by the planning commission. The review of minor subdivisions
13 shall be based on a sketch plan. The sketch plan need not be prepared by a professional engineer
14 providing it is accurate as respects the parcel's boundaries and is drawn to scale. A preliminary
15 plat and final plat are not required for minor subdivisions. The town council shall make the final
16 decision concerning the application in accordance with Section 13.

17 Section 4. Review of Larger Development Generally. Compliance permits
18 for larger developments, including major subdivisions and construction of principal buildings,
19 shall be reviewed by the planning commission and town council. The planning commission shall
20 provide to the town council a recommendation concerning the application. The town council
21 shall make the final decision concerning the application. The following sections (Section 5
22 through Section 15) of this Chapter detail this review process.

23 Section 5. Review Commencement. Review of the application shall begin at
24 the first regular planning commission meeting following submission of a completed form,
25 provided the filing deadline has been met. At the meeting, the Commission shall conduct a
26 preliminary review of the application and set a hearing date.

27 Section 6. Applicant's Presence Required. The applicant or agent of the
28 applicant must be present for consideration of the application for a compliance permit to
29 proceed.

30 Section 7. On-site Inspection. The filing of an application for a compliance
31 permit constitutes permission for the town's officials or its advisors to inspect the site for its
32 suitability for the proposed development.

33 Section 8. Substance of Review. Application for compliance permits shall be
34 reviewed for their conformance to the performance standards, zoning district regulations, and
35 other standards contained in this ordinance and to the general and specific intent of the master
36 plan for the Town of Cowley.

37 Section 9. Further Information Requests. Further information may be
38 requested by the planning commission and the town council at the first meeting before each body
39 where the application is reviewed. The request may cover any aspect of a proposed development

1 which is dealt with in the performance standards, zoning district regulations, and other standards
2 contained in this ordinance or the master plan for the Town of Cowley. Further information shall
3 be submitted before review may continue.

4 Section 10. Hearings. A public hearing before the planning commission shall
5 be required in the review of all compliance permit applications except those for single family
6 dwellings, duplexes, and accessory buildings and minor subdivisions. Public hearings before the
7 town council are not required; however the council may elect at its option to hold a public
8 hearing on any application coming before the council.

9
10 Section 11. Hearing Notice. When a hearing is required the applicant shall post public
11 notice of the hearing in, at least, two public places in the town of Cowley. In addition, the
12 applicant shall provide written notice to all adjoining property owners including those across a
13 street or alley from the subject property. All required notices shall be posted and provided at
14 least 10 days prior to the hearing date. The notice shall be prepared by the town clerk and shall
15 contain the following information:

- 16 1. A brief description of the project;
- 17 2. The project's location relative to landmarks or cross streets and the address
18 if available;
- 19 3. An abbreviated legal description;
- 20 4. Applicant's name;
- 21 5. Hearing date, time, and place; and
- 22 6. How additional information can be obtained.

23 Section 12. Planning Commission Action on Application. Upon completion of
24 the public hearing and its review the planning commission shall recommend one of the following
25 to the town council:

- 26 a. Approve the application with or without conditions, or
- 27 b. Reject the application, filing its reasons for doing so in writing within five days
28 after the decision is made, or
- 29 c. Approve the application on the basis that a Final Plat in the case of a subdivision,
30 or final plan, in the case of a mobile home court, be submitted and approved.
- 31 d. The planning commission shall act on the application no later than 40 days after
32 additional information has been received or a public hearing held.

33 Section 13. Town Council Action on Application.

1 a. After receiving the planning commission recommendation on an
2 application for a compliance permit, the council, may:

- 3 1. Request the applicant to submit further information; or
- 4 2. Set a hearing date at the next regular meeting of the council; or
- 5 3. Make a final decision on the application.

6 b. The council shall make its final decision after receipt of the planning
7 commission recommendation, and after the public hearing if one has been held, and after any
8 requested additional information has been submitted. In making a final decision, the council
9 shall:

- 10 1. Approve the application and issue a permit, with or without conditions; or
- 11 2. Reject the application, filing its reasons for doing so in writing within five
12 days after the decision is made.

13 c. In no case shall a decision be delayed more than 40 days after receipt of
14 the planning commission recommendation, after the public hearing, or after the receipt of
15 additional information requested, whichever is later.

16 Section 14. Plats of Major Subdivisions. The initial review of major
17 subdivisions shall be based on a preliminary plan. The preliminary plan need not be prepared by
18 a professional engineer providing it is accurate as respects the parcel's boundaries and is drawn
19 to scale. The final plat and attachments required by the performance standards of this resolution
20 shall be submitted to the town clerk at least seven days prior to any regular council meeting after
21 the applicant receives approval. Any variances from the conditions of the approval shall be
22 grounds for rejection of the final plat. The compliance permit shall not be signed until the final
23 plat is approved. All plats shall be prepared and filed in accordance with Wyoming law and this
24 ordinance.

25 Section 15. Plans of Manufactured Home Courts. The initial review of manufactured
26 home courts shall be based on a preliminary plan. The preliminary plan need not be prepared by
27 a professional engineer providing it is accurate as respects the parcel's boundaries and is drawn
28 to scale. The final plan and attachments shall be submitted to the town clerk at least seven days
29 prior to any regular council meeting after the applicant receives approval. Any variance from the
30 approved plan shall be grounds for the rejection of the final plan. The compliance permit shall
31 not be signed until the final plan is approved. The final plan shall be filed in the office of the
32 county clerk in accordance with this ordinance.

33 CHAPTER VI
34 ANNEXATION AND SERVICES EXTENSION POLICIES
35

1 Section 1. For the purposes of maintaining adequate services within the
2 existing town limits of Cowley, the following policies relating to annexations to the Town of
3 Cowley and extension of municipal services are adopted.

4
5 a. The Town of Cowley shall approve no annexations to the town, except
6 those areas presently utilizing town central sewage or water services, until land within the town
7 limits is developed to the extent feasible and additional land is required for the growth of the
8 town.

9 b. The town shall provide no municipal services, including streets, outside of
10 the town limits with the exception of providing water to council authorized users on the town's
11 main water line and the town's secondary water line. Individual services lines shall not be
12 tapped into to add on users.

13 CHAPTER VII
14 PERFORMANCE STANDARDS

15 Section 1. Use of Public Facilities. These standards apply to all new developments
16 within the town limits of Cowley,

17 a. All users of the town water and sewage systems shall have individual hookups to
18 the town mains.

19 b. The town shall not extend or enlarge services including streets unless the
20 full cost of the necessary extension can be borne by the users.

21 c. Extensions of sewer mains, water mains, and electricity shall be placed within
22 platted streets on their logical extensions.

23 d. All developments generating sewage effluent shall connect to the town
24 sewage system except those in the areas designated for individual septic systems on the zoning
25 map. Lots utilizing individual septic systems shall be adequately sized to accommodate the
26 system. Manufactured home courts and subdivisions shall not be located where they cannot be
27 served by the town sewage system by gravity flow.

28 e. All additions to the town water and sewer mains, except service
29 connections shall be approved by the Wyoming Department of Environmental Quality.

30 f. No water lines, except individual service connections shall be less than
31 6" in diameter.

32 g. No sewage lines, except individual service connections, shall be less
33 than 8" in diameter.

34 h. An application may be rejected if there is not sufficient capacity in the
35 water or sewerage systems for the development.

1 i. Pretreatment of sewage effluent may be required prior to its entering
2 into the town sewage mains.

3 Section 2. Single Family Residences, Duplexes and Accessory Buildings. These
4 standards shall apply to all single family residences, duplexes, and accessory buildings
5 constructed or placed after adoption of this ordinance.

6 a. All residences shall have useable, legal access onto a public street.

7 b. All residences, outside manufactured home courts, shall have individual
8 hookups to town services. Duplexes shall have a hookup for each unit.

9 c. Duplexes shall have at least 4 improved off-street parking spaces
10 provided.

11 d. All residences shall be placed on permanent foundations, except
12 manufactured homes inside manufactured home courts.

13 e. All residences shall have a minimum width of 16 feet and minimum length
14 of 32 feet.

15 f. All buildings shall be adequately painted or sided to provide all weather
16 protection. Accessory buildings with metal siding shall be factory painted.

17 g. On any lot or parcel of land used principally for residential usage, only
18 one single family dwelling may be permitted, as well as any number of accessory uses and
19 accessory buildings.

20 Section 3. Multiple Family Dwellings and Townhouses. These standards shall apply
21 to all multiple family dwellings and townhouses constructed or placed within the town limits of
22 Cowley after adoption of this ordinance.

23 a. All multiple family dwellings and townhouse developments shall be
24 evaluated for their impacts on the town's water supply and distribution system, sewage collection
25 and treatment system, solid waste collection and disposal program, fire protection facilities, law
26 enforcement program and streets.

27 b. All multiple family dwellings and townhouses shall provide adequate off-street
28 parking at a rate of two spaces per unit. Such parking shall be adequately lighted and drained and
29 shall have safe access to public streets. Where an internal access street(s) is provided within the
30 development, the width for such street(s) shall be no less than twenty feet. All roadways and
31 parking spaces shall be of dust-free nature, surfaced with either concrete or asphalt type
32 substance with individual parking spaces clearly marked and identified.

33 c. All multiple family dwellings and townhouses shall provide solid waste collection
34 containers adequately sized to contain all refuse, and the containers shall be located within a
35 storage structure that screens the containers from public view. Arrangements for garbage pickup
36 shall be made, with tenants responsibility if any, clearly identified.

1 d. Multiple family buildings shall not be located within 20 feet of other buildings on
2 the same lot. See Chapter VIII for other applicable building setback requirements.

3 e. No multiple family dwelling structure or block of townhouses should occupy
4 more than 60 percent of the parcel on which they are located. No more than 60 percent of the
5 open space so obtained should be devoted to parking.

6 f. Open space surrounding multiple family dwellings and townhouses shall be
7 landscaped and maintained in accordance with the requirements of Section 15 of this Chapter.

8 g. All buildings shall be adequately painted or sided to provide all-weather
9 protection.

10 h. All multiple family dwellings shall obtain a permit from the State Fire Marshall
11 prior to final approval of a Cowley Compliance Permit.

12 i. No more than four housing units shall be contained within a multifamily housing
13 building and no more than four townhouse units shall be contained within a single block of units.

14 Section 4. Commercial Developments in the Downtown Commercial District. These
15 standards shall apply to all commercial developments constructed or placed within the “C-1”
16 downtown commercial district after adoption of this ordinance.

17 a. Where required by State Statute, plan review by the State Fire Marshall's Office
18 shall be completed prior to approval of a permit.¹

19 b. Off-street parking shall not be required.

20 Section 5. Home Businesses. A home businesses is a business conducted in a
21 dwelling unit or accessory building by the residents of the unit provided the business activity is
22 incidental and secondary to the residential use of the property and does not change the
23 residential character of the neighborhood. Home businesses are permitted with the granting of a
24 compliance permit and conformance with the following standards:

25 a. The business does not regularly require product delivery or pick up except
26 by parcel post and not freight or common carrier shipping.

27 b. The business does not require more parking for customers than can be
28 provided along the front property line of the applicant. All employee parking shall be provided
29 on-site.

30 c. The business shall not be located within a structure with metal siding,

¹ Plan review by state Fire Marshall's office is required for the following: 1. buildings frequented by the public which are greater than 5000 square feet or more than 1 story in height. 2. public bars, lounges, restaurants, night clubs, churches, lodges, theaters, or public meeting places. 3. child care centers for more than 11 children 4. all government buildings

1 unless the siding is factory painted.

2 d. No commercial structures shall be larger in size, in any dimension than an
3 average sized house in the neighborhood. The site shall not have open storage.

4 e. A single sign, no larger than 20 square feet may be attached to the
5 building. The sign shall state only the name of the business and shall not flash, blink, be lighted
6 with colored light, or have any movable parts. The top of the sign shall be located no higher than
7 8 feet from ground level. Signs shall harmonize with the exterior of the building and be a
8 material that can be maintained. Electronic reader boards are prohibited.

9 f. A plan for garbage disposal including pick up shall be presented. Garbage
10 containers shall be provided which contain all refuse generated.

11 g. See Chapter VIII for applicable setback requirements. A buffer may be
12 required between the proposed structures and adjoining properties.

13 Section 6. Residential-Scale Businesses. Residential-scale businesses are permitted
14 with the granting of a compliance permit and conformance with the following standards:

15 a. In general, the residential-scale business shall be designed and operated such that
16 the residential character of the area is retained, the business is highly compatible with residential
17 uses, and foreseeable negative impacts to nearby residences are avoided.

18 b. All outdoor lighting shall be planned and installed to compatible with the
19 residential character of the area. Area lighting shall utilize full cut-off shields and shall not be
20 placed more than 18 feet above ground level. Excessive site lighting is prohibited and lighting of
21 adjoining properties shall be minimized.

22 c. Signage is limited to single sign, no larger than 20 square feet. The sign shall not
23 flash, blink, be lighted with colored light, be internally illuminated, or have any movable parts.
24 The top of the sign shall be located no higher than 5 feet from ground level. The sign shall
25 harmonize with the exterior of the building and be a material that can be maintained. Any
26 freestanding sign shall be located at least 10 feet back from any property lines. Electronic reader
27 boards are prohibited. In addition, one neon sign not exceeding three square feet is allowed.

28 d. New buildings shall be designed using residential style architectural features as
29 similar to features found among existing residential buildings in Cowley. Commercial
30 architectural styles featuring metal sided buildings, flat roofs, large expanses of windows, and
31 similar non-residential features are prohibited.

32 e. No commercial structures shall be larger in size, in any dimension than an average
33 sized house in the neighborhood. The site shall not have open storage.

34 f. On-site parking areas shall be provide with a sufficient number of parking spaces
35 to accommodate expected parking needs in excess of that which can be met on-street in front of
36 the property. Such off-street parking areas shall be located to the side or rear of the building and
37 not in front. Such off-street parking areas shall not be located within the required building

1 setback area as specified in Chapter VIII. Solid fencing and/or landscaping may be required
2 between parking areas and adjoining residences.

3 g. To the fullest extent practical, lawns, trees and other landscaping shall be
4 maintained around buildings and parking areas.

5 Section 7. Commercial Developments. These standards shall apply to all
6 commercial developments constructed within the town limits of Cowley after the adoption of this
7 ordinance; except that this section does not apply to downtown businesses, home businesses,
8 and residential-scale businesses.

9 a. Landscaping. Landscaping is required for all new buildings and additions.
10 Landscaping shall meet the requirements of Section 15 of this Chapter as well as the following
11 additional standards:

12 1. The lot shall be completely landscaped, except for those areas occupied by
13 utilities, access driveways, paved walks, walls and structures.

14 2. All flanking street-side side yards shall be completely landscaped, except
15 for those areas occupied by utilities, access driveways, paved walks, walls and structures.

16 b. Parking. Commercial developments shall provide off-street parking adequate for
17 employees and customers such parking having adequate drainage and lighting, and safe access to
18 public streets. Parking areas shall be located no closer than 5 feet to any property line.

19 c. Buffers. The council shall require reasonable buffer areas around commercial
20 developments, where adjacent lands are developed or platted for residential use, such areas to be
21 landscaped and where necessary, fenced by the applicant.

22 d. Signs. Advertising signs utilized by commercial developments shall not include
23 moving, flashing, or blinking parts, or electronic reader boards. Off-site signs or billboards are
24 prohibited except for directional signs. No directional sign shall exceed 8 feet in height at its
25 highest point or 32 square feet in coverage nor shall it display any promotional material.

26 e. Lighting. All outdoor lighting shall be planned and installed to compatible with
27 the area. Area lighting shall utilize full cut-off shields and shall not be placed more than 18 feet
28 above ground level. Excessive site lighting is prohibited and lighting of adjoining properties
29 shall be minimized.

30 Section 8. Industrial Developments. These standards shall apply to all
31 industrial developments constructed within the town limits of Cowley after the adoption of this
32 ordinance.

33 a. No industrial development shall be allowed without a thorough analysis of its
34 impacts on the town's water supply and distribution system, sewage collection and treatment
35 system, solid waste collection and disposal program, fire protection facilities, law enforcement
36 program, and streets.

1 b. Industrial developments having emissions of odor, fly ash or other particulate
2 matters or of toxic products of combustion or other industrial processes may be excluded from
3 the town on the basis of protecting local air quality, even though Wyoming air quality standards
4 are met.

5 c. Developments generating heavy truck traffic on streets maintained by the town
6 may be required to bear the cost of resurfacing, signing and traffic signals whenever it is
7 necessary. They shall not be located where heavy traffic would flow through a residential, play
8 area, or by a school.

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

13 e. The council shall require reasonable buffer areas around industrial
14 developments, where adjacent lands are developed or platted for residential use, such areas to be
15 landscaped and where necessary, fenced by the applicant. Reasonable setbacks from public
16 streets and/or alleys shall, also, be required. Industrial development buffer zones should amount
17 to approximately 40 percent of the space covered by structures, roadways, and materials
18 handling areas. No more than 60 percent of a buffer zone should be devoted to parking.

19 f. Industrial developments shall provide off-street parking adequate for employees
20 and customers such parking having adequate drainage and lighting, and safe access to public
21 streets.

22 g. Advertising signs utilized by industrial developments shall not include
23 moving flashing, or blinking parts. Off site signs or billboards are prohibited except for
24 directional signs. No directional sign shall exceed 8 feet in height at its highest point or 32 square
25 feet in coverage nor shall it display any promotional material.

26 Section 9. Major Subdivisions. All major subdivisions within the town limits of
27 Cowley or as proposed as additions to the town shall conform to the following standards:

28 a. Subdivisions shall be evaluated for their impact on the town's water supply and
29 distribution system; sewage collection and treatment system, fire protection and streets.
30 Subdivisions shall also be evaluated on their internal circulation and access system, storm water
31 drainage and street maintenance costs, lot arrangement and layout, and their relationship to
32 natural conditions of soil type, drainage and hydrology, and other natural resource con-
33 siderations. To accomplish this a subdivision will not be approved without submission of a
34 preliminary plan containing the following information.

- 35 1. All existing and proposed roads, streets, and alleys.
- 36 2. All existing waterways, drain courses, and drainage ways.
- 37 3. All existing and proposed sewage lines, water lines utility lines and
38 easements.

- 1 4. All proposed lighting facilities.
- 2 5. Proposed lot lines, including dimensions.
- 3 6. All existing property lines and names of property owners of the tract and
4 abutting parcels.
- 5 7. Proposed land use for each lot or parcel of land.
- 6 8. All proposed easements for drainage and pedestrian walk-ways.
- 7 9. Written assurances from utility companies that easements will meet the
8 requirements of utility companies.
- 9 10. North point, map scale, and date of submission.
- 10 b. No subdivision will be approved until the following factors have been
11 satisfactorily provided for.
 - 12 1. Access to streets or roads and access for utilities and services.
 - 13 2. Placement of structures to be erected.
 - 14 3. Open space, pedestrian movement systems, and recreational areas.
 - 15 4. Storm runoff and minimization of soil erosion during and after
16 construction.
 - 17 5. Maintenance of streets and open space after construction.
 - 18 6. Topographical features.
 - 19 7. Minimum disruption of irrigation and drainage system serving other lands.
 - 20 8. Solid waste disposal
- 21 c. All lots shall have useable access onto a public street. Principal access to
22 a lot from an alley is prohibited.
- 23 d. Pavement and right of way width for streets shall be determined to be
24 adequate to accommodate two-way traffic flow through the subdivision, the use of emergency
25 and maintenance vehicles within the subdivision, and right of way for all utilities and their
26 maintenance. The right of way width shall not be less than 45 feet, however.
- 27 e. All streets will be paved and drained to the specifications of the town
28 council.
- 29 f. All roads, streets, and alleys shall be graded to the full width of said
30 roadway and all culverts, bridges, and storm sewers shall be constructed for the full width of the

1 roadway.

2 g. Cul-de-sacs and dead end streets shall have a turning circle of at least 75
3 feet in diameter at their end and shall be no longer than 600 feet.

4 h. Streets shall intersect at right angles whenever possible.

5 i. When provided, an alley right of way shall be 20 feet in width.

6 j. No town utilities shall be provided on private rights of way.

7 k. All underground utilities shall be installed by the subdivider to the
8 property line of each lot prior to street surfacing.

9 l. Drainage through natural or man-made drainage ways shall be certified as
10 adequate by a registered engineer prior to approval.

11 m. All areas subject to erosion or made subject to erosion during construction shall
12 be stabilized.

13 n. Street names shall be compatible with the existing street names and shall be
14 approved by the council.

15 o. Lighting shall be provided of at least equal intensity as existing in the town.

16 p. The final plat of the subdivision shall reflect all recommendations of the
17 council. It shall conform to the drawing standards of the Big Horn County Subdivision
18 Regulations (Subdivision Regulations for Big Horn County, Chapter XIV, Section 1,
19 Quality of Final Plat). The town clerk shall be provided with reproducible copies of as-
20 built maps of all utilities installed by the applicant.

21 q. The final plat shall be accompanied by:

22 1. Copies of all covenants attached to the subdivision.

23 2. Evidence satisfactory to the council that the applicant has adequate
24 financial resources to develop and complete any facility proposed or represented to be the
25 responsibility of the applicant, including but not limited to water systems, sewage systems,
26 streets and roadways. The applicant shall provide a performance bond, escrow monies or other
27 sufficient financial commitments to assure that any facilities proposed or represented to be part
28 of the subdivision shall in fact be completed as proposed.

29 3. Approval of the subdivision sewage collection and water distribution
30 system by the Department of Environmental Quality.

31 4. A contract between the town and applicant ready for signature, approved
32 by the town attorney, specifying the exact nature of public improvements to be completed
33 by the applicant. The contract shall stipulate the kind and quality of materials to be used

1 and provide for continuing inspection by a designated inspector as work progresses. The
2 guarantee of adequacy of improvements shall be contained in the contract and shall be
3 binding for one year after the completion date assigning liability to the applicant for
4 failure due to poor workmanship or materials. Failure to meet the terms of the contract
5 shall cause the developer to forfeit the money set up as security to the town for the
6 purpose of completing the terms of the contract. A penalty may also be assigned as
7 provided in Chapter III, Section 1.

8 r. Subdivisions may contain a variety of uses, provided that standards are adopted
9 to insure compatibility or adequate buffering between those uses. These standards shall include,
10 but are not limited to setbacks, special building arrangements, if necessary for proper solar
11 alignment, and building standards for individual uses, such as commercial or manufactured home
12 parks. These standards will be reviewed by the council and when approved shall be incorporated
13 into the Cowley Development Code as special neighborhood standards. Individual covenants,
14 such as minimum square footage of the structures, minimum price of home, style of architecture,
15 etc. shall not be incorporated into the Code or enforced by the town.

16 s. Subdividers shall be responsible for providing or constructing all of the following
17 improvements to the town's standards:

- 18 1. Streets and alleys.
- 19 2. Street signs shall be installed at all intersections.
- 20 3. Street lighting.
- 21 4. Stormwater drainage facilities.
- 22 5. Sidewalks.
- 23 6. Sanitary sewers.
- 24 7. Potable water lines.
- 25 8. Fire hydrants shall be installed at necessary intervals and provided with
26 standard hose connections as specified by the Fire District.
- 27 9. Irrigation lines.
- 28 10. Other improvements, such as bridges, culverts, etc., not specifically
29 mentioned herein but found necessary by the town due to conditions found on the site.

30 t. The subdivider shall dedicate to the Town a park site equivalent in area to at least
31 six percent of the total area being subdivided, provided such park land is located within 1,200
32 feet of all lots in the proposed subdivision and is approved by the Council as to location; or, at
33 the option of the Town, the subdivider shall, in lieu of such dedication, pay to the Town a cash
34 amount equal to at least six percent of the raw land value of the total land area in the proposed
35 subdivision. The price of such land shall be established and agreed upon by the Town and the

1 subdivider prior to accepting the final plat of such subdivision. If the Town and subdivider fail to
2 agree on the value of said land, the value shall be established by an independent appraiser
3 mutually acceptable to the subdivider and the Town. Such payment shall be used only for the
4 acquisition or development of parks, playgrounds or other similar public purposes.

5 Section 10. Minor Subdivisions. Minor subdivisions require a compliance permit
6 approved by town council upon recommendation by the planning commission. All minor
7 subdivisions shall be of sound layout, create usable building lots, and meet applicable zoning
8 requirements. To be considered a minor subdivision, all required utilities, streets and other
9 infrastructure must already be in place and available to serve the subdivision. Subdivisions that
10 require the extension of utilities, streets or other infrastructure shall be processed as major
11 subdivisions.

12 Section 11. Manufactured Home Courts.

13 a. All manufactured home courts shall be evaluated for their impacts on
14 the town's water supply and distribution system, sewage collection and treatment system,
15 solid waste collection and disposal program, fire protection facilities, and streets.
16 Manufactured home courts shall also be evaluated for their internal circulation and access
17 patterns; unit size, arrangement, and layout; and their relationship to natural conditions of
18 soil type, drainage and hydrology, slopes, floodplains, and other natural resources consid-
19 erations.

20 b. All spaces shall be at least 4,000 square feet and at least 40 feet wide.

21 c. Manufactured homes shall be at least 10 feet from all property lines. Where
22 spaces are located side by side, there shall not be less than 20 feet between manufactured homes.
23 Where spaces are located end to end there shall not be less than 15 feet between manufactured
24 homes.

25 d. Manufactured homes shall be located at least 20 feet from all park
26 roadways and at least 25 feet from all public streets.

27 e. All manufactured home courts shall have safe access onto a public
28 roadway.

29 f. Pavement and right of way width shall be determined to be adequate to
30 accommodate two-way traffic flow through the court, the movement of manufactured homes, the
31 use of emergency and maintenance vehicles, and right of way for, all utilities and their
32 maintenance. The right of way width shall not be less than 45 feet.

33 g. All streets will be graveled and drained to the specifications of the
34 town council.

35 h. Drainage through natural or man-made drainage shall be certified as adequate by
36 a registered engineer prior to approval.

37 i. Extra vehicle parking for recreational vehicle etc. shall be provided at a rate of

1 one space per manufactured home lot.

2 j. All areas subject to erosion or made subject to erosion during
3 construction shall be stabilized.

4 k. All spaces shall be provided with a concrete pad or permanent material
5 with anchors provided to stabilize the manufactured home.

6 l. All spaces shall be provided with a crushed gravel parking space large
7 enough for 2 automobiles.

8 m. Garbage containers shall be provided which are adequately sized to
9 contain all refuse generated. The containers shall be accessible by all weather walkways.
10 Arrangements for garbage pickup shall be made with occupants, responsibility, if any,
11 clearly identified.

12 n. All weather walkways provided for pedestrian use must be a minimum of
13 3 feet in width.

14 o. All manufactured home courts shall meet the minimum standards for fire
15 protection in manufactured home courts set forth by the State Department of Fire Protection and
16 Electrical Safety.

17 p. Skirting of all manufactured homes shall be required within sixty (60)
18 days after occupancy in the manufactured home court. Additions to manufactured homes
19 such as covered porches, additions, cabanas, etc. with the exception of open steps of less
20 than 12 square feet per landing, shall be prohibited, unless they are provided for in the final
21 plan of the manufactured home court. The manufactured home court owner shall be
22 responsible to enforce this standard.

23 q. The final plan shall reflect all recommendations of the council. The
24 town clerk shall be provided with one reproducible and two paper copies of the final plan.
25 The town clerk shall also be provided with reproducible copies of as-built maps of all utility
26 lines installed by the applicant. The final plan shall be filed in the office of the county clerk
27 as a Record of Survey and shall meet requirements of a Record of Survey.

28 r. The final plan shall be accompanied by:

29 1. Approval of the sewage collection and water distribution systems from
30 The Department of Environmental Quality and approval by the State Health Department.

31 2. A contract, between the town and the applicant ready for signature
32 approved by the town attorney, specifying the exact nature of all improvements to be completed
33 by the applicant. This contract, when fulfilled shall be deemed a license to operate the
34 manufactured home court. No units may be occupied or spaces rented or leased until all
35 improvements are completed. The contract may include provisions for phasing improvements

1 subject to a plan approved by the town.

2 Section 12. Location of Public and Quasi-Public Uses. Parks, schools, churches, and
3 other public or quasi-public uses may be permitted in any area of town if approved by the town
4 council. Parking space, traffic flow, and safe access shall be considered where applicable.

5 Section 13. Mobile Homes. Mobile homes, as defined in section 1 of Chapter II, are
6 not allowed within the Town of Cowley and shall not be installed, placed, set, or stored
7 anywhere within the town limits after the effective date of this ordinance. Legally existing
8 mobile homes, including those in legally existing mobile or manufacture home courts, are
9 allowed to remain as non-conforming uses under terms of Chapter IX and subject to the
10 following additional requirements:

11 a. An existing mobile home that becomes uninhabitable for any reason, that is
12 destroyed, or that is removed from its present location may not be replaced with another mobile
13 home. The existing mobile home may be replaced with a manufactured home meeting the
14 requirements of Section 14 of this Chapter.

15 Section 14. Manufactured Homes.

16 a. Manufactured homes, as defined section 1 of Chapter II, are allowed within the
17 Town of Cowley subject to the following requirements:

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

21 2. Structures shall have a minimum width of 16 feet and minimum length of
22 32 feet.

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

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

31 5. No attachments, additions, alterations or modifications to the exterior
32 walls of a manufactured home are allowed except those approved by the manufacturer for the
33 specific unit. All other additions, porches, decks, garage or other add-on attachments must be
34 freestanding and self-supporting with no structural reliance on the manufactured unit itself.

35 6. All towing devices, wheels, axles, and undercarriage support used solely

1 for initial transportation of the home will be removed from the unit within 30 days of delivery to
2 the site.

3 7. Structures will contain under-floor areas that are ventilated by an approved
4 mechanical means or by openings into the under-floor area walls.

5 8. The structure shall be oriented on the lot so that the front entrance door of
6 the structure faces a side of the lot that abuts a public street.

7 9. All manufactured homes shall be new units at the time of installation.

8 b. Manufactured homes to be installed in legally existing manufactured home courts
9 are not required to meet the requirements of Paragraphs 1, 2, 5, 6, 8 and 9 of Subsection a of this
10 Section. Such units shall meet the requirements of Paragraphs 3, 4, and 7 of Subsection a.

11 c. Manufactured homes to be installed as a replacements for non-conforming mobile
12 or manufactured homes on town lots outside of manufactured home courts are not required to
13 meet the requirements of Paragraphs 2, 5, 8 and 9 of Subsection a. Such replacement units
14 shall meet the requirements of Paragraphs 1, 3, 4, 6, and 7 of Subsection a as well as the
15 following additional requirements:

16 1. The towing device or tongue removed within 30 days of delivery to the
17 site; and

18 2. The replacement unit shall be not more than 10 years old.

19 3. The original mobile home or manufactured home shall be removed from
20 the property within 30 days following installation of the replacement unit.

21 Section 15. Landscaping. When landscaping is required by this ordinance, the
22 applicant shall provide a landscaping plan for the Town's approval as part of the compliance
23 permit application. Required landscaping shall consist of planting materials, including but not
24 limited to sod, trees, shrubs, ground covers, grasses, flowers, decorative rock, bark, mulch, and
25 similar materials. Landscaping shall be completed within one year from the date of occupancy
26 of the building. All live landscaping shall be properly maintained. All dead or dying
27 landscaping shall be replaced immediately and all sodded areas mowed, fertilized and irrigated
28 on a regular basis.

29 Section 16. New Construction Required. All buildings of any type and in any zoning
30 district constructed or installed after adoption of this ordinance shall be of new construction or
31 alteration of existing construction already at the site. Replacement manufactured homes are
32 exempt from this requirement as provided in Subsections b and c of Section 14.

33
34

CHAPTER VIII
ZONING DISTRICT REGULATIONS

1 Section 1. Zoning Districts Established. In order to carry out the provisions of this
2 ordinance, the town is divided into the following zoning districts:

3 “R-1” residential district.

4 “R-2” residential district.

5 “C-1” downtown commercial district.

6 “C-2” business park district.

7 “P” public uses district.

8 “FP” floodplain district.

9 Section 2. Zoning Map. The official town zoning map shall be filed and available to
10 the public at the Cowley town hall. The town clerk shall be responsible for revising the map
11 whenever the council amends the district boundaries.

12 Section 3. District Boundaries. The zoning district boundaries are shown on the
13 zoning map. Unless otherwise defined on the zoning district map, district boundary lines are lot
14 lines; the centerline of streets, alleys, or such lines extended; public land survey lines; municipal
15 corporate lines; or other lines drawn to scale on the zoning district map. Where a lot is divided at
16 the time of enactment of this ordinance, or by subsequent amendments, by a zoning district
17 boundary line, the less restrictive zoning requirements may be extended not more than twenty-
18 five feet into the more restrictive zoning district adjacent to the zoning district boundary line.

19 Section 4. Permitted Uses. In the following Sections, permitted uses are listed for
20 each zoning district. Uses not specifically listed are prohibited in that zoning district, unless the
21 planning commission determines that the use is similar in nature to other uses within the same
22 district. All permitted land uses must also conform to all applicable performance standards of
23 Chapter VII.

24 Section 5. “R-1” Residential District.

25 a. Purpose. The “R-1” residential district is intended to promote peaceful, attractive
26 residential neighborhoods with a variety of housing types that are protected from commercial
27 and industrial uses that would interfere with residential uses.

28 b. Permitted Uses.

- 29 1. Single family residences.
- 30 2. Duplexes and townhouses.
- 31 3. Multifamily residences not exceeding four housing units per individual
32 building.

- 1 4. Home businesses.
- 2 5. Residential-scale businesses.
- 3 6. Minor public uses and facilities.

4 c. Minimum Lot Size.

- 5 1. 7,000 square feet for one and two family dwellings.
- 6 2. 4,000 square feet per housing unit for multifamily dwellings.
- 7 3. 4,000 square feet per housing unit for townhouses.
- 8 4. 7,000 square feet for all other listed uses.

9 d. Average Lot Size Minimum. In addition to meeting the minimum lot size
 10 requirements of subsection c, above, the average lot size of major subdivisions in the “R-1”
 11 Residential District shall equal or exceed the following specifications:

<u>Number of Lots in Major Subdivision</u>	<u>Average Lot Size Minimum</u>
1 to 4 lots	7,000 square feet
5 to 10 lots	8,800 square feet
11 to 20 lots	10,700 square feet
21 or more lots	12,500 square feet

12 e. Minimum Lot Frontage.

- 13 1. For all uses except townhouses, the minimum lot frontage shall be 70 feet.
- 14 2. For townhouse dwellings, the minimum lot frontage shall be 20 feet for
 15 interior units and 35 feet for end units.

16 f. Minimum Building Setbacks. Buildings shall be setback from property lines and
 17 adjoining major structures as follows:

<u>Use</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Corner Lot Side Street Setback,</u>	<u>Rear Setback</u>	<u>Major Adjoining Structure</u>
Single family dwellings	20 feet	10 feet	20 feet	10 feet	10 feet

Duplexes and townhouses	20 feet	10 feet for end units; no setback for interior units	20 feet	20 feet	20 feet
Multifamily dwelling buildings	20 feet	10 feet	20 feet	20 feet	20 feet
Home businesses	20 feet	10 feet	20 feet	10 feet	10 feet
Accessory buildings	20 feet	10 feet	20 feet	10 feet	10 feet

1 g. Maximum Building Height.

2 1. The maximum allowable building height as measured from the average
3 ground level about the building shall be 35 feet.

4 2. The height limitations of this subsection shall not apply to church spires,
5 belfries, cupolas, chimneys, ventilators, skylights, water tanks, parapet walls, cornices without
6 windows, antennas or necessary mechanical appurtenances usually carried above the roof level;
7 nor to buildings located more than one foot distant from the building setback lines for each two
8 feet of building height.

9 Section 6. “R-2” Residential District.

10 a. Purpose. The “R-2” residential district is intended to promote peaceful, attractive
11 residential neighborhoods that contain a variety of housing types while providing for limited
12 commercial usage of properties fronting on U.S. Highway 310. Commercial uses in this district
13 are intended to be highly compatible with and not conflict with residential uses.

14 b. Permitted Uses.

15 1. Single family residences.

16 2. Duplexes and townhouses.

17 3. Multifamily residences not exceeding four housing units per individual
18 building.

19 4. Home businesses.

20 5. Residential-scale businesses.

- 1 6. Minor uses and facilities.
- 2 c. Minimum Lot Size.
- 3 1. 7,000 square feet for residential-scale businesses.
- 4 2. Same as “R-1” for all other uses.
- 5 d. Minimum Lot Frontage. Same as “R-1” for all uses.
- 6 e. Minimum Building Setbacks. Setbacks shall be the same as in the “R-1” district
- 7 except for residential-scale businesses which shall meet the following minimum setbacks:

<u>Use</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>	<u>Major Adjoining Structure</u>
Residential-scale businesses	20 feet	10 feet	10 feet	10 feet

- 8 f. Maximum Building Height. Same as “R-1” for all uses.
- 9
- 10

11 Section 7. “C-1” Downtown Commercial District.

12 a. Purpose. The “C-1” downtown commercial district is the heart of Cowley and

13 contains buildings of outstanding architectural value. A wide range of uses are anticipated here,

14 primarily in existing buildings. These uses will include civic buildings, offices, retail and service

15 businesses, church facilities, and some residential use above storefronts.

- 16 b. Permitted Uses.
- 17 1. Single family residences.
- 18 2. Duplexes and townhouses.
- 19 3. Multifamily residences not exceeding four housing units per individual
- 20 building.
- 21 4. Home businesses.
- 22 5. Minor public and quasi-public uses and facilities.

1 6. Major public uses and facilities.

2 7. Commercial uses.

3 c. Minimum Lot Size.

4 1. 3,000 square feet for commercial uses.

5 2. Same as “R-1” for all other uses.

6 d. Minimum Lot Frontage.

7 1. 24 feet for commercial uses.

8 2. Same as “R-1” for all other uses.

9 e. Minimum Building Setbacks.

10 1. There are no setback requirements for commercial uses in the C-1 district.

11 2. Same as “R-1” for all other uses.

12 f. Maximum Building Height. Same as “R-1”.

13

14 Section 8. “C-2” Business Park Commercial District.

15 g. Purpose. The “C-2” business park commercial district is intended to facilitate the
16 development of new commercial areas that can accommodate the relocation of existing
17 businesses in Cowley as well as new businesses that may be attracted to Cowley. Most available
18 locations in town are small or are in primarily residential areas and therefore not ideal for most
19 new or expanding businesses. The “C-2” district is intended to provide suitable sites for a wide
20 range of commercial uses particularly those requiring new buildings on larger lots. The
21 landscaping, site layout and architectural features of new uses in this district should be such that
22 the overall appearance would be of a unified, spacious, and well-organized business district that
23 creates a positive impression at the entrance to the community.

24 h. Permitted Uses.

25 1. Minor public and quasi-public uses and facilities.

26 2. Major public uses and facilities.

27 3. Commercial uses.

- 1 4. Industrial uses.
- 2 i. Minimum Lot Size.
- 3 1. 10,000 square feet for commercial and industrial uses.
- 4 2. Same as “R-1” for all other uses.

- 5 j. Minimum Lot Frontage.
- 6 1. 80 feet for commercial and industrial uses.
- 7 2. Same as “R-1” for all other uses.

- 8 k. Minimum Building Setbacks.

<u>Use</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>	<u>Major Adjoining Structure</u>
All uses	40 feet	15 feet	15 feet	20 feet

- 9
- 10 l. Maximum Building Height. Same as “R-1” for all uses.
- 11 m. Floor area ratio. The floor area ratio for buildings in the “C-2” district shall be 0.2
- 12 or lower. Floor area ratio is gross floor area of all buildings on a lot divided by the total lot area.
- 13 n. Additional requirements. All uses and structures in the “C-2” district shall
- 14 comply with the applicable performance standards of Chapter VII.

15 Section 9. “P” Public Uses District.

- 16 a. Purpose. The “P” public uses district is intended to accommodate large-scale
- 17 public uses and facilities including major parks, maintenance yards, schools and other similar
- 18 uses.

- 19 b. Permitted Uses.

- 20 1. Major public use and facilities.
- 21 2. Minor public uses and facilities.

- 22 c. Minimum Lot Size.

- 23 1. Twelve thousand square feet for all permitted uses.

1 d. Minimum Lot Frontage. 70 feet for all permitted uses.

2 e. Minimum Building Setbacks. Minimum building setback requirements are as
3 follows:

<u>Use</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>	<u>Major Adjoining Structure</u>
All permitted uses	20 feet	10 feet	10 feet	10 feet

4 f. Maximum Building Height. Same as “R-1” for all uses.

5 Section 10. “FP” Floodplain District.

6 a. The purpose of the flood management overlay district is to minimize public and
7 private losses due to flood conditions in specific areas along flood prone areas designated by the
8 Federal Emergency Management Agency and the Federal Insurance Administration. The
9 requirements of this chapter must be met in addition to those of the underlying zone district.

10 b. The areas of special flood hazard are identified on the flood insurance rate maps.
11 The flood hazard area includes land within the 100-year floodplain.

12 c. The creation of this district does not imply that all areas outside of the overlay
13 district will always be safe from flooding. Therefore, the establishment of this district shall not
14 create liability on the part of the town, any officer or employee thereof, or the Federal
15 Emergency Management Agency, for any flood damages that result from reliance on this chapter
16 or any administrative decisions lawfully made there under.

17 d. All uses permitted in the “FP” district are subject to special construction
18 requirements and the applicant shall demonstrate that the proposed development will not increase
19 the risk of flooding or flood damage for properties upstream or downstream of the site.

20 e. A compliance permit shall be obtained from the council before construction or
21 development begins within the “FP” district. The compliance permit application shall include
22 information necessary to gauge the effect of the proposed development on floodplain
23 management including a report by a Wyoming licensed professional engineer indicating the base
24 flood height at the proposed location and conformance of the project with the standards of the
25 “FP” district.

26 f. In all areas of special flood hazards, compliance with the following general
27 standards is required:

28 1. Anchoring shall be required for all structure in accordance with the
29 following:

30 A. All new construction and substantial improvements shall be
31 anchored to prevent flotation, collapse or lateral movement of the structure;

32 B. All manufactured homes must be anchored to prevent flotation,
33 collapse or lateral movement of the structure and shall be installed using methods and practices

1 that minimize flood damage. Anchoring methods include, but are not limited to, use of over-the-
2 top or frame ties to ground anchors.

3 2. Construction materials and methods shall conform to the following
4 standards:

5 A. All new construction and substantial improvements shall be
6 constructed with materials and utility equipment resistant to flood damage.

7 B. All new construction and substantial improvements shall be
8 constructed using methods and practices that minimize flood damage.

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

13 3. Utilities shall conform to the following standards:

14 A. All new and replacement water supply systems shall be designed to
15 minimize or eliminate infiltration of flood waters into the system.

16 B. New and replacement sanitary sewage systems shall be designed to
17 minimize or eliminate infiltration of flood waters into the systems and discharge from the
18 systems into flood waters.

19 C. On-site waste disposal systems shall be located to avoid
20 impairment to them or contamination from them during flooding.

21 4. Subdivision proposals shall conform to the following standards:

22 A. All subdivision proposals shall be designed and constructed
23 consistent with the need to minimize flood damage.

24 B. All subdivision proposals shall have public utilities and facilities
25 such as sewer, gas, electrical, and water systems located and constructed to minimize flood
26 damage.

27 C. All subdivision proposals shall have adequate drainage provided to
28 reduce exposure to flood damage.

29 g. In all areas of the "FP" district compliance with the following specific standards
30 is required.

31 1. Residential construction shall conform to the following standards:

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

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

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

9 A. Be flood proofed so that below the base flood level the structure is
10 watertight with walls substantially impermeable to the passage of water;

11 B. Have structural components capable of resisting hydrostatic and
12 hydrodynamic loads and effects of buoyancy; and

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

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

20 h. All manufactured homes to be placed or substantially improved in the “FP”
21 district shall be elevated on a permanent foundation such that the lowest floor of the
22 manufactured home is at least one foot above the base flood elevation and is securely anchored
23 to an adequately anchored foundation system.

24 CHAPTER IX
25 NONCONFORMING USES, LOTS, AND STRUCTURES

26 Section 1. Definitions.

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

30 b. A nonconforming structure is one that legally existed at the time of enactment of
31 this ordinance, and does not conform to the present requirements of the zoning district for
32 setbacks or other dimensional requirements.

33 c. A nonconforming lot is a lot of record that legally existed at the time this
34 ordinance was enacted and which is smaller than the present minimum lot area and/or frontage
35 requirements of the zoning district where it is now located.

36 Section 2. Continuation. Nonconforming uses and nonconforming structures legally
37 established as defined above may continue, subject to the limitations set forth in this chapter.

1 Section 3. Enlargement, Expansion, and Relocation. Nonconforming uses and
2 structures shall not be enlarged or expanded and no nonconforming uses or structures shall be
3 moved to another location where such use or structure would also be nonconforming with the
4 following exception:

5 a. Buildings that are nonconforming because of not meeting the side and/or rear
6 setback requirements may be enlarged or expanded provided the new sections of the building
7 comply with all setback requirements.

8 Section 4. Alternation, Maintenance, and Repair. Nonconforming uses and
9 structures may be maintained and repaired as necessary for their continued safe and convenient
10 operation, although the use and structure shall not be enlarged.

11 Section 5. Destruction and Reconstruction. A nonconforming use or structure that is
12 destroyed may be reconstructed as long as the reconstruction begins within six months of the
13 date of destruction and that the reconstruction does not increase the degree of nonconformity of
14 the use or structure.

15 Section 6. Change of Use. A nonconforming use may be changed to any use that is
16 allowed in the zoning district in which the use is located. No nonconforming use shall be
17 changed to another use that is not authorized in that zoning district.

18 Section 7. Discontinuance. If a nonconforming use is discontinued for a period of
19 one year, then the nonconforming use cannot be resumed. Any future use of the site and
20 structure must conform to the requirements of the zoning district.

21 Section 8. Reduction of Lot Area. The lot area of a nonconforming lot or parcel may
22 not be reduced in size by division or subdivision of the lot.

23 Section 9. New Construction on Nonconforming Lot. Buildings and structures may
24 be constructed or enlarged on any nonconforming lot provided the proposed construction meets
25 all other applicable requirements of this ordinance, including setbacks.

26 CHAPTER X
27 PLANNING COMMISSION

28 Section 1. Appointment; Composition; Terms; Removal; Vacancies.

29 a. The mayor, with the consent of the council, shall appoint a planning commission
30 consisting of five members. Each member shall be appointed for a term of three years, except
31 that the initial appointments shall be:

32 1. Two for one year;

33 2. Two for two years; and

1 3. The remaining member or members for three years.

2 b. The council may remove any Commission member for cause upon written
3 charges after public hearing. Vacancies shall be filled for the unexpired portion of a term.

4 Section 2. Organization and Meetings. The planning commission shall elect its own
5 Chairman, and may appoint a qualified secretary, who need not be a member of the Commission,
6 and shall create and fill such other offices as it may determine it requires for the proper conduct
7 of the affairs and business of the Commission. The Chairman shall be elected yearly at the
8 regular planning and zoning commission meeting held in January of each year and shall be
9 eligible for reelection. The Commission shall hold at least one regular meeting in each month, at
10 such time and place as may be fixed by the Commission. Special meetings of the commission
11 may be called by the Chairman, or in his absence, by any of the members of the Commission. A
12 majority of the Commission shall constitute a quorum for the transaction of business. Any
13 member of the planning commission shall automatically disqualify himself from voting on any
14 decision on which he might have a personal interest by virtue of ownership of land to be affected
15 by zoning, or other similar situation. All meetings shall be open to the public. The Commission
16 shall adopt such other rules and regulations governing its organization and procedures as it may
17 deem necessary, consistent with the laws of the town and State. All Commission resolutions,
18 transactions, findings and determinations and minutes are public records and shall be filed in the
19 town hall.

20 Section 3. Compensation; Staff; Consultants; Expenditures. The members shall
21 serve without compensation, except for reasonable expenses. The Commission may appoint
22 employees and staff necessary for its work and may contract with city planners and other
23 consultants, including any appropriate agencies or departments of the State of Wyoming, for any
24 service it requires. Commission expenditures shall not exceed the amount of funds appropriated
25 by the council or obtained through gifts or otherwise.

26 Section 4. General Powers of Commission. The Commission has all powers
27 necessary to perform its functions and promote municipal planning and may:

28 a. Make reports and recommendations relating to the plan and development of the
29 town to public officials and agencies, other organizations and citizens; and

30 b. Recommend to the executive or legislative officials programs for public
31 improvement and their financing.

32 Section 5. Specific Powers of Commission. This ordinance gives the
33 Commission the following specific powers and duties in addition to any assigned to
34 the Commission by statute:

35 a. Review and make the final decision on compliance permits for minor
36 subdivisions.

37 b. Review and make non-binding recommendations to the council on all compliance
38 permits that come before the council.

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CHAPTER XI
BOARD OF ADJUSTMENT

Section 1. Composition; Terms; Removal; Vacancies.

a. The planning commission of the Town of Cowley shall serve as the board of adjustment.

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

Section 2. Meetings; Procedure; Records. Board meetings shall be held at the call of the Chairman and at such other times as the board determines. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All board meetings are open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question or if the member was absent or failed to vote. The board shall also keep records of its examinations and other official actions. All minutes are public records and shall be filed in the town hall.

Section 3. Appeals to Board; Grounds; How Conducted; Stay of Proceedings.

a. Any aggrieved person or any officer, department, board or bureau of the town affected by any decision of the town building official may appeal to the board. Appeals shall be taken within 14 days by filing with the town clerk and with the board a notice of appeal specifying the grounds there for. The town building official shall immediately transmit to the board the complete record of the action from which the appeal is taken.

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

Section 4. Powers and Duties. The board makes final decisions for the items under its purview. Unlike compliance permits, board decisions are not recommendations precedent to the town council's final decision. The board has the powers and duties as follows.

a. The board shall:

1. Hear and decide appeals from and review any order, requirement, decision or determination made by the town building official;

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

3. Adopt rules in accordance with the provisions of this ordinance.

1 not expressly permitted by this ordinance, without a compliance permit, or other
2 approval granted pursuant to this ordinance.

3 Section 2. Discovery of Violations. The town building official shall act upon
4 violations discovered by any of the following means:

5 a. Complaints of zoning violations shall be made to the town building official. Any
6 person, including any resident or landowner and including any town officer or employee, may
7 make a complaint. The town building official shall investigate all complaints and shall take
8 further action only if the town building official verifies that a probable zoning violation exists.

9 b. The town building official is authorized to review any public records to discover
10 and investigate zoning violations.

11 c. The town building official is authorized to discover and investigate zoning
12 violations by:

13 1. Conducting on-site inspections of properties provided the responsible
14 party consents to the inspection;

15 2. Inspecting properties by viewing them from public areas including public
16 streets, or from neighboring properties provided the owner of such neighboring property
17 consents;

18 3. Observing zoning violations in the course of conducting other town
19 business for which the town building official has permission to enter the property or which
20 otherwise allows the town building official to witness a violation;

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

23 5. Other methods approved in advance by the town attorney.

24 Section 3. Informal Resolution. Upon finding that a zoning violation has
25 probably occurred, the town building official may attempt to resolve the matter
26 informally by contacting the responsible party and discussing the violation. In the
27 case of complaints, no more than 30 days shall be allowed for informal resolution. If
28 informal resolution is not successful within the specified time, the town building
29 official shall issue a notice of violation.

30 Section 4. Notice of Violation. When the town building official has
31 determined that a zoning violation has probably occurred and informal resolution is
32 unsuccessful or inappropriate due to the nature of the violation, the town building
33 official shall send a notice of violation to the responsible party by certified mail,
34 return receipt requested. The notice shall state the location of the property, the nature
35 of the violation, the section(s) of this ordinance being violated, a time limit for
36 compliance not exceeding 10 days, the penalty for violations, and suggested
37 corrective actions. At the town building official's discretion, the time limit for

1 compliance may be extended for an additional 10 days if the landowner is making
2 progress toward compliance. If substantial compliance is not achieved within the
3 specified time, the town building official shall refer the case to the town attorney for
4 enforcement action pursuant to Section 5, Referral to town attorney. A notice of
5 violation may be appealed to the board of adjustment pursuant to Chapter XI and the
6 notice of violation shall advise of this opportunity for appeal.

7 Section 5. Referral to Town Attorney. If a violation is not remedied within
8 the time limit specified in a notice of violation, the town building official shall refer
9 the case to the town attorney for prosecution.

10 Section 6. Revocation of Permits. If the town building official finds that any
11 construction is not in accordance with the information supplied on the permit
12 application or is in violation of this or any other pertinent regulations, or should the
13 town building official find that there has been any misrepresentation in connection
14 with the application for the permit, the town building official shall notify the
15 responsible party of such findings and notify him that the violation must be corrected.
16 The responsible party shall have 10 working days in which to reply to such
17 notification. If such reply or correction is not made, the town building official shall
18 revoke the permit and shall provide to the responsible party a written notice of the
19 revocation, including the reasons for the revocation and notice of the right of appeal
20 to the board of adjustment. No person shall proceed with any part of such
21 construction after such notice is received.

22 Section 7. Penalty for Violation. Any person violating any provision of this
23 ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined
24 not more than \$750.00 for each offense. Each day during which the illegal erection,
25 construction, reconstruction, alteration, maintenance, or use continues shall be
26 deemed a separate offense.

27 Section 8. Other Remedies. In addition to any of the foregoing remedies the council
28 may maintain an action for injunction to restrain any violation of this ordinance.

29 CHAPTER VIII
30 FEE SCHEDULE

31 Section 1. Fee Schedule. The Council may, by resolution, establish and update a fee
32 schedule for permits, determinations, applications, and other services under this title, including
33 but not limited to compliance permits, variances, appeals, and amendments.