**Ordinance No. \_\_\_\_\_\_**

**THIS ORDINANCE HAS NOT BEEN CROSSREFERENCED AGAINST THE REST OF THE TOWN CODE. A FULL ANALYSIS WILL NEED TO BE PERFORMED BECAUSE TITLES AND CHAPTERS HAVE CHANGED.**

**AN ORDINANCE FOR THE PURPOSE OF REPEALING AND RESTATING TITLE 17 OF THE TOWN OF DAYTON CODE**

**WHEREAS**, the Town has identified numerous areas of concern and ambiguity in Title 17 of the Town Code; and

**WHEREAS**, it is in the best interests of the Town’s citizens and businesses, that Title 17 of the Town Code be updated.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, WYOMING THAT CHAPTER 15.08 SHALL BE ADOPTED AS FOLLOWS:**

**Chapter 15.08. – Construction Permits**

**15.08.10: General Provisions**

1. *Definitions*. This Chapter adopts and applies the definitions described in Chapter \_\_\_\_\_\_\_\_\_. Should more than one definition be found in the Dayton Town Code, Chapter \_\_\_\_\_\_\_\_ shall apply.
2. *Compliance*. No construction, building or demolition requiring a permit in the Town of Dayton shall occur without adhering to this Chapter.
3. *Permit Approvals*. All permits must conform to the Town of Dayton Code, adopted building codes and Wyoming Statute and rules.
4. *Permit Appeals*. A permit denial or approval may be appealed in accordance with Dayton Code \_\_\_\_\_\_\_\_\_\_\_\_.

**15.08.20 - BUILDING PERMITS**

Building permits shall be required for the following:

A. *Construction*. No structure shall be placed upon or moved onto land, erected, constructed, reconstructed, converted, demolished, enlarged, or structurally altered, nor shall any work be started upon same, until a building permit has been issued establishing compliance with this code.

B.  *Change*. No change shall be made to a structure or part of a structure until a building permit has been issued establishing that such change in use is a permitted use within the zoning district where the land or structure is located.

C. *Permit Term*. The building permit shall be void after twelve (12) months from the day of issuance. This permit shall be prominently displayed at the building site until the building is complete.

D. *Permit Application*. The Town shall adopt a standard building permit application form. The applicant shall pay for the building permit as set by the Governing Body and provide all of the following information, if applicable, and any other information required by the Town:

1. Street address, lot, and block number;
2. The actual shape and dimensions of the lot;
3. The exact location, size, and height of any building or structure to be erected or altered, the existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate;
4. Dimensions of yards, driveways, and parking spaces, existing and proposed;
5. Landscaping, existing and proposed, including direction of surface drainage;
6. Signs, existing and proposed;
7. Right-of-way and name(s) of adjacent street(s); and
8. Such other information with regard to the lot and neighboring lots may be necessary to determine and provide for the enforcement of this code.
9. Statement as to the intended use of the building.
10. A set of building plans and all data necessary to show that the requirements of this code are met.
11. Written applications on approved forms shall be filed with the authorized Town official and accompanied by two (2) copies of a site plan drawn to scale, or an electronic copy meeting Town specification.

E. *Property Divided Or Split; Survey*: When property is divided or split, a legal survey and descriptions shall be submitted to the Town Clerk at the time of applying for a building permit.

F. *Review of building permits*. All applications for building permits and amendments thereto shall be submitted to the authorized Town official for review and to ensure compliance with the requirements of the Town Ordinances, including any building, fire, mechanical, plumbing, and electrical codes; sign codes; parking requirements; landscaping, and zoning codes. Review of all building permits shall be subject to Ordinance 17.12.10.

**15.08.030: DEMOLITION PERMITS**

A. *Minimum Cost*. Any person or persons desiring to dismantle and/or remove a structure with a time of purchase value of two thousand five hundred dollars ($2,500.00) or more, must obtain a demolition permit from the Town Clerk and approval by the designated Town official.

B. *Permit Term*. Destruction and/or removal shall commence within a period of thirty (30) calendar days of approval, and be completed within one hundred twenty (120) calendar days from the date of permit approval, including cleanup and restoration, unless additional time is granted by the Town Governing Body upon request by permittee.

C. *Demolition Permit Application*: The Town shall adopt a standard demolition permit application form. The applicant shall pay for the building permit as set by the Governing Body and provide all of the following information, if applicable, and any other information required by the Town:

1. Street address, lot, and block number;
2. The actual shape and dimensions of the lot;
3. The exact location, size, and height of any building or structure to be demolished or removed.
4. Right-of-way and name(s) of adjacent street(s); and
5. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this code.
6. A set of demolition plans and all data necessary to show that the requirements of this code are met.
7. Written applications on approved forms shall be filed with the authorized Town official and accompanied by two (2) copies of a site plan drawn to scale, or an electronic copy meeting Town specification.
8. A landscaping plan that would return all terrain features back to the assumed pre-structure condition.

D. *Review of demolition permits*. All applications for demolition permits and amendments thereto shall be submitted to the authorized Town official for review and to ensure compliance with the requirements with the Town Ordinances, including building, fire, mechanical, plumbing and electrical codes; sign codes; parking requirements; landscaping and zoning codes.

**15.08.040: TEMPORARY PERMITS**

The authorized Town Official may issue temporary permits for buildings to be constructed and used for storage incidental to the construction or demolition of structures on the property and for signs advertising a subdivision or tract or land or the lots thereon. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

**15.08.050: PERMIT APPROVAL**

A. The Planning Commission shall review and make recommendations for all permit applications Recommendations shall be forwarded to the Mayor for the Mayor, or designees, approval or denial.

B. Approval of a permit may be made with conditions.

C. Permits may be denied if the proposed use is determined by the designated Town Official or Mayor to be a violation of the Town zoning code.

D. The Town Governing Body may create additional steps or requirements for the permit approval and renewal process.

E. Prior to the approval of any permit, the Town Governing Body may, by majority vote, require that approval or denial be made by the Governing Body.

**15.08.060: STOP ORDER; NOTICE:**

A. The authorized Town Official may issue a “Stop Order” requiring any action taken by a violator of the zoning code to cease until such time as the Town Governing Body determines that no violation of the Ordinance exists or after the issuance of a citation, the Dayton Municipal Court finds the Defendant not guilty.

1. A Stop Order shall be served by the authorized Town Official or Sheridan County Sheriff’s Office. Said Order shall include a description of the violation, reference the violated ordinance, and state the date and time of the violation. The Stop Order shall also require that the violator appear at the next regularly scheduled Town Council meeting for a hearing.
	1. The Town Governing body shall determine whether:
		1. The alleged use/violation should be referred to the Board of Adjustments for a hearing for a variance; or
		2. The matter should be referred to the Town Attorney for legal action; or
		3. That no violation has occurred or no further action is required.
2. The Stop Order shall be served on the violator either personally or by posting the Stop Order on the premise of the property in a visible and conspicuous location.

**15.08.070: VIOLATION; PENALTY:**

Any person violating any of the provisions of this Title shall, upon conviction thereof, be punished by a fine not to exceed Seven Hundred Fifty Dollars ($750.00). Any person violating any provisions of this Title shall be deemed guilty of a separate offense for each day during which such violations continue. In addition to a fine, a person guilty of violating this code shall also be required to pay all costs incurred or associated with the enforcement of this code and the abatement of said violation.

**15.08.080: ENFORCEMENT:**

A. *Notice of Violation*: Whenever the Town Governing Body determines that there are reasonable grounds to believe that there has been a violation of any provision of this Title, it shall give notice of such violation to the person to whom the permit or license was issued, which notice shall:

1. Be in writing;

2. Include a statement of the reason for its issuance;

3. Shall state what remedial action shall be necessary to comply with this Title;

4. Shall establish a reasonable time of not more than thirty (30) business days for compliance; and

5. Be served upon the licensee, or their agent, in person or by certified, return receipt mail.

**CHAPTER 15.16 BOARD OF ADJUSTMENT**

**15.16.010: ESTABLISHMENT OF BOARD OF ADJUSTMENT:**

The Town of Dayton Planning Commission shall act as the Board of Adjustment in accordance with W.S. 15-1-605. All actions of the Planning Commission acting as the Board of Adjustment shall be in accordance with Wyoming Statute.

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**CHAPTER 15.20 APPEALS**

**15.20.010: APPEAL OF ADMINISTRATIVE DECISIONS TO THE BOARD OF ADJUSTMENT:**

* + 1. **Planning Commission.** The Town of Dayton Planning Commission shall act as the Board of Appeals Any aggrieved person, or governmental agency dissatisfied with any order or determination by a Town Official may request the matter be appealed to the Planning Commission acting as the Board of Appeals.
		2. **Appeals Forms and Procedure**.

A written appeal shall be filed with the Planning Commission by the aggrieved party upon forms prepared and supplied by the Town Clerk. A valid appeal shall require at minimum a description of the official decision, the signature of the applicant, and a statement requesting that the matter be appealed to the Board. The applicant shall be charged a $30.00 fee

* + 1. **Stay**. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board that by reason of facts stated in the certificate a stay, in their 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 officer from whom the appeal is taken, and on due cause shown.

* + 1. **Hearing**. The Board shall fix a date not later than 20 business days after acceptance of the appeal.
			1. The hearing date shall be noticed by publishing said notice within the newspaper of general circulation and mailing copies of the notice to each party to the appeal.
			2. The notice must include the legal description of the affected property, the name of the parties to the appeal, and the date of the hearing. The hearing cannot be held any earlier than five (5) business days from the date of the publication in the newspaper.
			3. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall keep records of its examinations and other official actions, which shall be a public record
			4. All appeals shall be conducted as contested cases in accordance with the provisions of the Administrative Procedures Act of the State of Wyoming and any additions or amendments thereto.
		2. **Findings**. The Board shall make its findings and determination in writing within fourteen (14) business days from the date of the hearing and shall transmit a copy to the parties.

**15.16.020: VARIANCE REQUEST**

1. The Planning Commission acting as the Board of Adjustment has the power to:

1. Hear and decide special exemptions to the terms of the ordinance upon which the board is required to pass under the ordinance;

2. Vary or adjust the strict application of any of the requirements of any ordinance adopted pursuant to this article in the case of any physical condition applying to a lot or building if the strict application would deprive the owner of the reasonable use of the land or building involved. No adjustment in the strict application of any provision of an ordinance may be granted unless:

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

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

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

3. Grant exceptions and variances upon request after a showing that an illegal construction or a nonconforming building or use existed for a period of at least five (5) years in violation of local ordinance and the city or town has not taken steps toward enforcement;

4. Reverse or affirm wholly or partly the order, requirement, decision, or determination as necessary, but no power exercised under this paragraph shall exceed the power or authority vested in the administrative officer from whom the appeal is taken.

B. The Town Clerk, shall notify, in writing, all surrounding property owners within three hundred feet (300') of abutting, adjoining, or fronting property of a request for a variance, giving the date for the variance request to be acted upon by the Town Planning Commission. Such action is not to be taken less than fifteen (15) business days from the date of the mailing of the notice. Notification shall be sent by certified mail, return receipt. Such costs shall be borne by the applicant.

**15.16.030: APPEAL FROM DECISION:**

Any person, official, or government agency dissatisfied with any order or determination of the Board may appeal the matter pursuant to Wyoming Statute to the District Court.

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**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, WYOMING THAT CHAPTER 17 SHALL BE REPEALED AND RESTATED AS FOLLOWS:**

1. This Title shall be known as “Title 17 Zoning Regulations”
2. The following chapters shall be numbered, titled, and read as follows:

**Chapter 17.04 GENERAL PROVISIONS**

**17.04.010: TITLE**

The ordinance codified in this Title shall be known as the *ZONING ORDINANCE OF THE TOWN OF DAYTON, WYOMING.*

**17.04.020: SCOPE AND PURPOSE:**

The Town of Dayton is authorized per W.S. § 15-1-501 et. al. and W.S. § 15-1-601 et. al. to regulate the land and property within its jurisdiction and to establish Boards and Commissions which it deems are in the best interests and welfare of its citizens.

Should other sections of the Town Ordinances specify different requirements, the more restrictive requirement shall govern. Where this Title imposes a greater restriction than is required by another ordinance, the provisions of this Title shall control. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be the control. If any portion of this code is held invalid for any reason, the remaining herein shall not be affected.

**17.04.030: COMPLIANCE WITH PROVISIONS:**

No structure or premises shall hereafter be used or occupied, and no structure or part thereof shall be erected, moved, reconstructed, deconstructed, extended, enlarged, or altered contrary to the provisions of this Title.

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**CHAPTER 17.08 DEFINITIONS**

**17.08.010:** **DEFINITIONS:**

The words and terms used, defined, interpreted, or further described in this Title are construed as follows:

A. "Shall" is always mandatory and not discretionary. "May" is permissive.

B. Words used in the present tense include the future unless the context clearly indicates the contrary.

C. Words used in the singular include the plural, and words used in the plural include the singular unless the context clearly indicates the contrary.

D. The specific words and terms in this Title are defined as set out as follows:

ADULT MEDIA*.* Magazines, books, videotapes, movies, slides, cd-roms or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to explicit sexual material.

ADULT-ORIENTED BUSINESS. An inclusive term used to describe collectively: adult cabaret; adult motion picture theater; bathhouse; massage shop; and/or sex shop.

ACCESSORY BUILDING. A subordinate detached building customarily incidental to the primary structure and located on the same lot as the primary structure.

ACCESSORY LIVING QUARTERS. An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise used as a separate sleeping unit.

ACCESSORY USE. A use conducted on the same lot as the primary use of the structure to which it is related; a use that is clearly incidental to, and customarily found in connection with, such primary use.

ALLEY. A right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street.

ALTERATION. Any change, addition or modification in or to construction, structure, occupancy, or use.

APARTMENT. A room or suite of rooms that include kitchen facilities in an apartment building/complex intended or designed for use as a residence.

APARTMENT BUILDING/COMPLEX. A residential building designed or used for three (3) or more dwelling units which does not include condo, or townhouse.

AUTOMOTIVE REPAIR SHOP. A commercial establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including brake, muffler, tire repair and change, lubrication, tune-ups, transmission work, paint, body and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.

BED AND BREAKFAST. A service of providing lodging with a meal and lodging in exchange for payment and is located in a residential dwelling in either the business or residential zone.

BOARDING HOUSE OR ROOMING HOUSE. A building other than a hotel, inn, motel, apartment building/complex, café, or restaurant where, for compensation, directly or indirectly, lodging and/or meals are provided for three (3) or more boarders, renters, and/or roomers excluding the occupant's immediate family.

BUILDING. A structure built for the support, shelter or enclosure of persons, animals, personal property or substances of any kind.

BUILDING COVERAGE. Any area of a portion of a lot which is covered by all buildings on that lot.

BUILDING HEIGHT. The vertical distance at the center of a building’s principal front, measured from the established grade to the highest point in the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge for a gable, hip or gambrel roof; provided that where a building is set back from the street line, the building height may be measured from the average finished grade along the front of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

BUILDING PERMIT. An official document that gives permission to build on land or to make changes to an existing building. This includes the construction of a recreational vehicle park or campground.

BUSINESS. An establishment intended to conduct or for service of or administration by a commercial enterprise; or offices for the conduct of professional or business service.

BUSINESS DAYS (calculation of): An official working day.

CAMPING FACILITIES. A parcel of land offered to the public for the purpose of overnight parking for recreational vehicles, trailer campers, and/or tent sites.

CANOPY. A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings.

CHURCH. A building together with its accessory buildings and uses where persons regularly assemble for religious worship and is maintained and controlled by a religious body organized to hold public worship.

CITY, TOWN, OR MUNICIPALITY. The Town of Dayton, Wyoming.

COMMERCIAL RETAIL BUISNESS. Establishments that engage in the sale of retail goods.

COMMUNITY DEVELOPMENT PLAN. A comprehensive plan for the Town of Dayton which has been officially adopted by the Town to provide long range development policies for land use, housing, and, public facilities.

CONDITIONAL USE. A use that has been approved by the Town Planning Commission that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions even through the use is allowed by Ordinance.

CONDITIONAL USE PERMIT. Written authorization of a conditional use .

CONDOMINIUM. A single-dwelling unit within a multi-unit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

CORNER LOT: A lot abutting two (2) or more streets at their intersection or upon two (2) parts of the same street and where, in either case, the interior angle framed by the intersection of street lines does not exceed one hundred thirty-five degrees (135°)

CUL-DE-SAC: A street having only one end connected to a through public street and the other end being permanently terminated by a vehicle turnaround.

CHILD CARING FACILITY*.* Any person who operates a business to keep or *care* for more than two minors at the request of the parents, legal guardians, or agency that is responsible for those children operating under the rules of certification of the Department of Health and Social Services. Child *caring* facilities include Child *Care* *Centers* (CCC), Family Child *Care* *Center* (FCCC), Family Child *Care* Home (FCCH), and Multiple Location Facilities (MLF).

1. Child Care Center (CCC). Any private person, partnership, association, or corporation that is operating a business for profit or otherwise, where sixteen (16) or more children receive *care* for part of the *day*.
2. Family Child Care Center (FCCC). A child *care* facility in which *care* is provided for a maximum of fifteen (15) unrelated children for part of a *day*, which may be in a residential or commercial type structure.
3. Family Child Care Home (FCCH). A child *care* facility in which *care* is provided for three (3) to ten (10) unrelated children from more than one immediate family for part of a *day* in the home of the provider.
4. Multiple Location Facility (MLF/FCCC or MLF/FCCH). Any private person, partnership, association, or corporation that is operating Family Child *Care* *Centers* (FCCC) or Child *Care* *Centers* (CCC) at multiple locations.
5. Educational facilities. Half-day programs in which the primary intent is to provide an educational experience for preschool children. This does not include kindergartens or other educational facilities licensed by the State of Wyoming Department of Education.

CHILD DAY CARE*.* The provision of supplemental parental *care* and supervision:

1. For a nonrelated child or children;
2. On a regular basis;
3. For less than twenty-four (24) hours a *day*;
4. Under license by the Wyoming Department of Health and Social Service.

As used by this ordinance, the term is not intended to include babysitting services of a casual, nonrecurring nature or in the child’s own home. Likewise, the term is not intended to include cooperative, reciprocated child *care* by a group of parents in their respective domiciles.

DENSITY. The number of dwelling units located on a lot per this Title.

DEMOLITION PERMIT. A written authorization authorizing the demolition of any structure that requires a building permit to construct. A shed and detached garage on the same property, for instance, each requires its own demolition permit.

DETACHED BUILDING. A building having no structural connection the primary building.

DEVELOPMENT. A planning and construction project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building or extractive purposes.

DWELLING, MULTI-UNIT OR MULTI-FAMILY. A building, excluding hotels, motels, inns or resorts used by two (2) or more families living independently of each other in separate dwelling units.

DWELLING, SINGLE-UNIT OR SINGLE-FAMILY. A detached building other than a mobile home designed for or used as a dwelling exclusively by one family as an independent living unit.

DWELLING or DWELLING UNIT. A single unit providing living facilities for one or more persons including permanent provisions for sleeping and sanitation.

EASEMENT. Right of ingress or egress to public or private property which is granted by the property owner and designated on a plat or other recorded instrument for a specific purpose. A drainage easement is a land area set aside to accommodate the flow or storage of storm waters and to be kept free of all structures and impediments not related to drainage. A utility easement is a land area intended for the installation and maintenance of public utilities, above ground or underground.

EXTERIOR REMODELING. Any change which alters the exterior dimensions of a structure’s length, height or width.

FAMILY*.* One individual, or a group of two (2) or more persons related by birth or marriage, who occupy a single dwellingunit, or a group of not more than four (4) unrelated persons who occupy a single dwelling unit.

FARM ANIMALS. Animals other than household pets which are kept and maintained for commercial production and sale and/or family food production, education or recreation. Farm animals are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep and goats; or small animals, e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks, and pigeons.

FENCE. An artificial barrier made from any type of material that screens or encloses a property or a portion of a property. Fences for any purpose intended to be placed on a corner lot shall require a building permit.

FENCE, SIGHT OBSTRUCTING. A freestanding structure of metal, masonry, composition, or wood, or any combination thereof, resting on or partially buried in the ground and rising above ground level used for confinement, screening, or partition purposes.

1. High Visibility Fence
	1. Designed and constructed with visibility through the fence as its primary purpose.
	2. Acceptable materials shall include chain link or equivalent.
	3. Live plantings are not allowed
2. Privacy Fence
	1. Designed and constructed with privacy as its primary purpose
	2. Materials may be the same as high-visibility fencing
	3. Live plantings are allowed
3. Corner Fence (requires a building permit)
	1. Any fence placed on a corner lot that creates two points of reference. Fencing shall be angled between the two points.
	2. Acceptable materials include anything that doesn’t obscure visibility.

FRONTAGE. That portion of a lot, parcel, tract, or block abutting a street. The building address determines the front of the lot.

GARAGE, PRIVATE. An accessory building or accessory portion of the main building is designed for the shelter or storage of motor vehicles owned or operated by the occupants’ real property.

GARAGE, PUBLIC. A garage, other than a private garage, used for the housing or care of motor vehicles or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

GAS STATION. That portion of the property where flammable or, combustible liquids or gases used as fuel are stored for the purpose of sale to the general public and also dispensed from fixed equipment into the fuel tanks of motor vehicles.

GOVERNING BODY. The Town Council and Mayor of Dayton, Wyoming.

GRADE. The inclination from horizontal, expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

GROUND LEVEL. The floor of a building that is at or nearest to the level of the ground around the building

GUEST ROOM. A room in a hotel, apartment, inn, bed and breakfast, motel or resort offered to the public for compensation and non-permanent occupancy.

HOME OCCUPATION. Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental to the residential use and in connection with which there is no advertising sign other than one identification sign not more than one square foot in area, and no display visible from the exterior indicating that the building is used for any purpose other than a dwelling.

HOSPITAL. Any building or portion thereof used for diagnosis and treatment and care of human ailments, but not including medical clinics, rest homes, group care homes, convalescent homes, nursing homes, and retirement homes.

HOUSEHOLD. A house and its occupants regarded as a unit.

HOUSEHOLD PETS. Dogs, cats, rabbits, birds, etc., for family use only and are not used for commercial purposes.

HEDGE. A fence or boundary formed by a dense row of shrubs or other live plants.

HOTEL. A building in which lodging is provided to guests for compensation.

JUNK YARD (SALVAGE). Any lot, parcel, or tract used for storage, keeping, sale or abandonment of junk and/or the dismantling, demolition or abandonment of three (3) or more unlicensed motor vehicles or other junk or parts thereof.

KENNEL: Any premises or property of any kind or description where more than three (3) dogs or three (3) cats over six (6) months of age are kept for any purpose for which payment is received except veterinary clinics.

LANDSCAPING. The finishing and adornment of unpaved areas. Materials generally include naturally growing elements such as grass, trees, shrubs, and flowers and manufactured elements such as logs, rocks, fountains, water features, and contouring of the earth.

LOT*.* The physical and undivided tract or parcel of land as shown on a duly recorded plat.

LOT AREA. The total area within the lot lines of a lot.

LOT DEPTH. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, DOUBLE FRONTAGE. A lot that runs from street to street and which has two (2) nonintersecting sides abutting two (2) or more streets.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE, FRONT. The property line dividing a lot from the right of way of the street. For a corner lot, the shortest street right-of-way line shall be considered the front line.

LOT LINE, REAR. The property line opposite and most distant from the front lot line and in the case of an irregular, triangular, or other shaped lot, a line ten feet (10') in length within the lot that is parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE. Any lot line other than a front or a rear lot line.

LOT WIDTH. The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

MOBILE VENDOR*.* Any person that sells or offers for sale goods, products, services or food from a mobile vending unit within the Town, excluding raw agricultural fruit, vegetables, and grains sold by the individual(s) growing the product.

MOBILE OR MANUFACTURED HOME.A structure built in a factory, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The term "manufactured home" shall include any structure that meets all the requirements of this section, and is certified to have been manufactured in accordance with the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacturing is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

MOBILE HOME PARK. A parcel of land planned and improved for the placement of mobile homes for residential use.

MODULAR HOME. A transportable structure, which is not defined as a mobile home, usually in one or more sections, designed for use, with a permanent foundation, as a dwelling unit when connected to public utilities, and has been built in a factory in accordance with the standards of the Town of Dayton.

MOTEL. A building or group of buildings on the same lot containing guest units with separate entrances from the building exterior and consisting of individual sleeping quarters, detached or in connecting rooms with or without cooking facilities, for rent.

MUNICIPALITY. The incorporated Town of Dayton, Wyoming.

NONCONFORMING STRUCTURE OR USE. A lawful existing structure or use at the time of this ordinance codification that does not conform to the requirements of the zone in which it is located.

OPEN SPACE. Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space is devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

PARK. A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses and properly recorded as such on a filed plat and recognized by the Town of Dayton as a Park subject to W.S. 15-7-301 et seq..

PARKING LOT. An open area, other than a street, designed or used for the parking of more than one (1) motor vehicle.

PARKING, OFF STREET. Parking of motor vehicles off the public rights-of-way.

PARKING SPACE. A rectangular area with an all-weather surface that measures at minimum nine feet by twenty feet (9' x 20') with access to a public right-of-way.

PERMANENT FOUNDATION. A site-built foundation, constructed of durable materials; i.e., mortared masonry, or other approved materials, in accordance with the standards of the Town of Dayton.

PERSON. Every natural person, firm, partnership, association, or corporation.

PLANNED UNIT DEVELOPMENT. A type of land use zoning that allows the adoption of a set of development standards that are specific to the particular project being proposed.

PLANNING COMMISSION. The officially appointed Planning Commission of Dayton, Wyoming Established by Wyoming Statute and Town Ordinance.

PLOT PLAN. A plot of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

PRIMARY STRUCTURE. The principal building on a lot, designated to function as a permitted use as specified for the district in which it is located.

PREMISES. A general term meaning part or all of any lot, parcel or tract, or park, or all of any buildings, or structure, or group of buildings or structures located thereon.

PROPERTY LINE. The boundary of any lot, parcel, or tract as the same is described in the conveyance to the owner.

PUBLIC HEARING. A meeting called by a public body which is required by Wyoming Statute or Dayton Ordinance to be open to the public allowing for public input. This may be a stand-alone meeting, or an agenda item included in a regularly scheduled meeting which was advertised according to Wyoming Statute prior to the meeting.

PUBLIC IMPROVEMENT. Any drainage ditch, storm sewer or drainage f, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

PUBLIC RIGHT-OF-WAY. Any street, alley or similar parcel of land which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

RECREATIONAL VEHICLE. A vehicular type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, pop up campers, camping trailers, and self-propelled motor homes, but shall not include mobile homes.

RECREATIONAL VEHICLE PARK: Any lot or parcel of land used or intended to be used for the accommodation of one or more recreational vehicles intended for short term rental use.

RECREATIONAL VEHICLE UNIT: A plot of land in a recreational vehicle park used or intended to be used for the accommodation of not more than one recreational vehicle.

SELF-CONTAINED RECREATIONAL VEHICLE: A recreational vehicle which can operate independently of connections to sewer, water, and electrical systems, containing a water flush toilet, lavatory, shower, and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

SERVICE BUILDING: A building providing toilet, lavatory, laundry machines or other community facilities for use in common by occupants of the Recreational Vehicle Park or campground.

RETAIL. The sale of goods or commodities to the consumer for direct consumption and/or use and not for resale.

RENOVATION. Interior or exterior remodeling of a structure, other than ordinary repair.

RESTAURANT. An establishment that sells prepared food for consumption. Restaurants shall be classified as follows:

1. Restaurant, fast food. An establishment that sells food already prepared for consumption, packaged in paper, Styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.
2. Restaurant, general. An establishment that sells food for consumption on or off the premises.
3. Restaurant, take-out. An establishment that sells food only for consumption off the premises.

RIGHT-OF-WAY, PUBLIC. All streets, roadways, sidewalks, alleys and all other areas reserved to be traversed by the public.

SALVAGE YARD: See definition of Junkyard (Salvage).

SCHOOL. A place for systematic instruction in any branch or branches of knowledge. For this chapter, it specifically means public or parochial schools, elementary, junior high and high schools and private schools with equivalent curricula, and colleges.

SCREENING: Decorative fencing, live plants, or earth berms maintained for the purpose of concealing from view the area behind such screening.

SETBACK LINE: A line which marks the setback distance from the property lines,

SHED; RESIDENT STORAGE: An accessory structure used primarily for storage.

SIGN. Any device, including but not limited to, letters, numerals, or graphic devices used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties. The sign includes all poles or structures used to displace the sign.

SIGN, NONCONFORMING. A sign which violates a Town Ordinance but was in existence at the time of the Ordinance’s passage.

SITE PLAN. A plan that outlines the use and development of any tract of land.

STORY. That portion of a building, other than a basement, included between the surface of a floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STREET. The entire width between the boundary lines of every public right-of-way or public easement including the terms "road", "highway", "land", "place", "avenue", "alley", lane, or other similar designations.

STREET, PRIVATE. A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

STRUCTURAL ALTERATION. Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or any structural change in the roof.

STRUCTURE. Anything constructed or erected with a fixed location from the ground above grade except for poles, lines, cables or other transmission or other distribution facilities of public utilities.

SUBDIVISION, MAJOR. The division of a tract of land into three (3) or more lots or parcels for the purpose of transfer of ownership, or building development, or, if the construction of a new street is required. The term "subdivision" includes "re-subdivision" and as used in this title shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved subdivision of the same.

SUBDIVISION, MINOR. The division of a tract of land into two (2) or fewer lots or parcels for the purpose of transfer of ownership, or building development, or, if the construction of a new street is required. The term "subdivision" includes "re-subdivision" and as used in this title shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved subdivision of the same.

TEMPORARY SIGN. Any sign, banner, pennant or advertising display not intended or designed for permanent use. This includes inflatable signage for temporary display.

TOWNHOUSES. Townhouses have common walls or party walls and are joined by adjoining unit owners but are not considered condominiums.

USE. The purpose for which land or a structure is used or occupied.

USE, CHANGE OF. The change within the classified use of a structure or premise and approved by the Governing Body of the Town of Dayton.

USE, PERMITTED. A use that is allowed in any given zone or district.

USE, PRINCIPAL. The main use of land or structures as distinguished from a subordinate or accessory use.

USE, TEMPORARY. A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors’ offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

USE, NONCONFORMING: A lawful use of a structure/ land or lot which becomes illegal at the time the ordinance became effective.

VARIANCE. A deviation from the height, bulk, setback, parking, use or other dimensional requirements established by this code which is granted by the Board of Adjustment pursuant to this code.

WAREHOUSE, WHOLESALE OR STORAGE. A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

YARD.  An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted herein, and located between the building and the adjoining lot lines. Yard measurements shall be the minimum horizontal distances between the lot lines and the building, provided that a rear yard shall be measured between the rear line of the building and the center line of the alley in the rear of the lot where such an alley is platted.

YARD, FRONT. A yard extending across the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot.

YARD, REAR. A yard extending across the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

YARD, SIDE. A yard between the building and the adjacent side line of the lot and extending from the front yard to the rear yard.

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

ZONE CHANGE. The Municipal act of removing one or more parcels of land from one zone and placing them in another zone on the land use zoning map.

ZONING DISTRICTS. Established in order to classify, regulate, restrict, and segregate the uses of land and building, to regulate and restrict the height and bulk of buildings, to regulate the area of yards and other open spaces around buildings, and to regulate the density of population.

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**CHAPTER 17.12 RESERVED**

**CHAPTER 17.16 ZONING MAP AND DISTRICTS**

**17.16.010: CLASSIFICATIONS OF DISTRICTS:**

In order to classify, regulate and restrict the locations of uses and locations of buildings designated for specific areas; and to regulate and determine the areas of yards, courts and other open spaces within or surrounding such buildings, property is hereby classified into districts as prescribed in this chapter.

For the purpose of this Title, the Town is divided into zones which may have one of the following designations:

|  |  |
| --- | --- |
| **Districts** | **Abbreviated Designations** |
|  |  |  |
| Residence district   |   | R-1   |
| Residence district   |   | R-2   |
| Residence district   |   | R-3   |
| Business district   |   | B-1   |

**17.16.020: ZONING MAP:**

1. The location and boundaries of each zoning district designated in this Chapter are to be indicated upon the official zoning map as approved by the Town Governing Body. Said map and subsequent amendments thereto shall be considered as a part of this title.
2. Unless otherwise indicated on the Zoning District Map the district boundaries are the center lines of streets or alleys to the front or back lot line. In case of uncertainty or disagreement concerning the exact location of a district boundary line, the determination shall lie with the board of adjustment as hereinafter provided.

B. The official copy of the zoning map containing the zoning districts designated by the Town shall be maintained in the office of the Town Clerk.

C. Certain lots within the Town may include more than one zoning district. The area of the lot subject to a respective zoning district shall govern the use of that respective area.

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**CHAPTER 17.20 R-1 RESIDENTIAL DISTRICTS**

**17.20.010: R-1 RESIDENTIAL DISTRICT PERMITTED USES:**

1. Uses permitted for Zone R-1 are:
2. Single-family residences, including double-wide manufactured houses constructed after 2009; and accessory buildings.
	1. Accessory buildings used primarily for storage which does not exceed twelve feet (12’) in height, twelve feet (12’) in width, or sixteen feet (16’) in length.
3. Family day care;
4. Public schools,
5. Agriculture, gardening, and nursing for the propagation of plants,
6. Home occupations; and,
7. Public facilities compatible with a residential environment, and accessory buildings.
	1. Public accessory buildings shall meet 17.20.10A.1.a, above.
8. Cul-de-sacs shall be no longer than five hundred feet (500’) from the center of the turnaround to the centerline of the last intersecting street which is not a cul-de-sac. All cul-de-sacs shall have a minimum curb radius of fifty feet (50’), a minimum right-of-way radius of sixty feet (60’), and be connected to the street right-of-way by a reverse curve of a seventy-five-foot (70’) radius.
9. Permitted Conditional Uses for Zone R-1 are:
10. Churches, parish houses or other places of worship;
11. Parks and recreational facilities
12. Bed and breakfast and boardinghouse facilities;
13. Government facilities;
14. Day care centers;

Planning Commission

1. Any other similar use that conforms to the general purpose and intent of the R-1 zoning district and which will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district.

**17.20.020: R-1 RESIDENTIAL DISTRICT LOT AREA:**

A. In the R-1 District the following lot size provisions apply:

1. Minimum Lot Area: The minimum lot area shall be ten thousand five hundred (10,500) square feet for an interior lot and twelve thousand (12,000) square feet for a corner lot. The minimum lot area per primary structure shall be ten thousand five hundred square feet (10,500).
2. Minimum Lot Width:
	1. For all lots with an area of one acre or larger, the minimum lot width shall be one hundred fifty feet (150') or shall be a minimum of one hundred feet (100') when facing a cul-de-sac turnaround.
	2. For all lots with an area less than twenty thousand (20,000) square feet the minimum lot width shall be seventy-five feet (75') for an interior lot, eight five (85') for a corner lot, or shall be a minimum of fifty feet (50') when facing a cul-de-sac turnaround.
	3. For all lots with an area of twenty thousand (20,000) square feet or larger, but less than one acre, the minimum lot width shall be one hundred feet (100') or shall be a minimum of seventy feet (70') when facing a cul-de-sac turnaround.

**17.20.030: R-1 RESIDENTIAL DISTRICT SETBACK REQUIREMENTS:**

1. The yard setback requirements in the R-1 District are to be measured from the foundation of the building to the lot line and are as follows:
2. Minimum Front Yard:
	1. For all lots with an area of one acre or larger the minimum front yard shall be thirty feet (30').
	2. For all lots with an area of less than one acre the minimum front yard shall be twenty feet (20').
3. Minimum Side Yard:
	1. Ten feet (10') on one side and ten feet (10') on the other side, except that on corner lots, the setback for all buildings shall be a minimum of twenty feet (20') on the side abutting a street or thirty feet (30') if the lot is one acre or larger.
4. Minimum Rear Yard:
	1. Where an easement is platted, the setback shall be eighteen feet (18') from the center of the easement.
	2. Where there is no easement, the setback will be ten feet (10').
5. Garage Or Carport:
	1. The entrance side of a garage or carport shall be set back at least twenty feet (20') from the access street, except that in the case of an alley, the entrance shall be set back at least ten feet (10') from the rear lot line.

**17.20.040: R-1 RESIDENTIAL DISTRICT BUILDING HEIGHT:**

A. The maximum building height in the R-1 District shall be as follows:

1. Maximum height for principal building uses shall be Thirty feet (30).
2. Maximum height for accessory buildings shall be twenty feet (20').

**17.20.050: R-1 RESIDENTIAL DISTRICT USE RESTRICTIONS:**

It shall be unlawful for any person to park or store, or allow the parking or storing of, any truck tractors or semitrailers, or recreational vehicles upon any vacant lot located and situated within R-1 unless such use is allowed during construction. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**CHAPTER 17.24 R-2 RESIDENTIAL DISTRICTS**

**17.24.010:** **R-2 RESIDENTIAL DISTRICT PERMITTED USES:**

1. Uses permitted in the R-2 District are as follows:
2. Commercial telecommunication towers, antennas, monopoles, or other devices designed to carry telecommunications transmitting and receiving equipment. Commercial telecommunication towers are subject to approval by the Dayton Town Governing Body.
3. Two-family dwelling for not more than two (2) families when housed in a single detached building.
4. Office for a doctor, dentist, or other practitioner of the healing arts; attorney; architect; engineer; surveyor; accountant, realtor, salon, or barbershop; provided, that such uses shall be located only in a one-story building and only on a lot adjacent to or directly across a street from a Business District.
5. Private club or lodge, except those where the chief activity is a service customarily carried on as a business.
6. Townhouses or condos which shall be no more than two (2) dwelling units per lot.
7. On lots containing the above-described use, accessory buildings are used primarily for storage that does not exceed twenty feet (20’) in height.
8. Cul-de-sacs shall be no longer than five hundred feet (500’) from the center of the turnaround to the centerline of the last intersecting street which is not a cul-de-sac. All cul-de-sacs shall have a minimum curb radius of fifty feet (50’), a minimum right-of-way radius of sixty feet (60’), and be connected to the street right-of-way by a reverse curve of a seventy-five-foot (75’) radius.

**17.24.020: R-2 RESIDENTIAL DISTRICT MINIMUM LOT AREA:**

1. Minimum Lot Area: The minimum lot area shall be ten thousand five hundred (10,500) square feet for a one-unit dwelling or any use allowed in R1; and twelve thousand (12,000) square feet for a two-unit dwelling. The minimum lot area for all other uses shall be ten thousand five hundred (10,500) square feet.
2. Minimum Lot Width: Seventy five feet (75’).

**17.24.030: R-2 RESIDENTIAL DISTRICT SETBACK REQUIREMENTS:**

1. The yard setback requirements in the R-2 District are as follows:
	1. Minimum front yard: Twenty feet (20’).
	2. Minimum side yard: Ten feet (10’) on one side and ten feet (10’) on the other side, except that on corner lots, the setback for all buildings shall be twenty feet (20’).
	3. Minimum rear yard: Where an easement is platted, the setback will be eighteen feet (18’). Where no easement is platted, the setback will be ten feet (10’).
	4. Garage or Carport: The entrance side of garage or carport: The entrance side of a garage or carport shall be set back at least twenty feet (20’) from the access street, except that in the case of an alley, the entrance shall be set back at least ten feet (10’) from the rear lot line.

**17.24.040: R-2 RESIDENTIAL DISTRICT BUILDING HEIGHT:**

1. The maximum building height in the R-2 District shall be as follows:
	1. Maximum height for principal building: Thirty feet (30).
	2. Maximum height for accessory building: Twenty (20’).

**17.20.050: R-2 RESIDENTIAL DISTRICT USE RESTRICTIONS:**

It shall be unlawful for any person to park or store, or allow the parking or storing of, any truck tractors or semitrailers, or recreational vehicles upon any vacant lot located and situated within R-2 unless such use is allowed during construction. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**CHAPTER 17.24. RESERVED**

**CHAPTER 17.28 R-3 RESIDENTIAL DISTRICTS**

**17.28.010: R-3 RESIDENTIAL DISTRICT PERMITTED USES:**

1. Uses permitted in the R-3 District are as follows:
2. Any use permitted in the R-2 District.
3. Multi-family dwelling containing three (3) or more dwelling units, apartments, townhouses or condominiums.
4. Storage garages and parking lots for storage in conjunction with two or multi-family dwellings.
5. Boarding or lodging house.
6. Homes for children or the aged, professional offices, funeral homes or mortuaries.
7. Accessory buildings used primarily for storage which does not exceed twenty feet (20’) in height.
8. Cul-de-sacs shall be no longer than five hundred feet (500’) from the center of the turnaround to the centerline of the last intersecting street which is not a cul-de-sac. All cul-de-sacs shall have a minimum curb radius of fifty feet (50’), a minimum right-of-way radius of sixty feet (60’), and be connected to the street right-of-way by a reverse curve of a seventy-five-foot (75’) radius.S

**17.28.020: R-3 RESIDENTIAL DISTRICT MINIMUM LOT AREA:**

1. Minimum Lot Area: The minimum lot area shall be ten thousand five hundred (10,500) square feet for a one-unit dwelling or any use allowed in R2; and twelve thousand (12,000) square feet for a two or more unit dwelling. The minimum lot area for all other uses shall be ten thousand five hundred (10,500) square feet.
2. Minimum Lot Width: Seventy five feet (75’).

**17.28.030: R-3 RESIDENTIAL DISTRICT SETBACK REQUIREMENTS:**

1. The yard setback requirements for the R-3 District are the same as the R-2 District.

**17.28.040: R-3 RESIDENTIAL DISTRICT BUILDING HEIGHT:**

A. In the R-3 District the maximum building heights are as follows:

1. Maximum height for principal building: Fifty feet (50’);
2. Maximum height for accessory building: Twenty feet (20').

**CHAPTER 17.32 B-1 BUSINESS DISTRICTS**

The general business district is intended to provide a focal area for the community's business, government services, and cultural activities. It is intended to describe attached, multi-story level structures with up to total lot coverage. Businesses in this area depend primarily on on-street parking and pedestrian circulation.

**17.32.010: B-1 BUSINESS DISTRICT PERMITTED USES:**

1. Uses permitted in B-1 Business District:
	1. Any use permitted in R-3 Residence District.
	2. Recreational vehicle parks are permitted by conditional use only, which will be considered by the Town Governing Body and in adherence to Chapter 17.69 of this Title.

* 1. Any commercial retail business, including but not limited to a restaurant, bakery, bank, salon, barbershop, theatre, or professional office.
1. Accessory Buildings not to exceed twenty-five (25’) feet in height.

**17.32.020: B-1 BUSINESS DISTRICT USE RESTRICTION:**

A. Signs:

1. Signs shall be limited to on-premise signs, and shall not impede pedestrians or traffic, or cause driver invisibilities.
2. Illuminated and electronic signs shall be prohibited unless such use is approved through a Conditional Use Permit which shall be approved by the Town Governing Body

B. Manufacturing:

1. There shall be no manufacturing, compounding, processing, or treatments of products other than that which is clearly incidental and essential to a business where all such products are customarily sold or used on the premises.

C. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a Residential District**.**

D. All business, service, repair, processing, storage, or merchandise displayed on a property abutting or facing a lot in a Residential District shall be conducted wholly within an enclosed building unless screened from the Residential District by a sight-obscuring fence permanently maintained at least six feet (6') in height.

E. Openings to structures on sides adjacent to or across the street from a Residential District shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on Residential Properties.

F. Motor vehicle, boat or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement except in those portions of the lot maintained as landscape area. A drainage plan shall be submitted to the Town and approved by the Governing Body prior to beginning business operations. The Governing Body may approve the plan if the plan provides sufficient assurance that any neighboring lot will not be affected by surface water drainage in amounts that are greater than the historical surface water drainage of the affected property. The Governing Body may require the lot owner to hire an engineer to develop a drainage plan.

**17.32.030: B-1 BUSINESS DISTRICT LOT SIZE:**

A. The lot size requirements in the B-1 District are as follows:

1. Minimum lot area: Three thousand (3,000) square feet;

2. Minimum lot width: Twenty-five feet (25').

**17.32.040: B-1 BUISNESS DISTRICT SETBACK REQUIREMENTS:**

A. The yard setback requirements for the B-1 District are as follows:

1. *Front Yard*. In those portions of the B-1 Business District which occupy part of the frontage on one side of the street between two intersecting streets and the remainder of the frontage is in a Residence District, the front yard requirements shall be the same as those of the Residence District in the remainder of the frontage. In all other locations in the B-1 Business District no front yard shall be required.

2. *Back lot line*. A lot abutting a Residential District on the back lot line shall be subject to the abutted lot Residential District minimum rear setback requirement.

3. *Side yard*. Buildings used for nonresidential purposes need not provide a side yard except that any building located side yard line facing or abutting a Residential District shall provide a side yard of not less than five (5) feet on the side adjoining the Residential District.

**17.32.050:** **B-1 BUSINESS DISTRICT BUILDING HEIGHT:**

A. In the B-1 District, the following building height requirements apply:

1. The maximum height for the principal building shall be fifty feet (50'), except that structures abutting of Residential Districts, shall not exceed Thirty feet (30') in height.
2. Maximum height for accessory buildings: Twenty-five feet (25').

**17.32.060. – USE LIMITATIONS**

1. All business establishments shall be retail, service, or wholesale establishments. No business shall operate as an adult oriented business or sell adult media.
2. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential district.
3. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
4. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
5. Motor vehicle, boat or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement except in those portions of the lot maintained as landscape area.
6. No business or person shall sell, transfer, buy or offer for sale hypodermic needles or devices designed or intended for use, ingesting, inhaling or otherwise introducing into the body a controlled substance as defined by the Wyoming Controlled Substances Act or bong, pipe or other inhalant device which is advertised or marketed for the purpose of consumption or inhalation of marijuana or marijuana derivative.

**17.32.070. – OFF STREET PARKING:** See Chapter 17.40.120 of this title.

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**Chapter 17.36 Industrial District is RESERVED**

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**CHAPTER 17.40 GENERALLY APPLICABLE DISTRICT REGULATIONS**

**17.40.010: DISTRICT BOUNDARIES:**

Unless otherwise specified, district boundaries are lot lines or the centerline of streets, alleys, railroad right of way, or such lines extended. Where a district divides a land parcel under a single ownership into two (2) districts, then the area of the lot subject to a respective zoning district shall govern the use of that respective area.

Each parcel of property in any district shall be provided with water and sanitary sewer connections to town facilities. Furthermore, connections shall not cross adjacent properties.

**17.40.020: MINIMUM LOT AREA:**

No lot area, yard or other open space, or required off-street parking or loading area shall be reduced in area, dimension or size below the minimum required by this Title, nor shall any lot area which is required by this Title for one use be used as the lot area, yard, or other open space or off-street parking or loading area requirement for any other use.

**17.40.030 EXCEPTIONS; LOT SIZE REQUIREMENTS:**

If, after the passage of this ordinance, a lot or the aggregate of contiguous lots or land parcels has an area or dimension which does not meet the lot size requirements of the district in which the property is located, the lot may be used in any manner permitted in the district subject to the other requirements of the district and shall be deemed a nonconforming use.

**17.40.040: EXCEPTIONS; BUILDING HEIGHT:**

The following types of structures or structural parts are not subject to the building height limitations of this title: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, masts, aerials, cooling towers, elevator shafts, telecommunication towers, and other similar projections. Provided, however, that some of these structures may require special permits prior to installation.

**17.40.050: ACCESS REQUIREMENTS:**

All lots shall abut astreet other than an alley.

**17.40.060: SCREENING:**

1. Junk yards (salvage yards) shall be screened with an eight foot (8') high opaque, solid fence or earth berm so as to provide visual and aural separation between such use and adjacent areas.
2. No fence or screening plant materials shall be placed on a corner lot or within fifty feet (50') of the corner exceeding a height of four feet (4'). No such fence or screening plant materials shall be placed within the public rights-of-way.
3. Any fence or screening plant material that is to be placed on a corner lot or within fifty feet (50') of the corner shall require a building permit prior to construction or placement of the screening plant materials or fence.
4. Screening Plant Materials must be sufficient in size and thickness to provide equivalent screening as an opaque fence.

**17.40.070: ANIMALS:**

1. Cows, horses, sheep, or goats shall not be kept on lots having an area of less than one (1) acre,. An owner of multiple lots may combine lots to equal 1 acre provided that there are no fences separating the lots.
2. Domestic rabbits shall not be kept on lots having an area of less than one-half (1/2) acre.
3. Domestic fowl as defined in Title 6, shall be allowed as per conditions defined in Ordinance #421.
4. On lots of one (1) acre or more, animal runs, and barns shall be located on the rear half of the lot but no closer than seventy feet (70') from the front lot line nor closer than fifty feet (50') from any residence.
5. Animals, chickens, and fowl shall be properly caged or housed and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in (metal or other \rodent-proof) containers. (See Title 6, Ordinance #421)
6. Should the owner or owners of livestock, chickens or other fowl allow or cause to allow, livestock, chickens or other fowl to create a nuisance by neglect, unsanitary health conditions, excessive odor, or should such livestock, chickens or other fowl cause property damage, the owner may be charged with a misdemeanor violation. Further, such violation may be declared a nuisance, and such action be required to cease and be abated.

**17.40.80: DRIVE-IN FACILITIES:**

Any use that intends to be conducted with persons desiring to remain in their automobiles or which allows products to be consumed on the premises outside the principal building must submit a site plan to be reviewed and approved by the Governing Body. In reviewing and approving the site plan for such a use, the Governing Body must be satisfied that the traffic circulation on and adjacent to the site conforms to the following criteria:

A. Traffic circulation shall be arranged so that internal pedestrian and vehicular movement are compatible and traffic hazards are minimized.

B. Traffic circulation, ingress and egress shall be arranged so as to avoid hazardous or adverse effects on adjacent sites and streets.

**17.40.90: STORAGE**

* 1. In no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted to be stored in any district. Such vehicles are permitted to temporarily park for the purpose of conducting deliveries.
	2. It shall be unlawful for any person to park or store, or allow the parking or storing of, any truck tractors, semitrailers, or recreational vehicles upon any vacant lot located and situated within any district unless such use is allowed during construction or by conditional use permit.

**17.40.100: OFF-STREET PARKING REQUIREMENTS OF THE TOWN ARE AS FOLLOWS**:

|  |  |  |
| --- | --- | --- |
|  | **Use** | **Standard** |
| Residential Uses   |   |
|   | One-family dwelling andmulti-family dwellings   | 2 spaces per dwelling unit. (Portions of driveways not located on public rights of way are defined as usable off-street parking spaces.)   |
| Commercial and business   | 1 space per 300 square feet of floor area, plus 1 space per 2 employees   |

 **17.40.110: OTHER SIGNS**

1. *Temporary Signs*. Temporary signs and shall be no larger than six (6) square feet and must be located solely on the premises of the sign owner. Temporary signs shall not be placed within the public right-of-way. Temporary signs may not be erected earlier than thirty (30) days before an event and must be removed within ten (10) days after the event.
2. *Subdivision Development Sign*. A temporary subdivision sign shall be approved as part of the subdivision approval. The sign shall not exceed forty-nine (49) square feet in area. The sign shall be reduced in size by six (6) square feet for each lot less than eight (8) in a subdivision. The sign shall be removed upon all lots having been sold. Electronic signs are prohibited.
3. *Business District.* Signs shall not be more than four hundred (400) square feet in area. Signs shall not be permitted within fifty feet (50') of a Residential District, a public park, or a school unless specifically allowed by Town Ordinance. Should other portions of the Town Code provide for different sign size restrictions or place, the most restrictive provision shall control.

G. *Nonconforming Signs*:

* 1. A nonconforming sign shall not be enlarged or altered in such a manner as to increase its nonconformity; however, any sign or portion thereof may be altered to decrease its nonconformity.
	2. If a nonconforming sign or nonconforming portion thereof is destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost, it shall not be reconstructed except in conformity with the applicable provisions of this Title.
	3. If a nonconforming sign should be moved from its location, it shall conform to the provisions of the district in which it is located.

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**CHAPTER 17.44 HOME OCCUPATION**

**17.44.010: HOME OCCUPATION REQUIREMENTS:**

A. Any commercial or nonresidential use in a residential district must be conducted entirely within a dwelling or accessory structure or conducted by the occupants of the dwelling. The home occupation shall remain incidental and secondary to the principal use,

1. Home occupations shall be governed by the following regulations:

1. Home occupations shall not occupy more than twenty percent (20%) of the total floor area of the primary structure.

2. Home occupations shall be operated within an enclosed structure with no exterior storage of materials or equipment.

3. Home occupations shall not allow for the construction of any parking lot. Parking shall only be allowed in a residential driveway or on the street if allowed by Ordinance.

4. There shall be no visible evidence, except as allowed by this Chapter, of the operation and it shall not change the residential character thereof.

5. The operation shall not substantially increase traffic in the area. The Town may require the operator to perform a traffic study to determine traffic impact.

6. The operation shall not create odor, dust, smoke, noise, vibration or other similar causes. No manufacturing or industrial processing shall be permitted.

7. One unlit sign may be mounted flush on the structure and shall not have a surface area greater than three (3) square feet.

8. The occupation shall not employ any other person except for occupants of the residence.

9. No accessory buildings shall be constructed solely to conduct a home occupied business.

10. Any person violating this Chapter, may be cited into Municipal Court and subject to a fine and sentence as allowed by Wyoming Statute for any misdemeanor. Further, the Court shall have the right to order the home occupation to cease operation if it finds that the home occupation is not capable of complying with this Chapter or repeated violations.

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**CHAPTER 17.48 GRANDFATHER CLAUSE AND NONCONFORMING USES**

**17.48.010: CONTINUATION**: Subject to the provisions of this Title, a nonconforming structure or use may be continued and maintained in reasonable repair but shall not be altered or extended. The extension of a nonconforming use to a portion of a structure that was arranged or designed for the nonconforming use at the time of passage of the ordinance codified in this title is not an extension of a nonconforming use. A complete record of the location, values, nature, and extent of all nonconforming uses shall be made and kept by the designated official.

**17.48.020: BUILDING COMPLETION**: Nothing contained in this title or designated use of a building for which a building permit has been issued and construction work has commenced prior to the adoption of this title, except that if the designated use will be nonconforming it shall, for the purpose of this chapter, be a discontinued use if not in operation within two (2) years of the date of issuance of the building permit.

**17.48.030: ESTABLISHED BUILDING AND USES**: Lawfully established buildings, structures, and uses in existence as of the passing of this ordinance shall be permitted to have their existing use or occupancy continued, provided such continued use is not declared a nuisance or deemed unsafe by the Governing Body. The structure or use shall be kept in reasonable repair not altered or extended except as allowed by this Chapter. This provision does not grant a right to be grandfathered if the owner or user of the property was committing an illegal act prior to the passing of this ordinance or had failed to obtain a variance.

**17.48.040: CREATION OF NONCONFORMITY**: Removal, changes, or alterations that create a nonconformity as determined by the authorized Town Official shall only be allowed upon the approval of a Conditional Use Permit by the Board of Adjustments**.**

**17.48.050: REPAIRS AND ALTERATIONS**: Additions, alterations, or repairs shall be permitted to be made to any nonconforming building or use existing as of the codification of this ordinance without obtaining a variance, provided that no alterations, repairs or enlargement would increase the size or degree of nonconformity.

**17.48.060: ABANDONMENTS**: A nonconforming use or building may be considered abandoned:

1. When the owner cannot demonstrate the use or occupation of the nonconforming use or building for six (6) consecutive months; or
2. When it has been replaced by a conforming use.

**17.48.070: ILLEGAL USES BUILDINGS**: Uses or buildings that were illegally established prior to the codification of this ordinance shall remain illegal.

**17.48.080: MOBILE HOME**: When a mobile home has been removed from a property, any dwelling placed back on the property must conform to underlying residential zoning requirements. Transfer of ownership of a nonconforming mobile home and the site shall be allowed. The rental of the mobile home or site shall be a violation of this Title and the mobile home shall not be permitted to remain on the site as a nonconforming use.

**17.48.090: NONCONFORMING LOTS OF RECORD:**

1. In any District in which a lot size fails to meet the district requirements after the codification of this ordinance, the lot shall be considered a nonconforming use.

**17.48.120. – DISTRICT BOUNDARIES CHANGED**.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification following Chapter 17.49, this chapter shall also apply to any nonconforming uses existing thereon.

**CHAPTER 17.49 REZONING PROCEDURE**

**17.52.010 Owner Rezone Application**

Before any owner may change the zoning district of any property located within Town jurisdiction, they shall be required to submit an application to the Town Planning Commission for review. The application shall include at minimum the following information:

1. The legal description of the real property which is proposed to be rezoned;
2. The name and address of each owner whose property is adjacent to the property proposed to be rezoned. The term adjacent shall include all property located across any street, river, or creek;
3. A correct GIS or cadastral map showing the real property to be rezoned and the adjacent property owners zoning district(s);
4. The selection of the new zone for the applicant’s real property;
5. An explanation as to how the proposed zone will affect neighboring properties and zoning districts.

**17.52.020 Town Rezone Action**

The town may change a property’s zone upon its own provided the following terms and conditions are met.

1. The Town shall provide notice of its intent to rezone real property by publishing notice of a public hearing at least 15 days before the public hearing in accordance with W.S. 15-1-602. A public hearing shall be required for the both the Planning Commission and the Dayton Town Council
	1. Notice shall be mailed certified to the last known mailing address of each property owner located within 140 feet, excluding intervening streets and alleys, of the of the proposed rezone property boundary.
	2. The Notice shall include the legal description and address of the real property to be rezoned, list all owners of record for the real property to be rezoned, and state the current zoning district and proposed new zoning district for the real property.
2. Should 20% of the property owners or 20% of those located within 140 feet of the proposed rezone file a written protest, in accordance with W.S 15-1-603, the rezone shall only be approved upon a ¾ affirmative vote of the Governing Body.

**17.52.030 Planning Commission Review**

Upon either an owner of real property or the Town applying to rezone real property, the application shall be given to the Town Clerk for processing as follows:

1. The Town Clerk shall review the application for completeness within ten (10) business days of receipt. Upon the application being deemed complete, the Town Clerk shall send the application to the Planning Commission to consider at their next regularly scheduled meeting.
2. Within forty-five (45) business days of receipt of the application by the Planning Commission, a public hearing shall be scheduled.

The Town shall provide notice of its intent to rezone real property by publishing notice of a public hearing at least 15 days before the public hearing in accordance with W.S. 15-1-602. Notice shall be mailed certified to the last known mailing address of each property owner located within 140 feet, excluding intervening streets and alleys, of the of the proposed rezone property boundary.

1. The Planning Commission shall take and receive written and oral comments at the public hearing.
2. Upon completion of the public hearing, the Planning Commission shall make a recommendation to the Town Governing Body whether to approve, disapprove, or approve with conditions the rezone application.

**17.52.040 Governing Body Hearing**

Upon the Planning Commission submitting its recommendation to the Town Governing Body, the Governing Body shall hold a public hearing within thirty (30) business days.

The Town shall provide notice of its intent to rezone real property by publishing notice of a public hearing at least 15 days before the public hearing in accordance with W.S. 15-1-602. Notice shall be mailed certified to the last known mailing address of each property owner located within 140 feet, excluding intervening streets and alleys, of the of the proposed rezone property boundary.

1. At the public hearing, the Governing Body shall take and receive written and oral comments, hear testimony, and may request evidence.
2. Upon completion of the public hearing, the Governing Body may:
	1. Table the rezone for future meetings provided that a decision is rendered within forty-five (45) business days.
	2. Approve Rezone – upon approval, the new ordinance shall be published as required by Wyoming Statute and be effective ten (10) business days after the approval. The Town Clerk shall take all necessary action to update the official Town zoning map.
	3. Approve with Conditions – approval with conditions shall only be used when the record has shown that information or necessary documents are needed to be filed or resolved before the rezone can be effective. The Governing Body may not limit the proposed use of the property.
	4. Deny the application. The applicant may resubmit their application at any time but will be required to restart the application process.
3. Decision: The final decision to allow or deny the rezone application shall include to the following::
	1. The application to rezone is complete.
	2. The notice requirements set forth above have been met.
	3. The proposed zone is not contrary to the use, nature and purpose of the adjacent properties.
	4. The proposed zone is not contrary to the long-term planning goals and plans of the Town.
	5. Town utilities and infrastructure are adequate to serve any allowed use within the proposed zone.
4. Issuance of Decision: the Governing Body's final decision shall be in the form of a written resolution and address each of the above findings.

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**CHAPTER 17.54 RECREATIONAL VEHICLE PARKS and CAMPGROUNDS**

**17.56.010: PURPOSE AND INTENT:**

A. *Purpose:* The purpose of this Chapter is to provide regulations for the construction and operation of recreational vehicle parks in the Town of Dayton in order to promote, protect, and secure the public health, safety, and general welfare.

**17.54.020: APPLICABILITY:**

The standards and requirements in this Chapter shall apply to any person operating, constructing, or maintaining a recreational vehicle park within the Town or surrounding area under the jurisdiction of the Town of Dayton.

**17.54.040: LOCATION REQUIREMENTS GENERALLY:**

A. *Location of Recreational Vehicles*: "Recreational vehicle" as defined in this Title, shall not be used at any place within the Town for living quarters. Designated recreational vehicle parks, camping areas, or overnight trailer parks shall not be permitted to offer year-round living quarters. Nothing in this Chapter shall be construed to prohibit the owner or other person having charge or control of a private lot, from permitting a nonresident of the Town to park a recreational vehicle thereon and live and sleep therein, for a period not to exceed two (2) weeks while visiting family or friends unless covenants to subdivisions prohibit such act.

**17.54.050: ZONING:**

All recreational vehicle parks shall be located only within the B-1 Business District.

**17.54.060: PERMITS; REQUIRED:**

A. *Permit*: It is unlawful for any person to construct, enlarge, alter, or improve a recreational vehicle park, or to cause the same to be done unless such person holds a valid permit issued by the Town Governing Body.

**17.54.070: PERMITS; APPLICATION PROCEDURE:**

A. *Intent:* In order to achieve the general objectives, intent and purposes of this Chapter, preliminary site plans or recreational vehicle parks proposed for construction, alteration or extension shall be submitted to the Town Planning Commission for review. In reviewing the site plan for a proposed recreational vehicle park, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this chapter and all other town and state ordinances. Further, in consideration of each site plan, the Planning Commission shall endeavor to assure that the movement of vehicular and pedestrian traffic within the site and in relation to access streets shall be safe and convenient and that provisions are made so that the proposed recreational vehicle park will be compatible to the existing and future uses in the immediate area and vicinity.

B. *Content of Application:* In order to obtain site plan review by the Planning Commission, the application shall contain the following information:

1. Name, address and telephone number of recorded applicant; or his representative or qualified person preparing the plans;

2. Legal interest of the applicant in the recreational vehicle park;

3. Location and legal description of the proposed park;

4. Preliminary plans and specifications of the proposed park showing:

a. The area and dimensions, drawn to scale, of the tract of land and approximate acreage,

b. The number, location and size of recreational vehicle spaces,

c. The location and width of roadways, walkways and parking areas, and access to public thoroughfare,

d. The location of service buildings and any other proposed permanent structures,

e. The location and size of natural features, including topography, wetland and any anticipated changes in these features,

f. The size, location and design of recreational facilities if any,

g. Location, size and specifications of existing sewer, water, gas, raw water, and electric power lines, with proposal for extension and connection of new lines, or requirements for new sewage disposal and water supply systems,

h. A topographic and drainage grading plan to ensure a well-drained site, properly graded for elimination of stagnant pools of water,

i. Extra boundary privacy/screening fencing adjoining residential houses.

5. Preliminary plans for review shall be filed with the town clerk for distribution to the Planning Commission (2 copies). Plans shall be drawn to appropriate scale to show adequate detail, but not smaller than a scale of one inch to one hundred feet (1" = 100').

6. After review and recommendation by the Planning Commission, three (3) copies of the application exhibits shall be submitted to the town council for final review and preliminary approval before issuance of a building permit. In order to start construction, the applicant shall submit to the Town Governing Body final and complete construction plans in conformance with the requirements of the Town Governing Body and the provisions of this chapter. If the plans are approved the Town Governing Body shall issue a building permit.

C. *Financial Responsibility:* Any person submitting an application shall be prepared to present satisfactory evidence of financial responsibility, if requested by the Town Governing Body, that he is in a position to complete the proposed project.

D. *Schedule Of Construction And Development*: Any person presenting an application shall submit a schedule of construction for the project indicating intention to complete the entire development at one time, or what portion of the development will be completed in the first phase. Construction shall commence within a period of one year following the approval of the Town Governing Body, and at least the first phase of the development shall be completed within a period of two (2) years from the date of approval.

**17.54.080: SIZE, ACCESS AND STORAGE REQUIREMENTS:**

A. *Park Size and Density*: Each recreational vehicle unit in every recreational vehicle park shall contain not less than six hundred twenty-five (625) square feet of ground area, and shall not be less than twenty feet (20') in minimum width measured at right angles to the sidelines thereof. The boundary lines of every recreational vehicle unit shall be plainly and permanently marked, or otherwise indicated. There shall be a clearance of not less than ten feet (10') between recreational vehicles, or recreational vehicles and other buildings. There shall be a clearance of not less than ten feet (10') between recreational vehicles and the interior property lines of a recreational vehicle park, and not less than five feet (5') from any driveway. There will be a setback clearance from the property lines of not less than ten feet (10').

B. *Minimum Off-Street Parking Requirements*: As allowed in B-1 Business District.

C. *Service Building*: A service building shall be provided in recreational vehicle parks to contain community lavatories, toilets, urinals, showers, and laundry area or other community facilities for the benefit and exclusive use of the occupants of the recreational vehicle park. Any service building shall be a permanent structure complying with applicable state standards. There shall be no rental housing units on the property other than a service building or residence for the manager/owner.

D. *Skirting:* No recreational vehicle may be permanently attached to the ground. No recreational vehicle may be permanently connected to the Town of Dayton utilities. No skirting of the vehicle or camper is allowed, no hay bales, no foam boards or blocks are allowed. The wheels must remain on the camper or vehicle.

**17.54.090: UTILITIES:**

A. All sanitary sewage utilities and water facilities including connections provided to individual recreational vehicle spaces shall be connected to the Town sewer and water systems and shall be installed to conform to the requirements of the town, and all applicable state standards. Plant investment fees are applicable according to pipe size used to connect to the main water and sewer lines.

B. Plumbing connections to each recreational vehicle space shall be so constructed that all lines are protected from freezing, from accidental bumping or from creating any type of nuisance or health hazard.

C. Storm drainage facilities shall be so constructed as to protect those that will use the recreational vehicle park, as well as the property owners adjacent to the park. Such facilities shall be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the recreational vehicle park.

D. All electric, telephone and other lines within the recreational vehicle park and to each recreational vehicle space, shall be underground. When meters are installed, they shall be uniformly located. All electrical wiring and installation, in all recreational vehicle parks shall conform with requirements of the Town, and all applicable state standards. Each recreational vehicle space shall be provided with a weatherproof electrical service having a minimum rating of one hundred (100) amperes, 110/220 volts.

E. Facilities for the storage and disposal of trash and garbage in a neat and sanitary manner must be held in a central location and to be determined on approval by the authorized Town Official.

F. Yard lights shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively related to buildings, trees, walks, steps and ramps.

G. Pets must be contained within the park and on a leash.

**17.54.100: LANDSCAPING:**

A. After obtaining approval of the recreational vehicle park preliminary site development plans by the Town Governing Body, the applicant shall submit a landscaping plan which includes fencing and planting as part of the final project development plans for final review by the Planning Commission and Town Governing Body, before a permit for construction may be issued.

**17.54.110: FIRE EXTINGUISHING REQUIREMENTS**

A. Fire hydrants shall be provided by the developer and an easement granted to the Town for the feeder line from the main to the hydrant. The Town shall own the hydrant and the responsibility of maintenance or replacement after the installation has been inspected and approved by the Town.

B. Fire hydrants shall be provided and located within three hundred feet (300') of any recreational vehicle space, service building or other permanent structure.

**17.54.120: BONDS FOR IMPROVEMENTS REQUIRED:**

A. The developer shall be required to provide a cash bond in an amount determined by the town council guaranteeing the completion of the development, the open space, landscaping plans, or any other uncompleted required work. When completed in accordance with the approved plan, the bond shall be released. If uncompleted at the end of a two (2) year period, the Town will review the progress and may proceed to use the bond funds to make or complete the improvements in accordance with the approved plans. The bond shall be approved by the Mayor andthe Town Governing Body and shall be filed with the Town Clerk.

**17.54.130: REZONE FOR NONUSE:**

A. Whenever a property, with the zoning classification of recreational vehicle park district ceases to be used for such purpose for a period of two (2) years; the Town Governing Body may initiate appropriate action to rezone the property to its former district zoning or other zoning.

**17.54.140: MANAGEMENT AND OPERATION:**

A. *Office*: All recreational vehicle parks shall be provided with an office.

B. *Responsibilities of The Management*:

1. The management shall maintain a register containing the names of all residents identified by space number. Such register shall be available to any authorized person inspecting the recreational vehicle park. =