

**ORDINANCE NO. 435**

**AN ORDINANCE CODIFYING TITLE 14 OF THE CODE OF THE TOWN OF DUBOIS  
PERTAINING TO ZONING**

NOW THEREFORE be it ordained by the governing body of the Town of Dubois as follows:

PASSED ON FIRST READING	April 11, 2018
PASSED ON SECOND READING	August 22, 2018
PASSED ON THIRD READING	April 14, 2021


PASSED AND ADOPTED, AND APPROVED by the Mayor and the Town Council on this 14<sup>th</sup> day of April, 2021.

THE TOWN OF DUBOIS  
A Municipal Corporation

By:


  
\_\_\_\_\_  
Mayor John Meyer

ATTEST:

  
\_\_\_\_\_  
Sandy Hust, Town Clerk

**ATTESTATION**

I, Sandy Hust, Clerk of the Town of Dubois, attest that Ordinance No. 435 was passed and was adopted and approved by the Governing Body of the Town of Dubois on the 14<sup>th</sup> day of April, 2021. I further certify that the above proclamation ran at least once in the Dubois Frontier, a newspaper of general circulation within Dubois, Wyoming, the effective date of publication, and therefore the effective date of enactment being April 22, 2021. I do further certify that the Mayor of the Town of Dubois, Mayor John Meyer, has signed Ordinance No. 435 this 14<sup>th</sup> day of April, 2021.

  
\_\_\_\_\_  
Sandy Hust, Town Clerk

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**CHAPTER 1 GENERAL PROVISIONS**

**14-1-1**            **Short title**

This title shall be known and may be cited as the Zoning Ordinance.

**14-1-2**            **Penalty**

Any person who violates this Title, upon conviction, shall be fined not less than \$25.00 nor more than \$750.00 for each offense. A separate offense shall be deemed committed on each day or a part of each day during which a violation occurs or continues. This paragraph does not preclude the Town from taking any appropriate action to abate, prevent or remedy a violation of any provision of this section.

**14-1-3**            **Enforcement**

The Law Enforcement Officer or Building Official shall have authority to enforce the provisions of this Title.

## CHAPTER 2 - DEFINITIONS

### 14-2-1

#### Definitions

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word “structure” includes the word “structure”; the term “used”, and the term “occupied” include the words “arranged, designed or intended to be occupied.”

For the purpose of this title certain terms and words are herewith defined as follows:

“Accessory Structure” means a structure subordinate to the main structure on the same lot.

“Alley” means a minor public right-of-way which affords only a secondary means of access to abutting property.

“Approved” means acceptable to the health authority following a determination as to conformance with appropriate standards and good public health practice.

“Assisted Living Facility” - Means a dwelling or rooming house operated by a person, firm or corporation engaged in the business of operating a facility for the purpose of letting rooms for rent and providing meals, personal daily living care and limited nursing care for persons not related to the owner. The facility shall obtain all necessary federal, state, and local certifications.

“Basement” - For the purpose of this title, a “basement” is construed to be a story partly or wholly below the ground level upon which another story is intended to be built.

“Bed and Breakfast Inn” - An establishment, other than a hotel, that provides meals and one or more guestrooms for lodging for periods of less than thirty (30) days in exchange for compensation. Bed and breakfast inns shall be in private owner-occupied homes or other small structures which otherwise conform to the applicable zoning regulations.

“Board of Adjustment” - The Board of Adjustment of the Town of Dubois.

“Boardinghouse” means a structure where for compensation lodging and/or lodging with meals are provided.

“Building” - means a structure for the support, shelter or enclosure of persons, animals or chattels.

“Dependent tent, truck camper or recreational vehicle or “camper” means a tent trailer, recreational vehicle, or truck camper which does not have a flush toilet and a bath or shower.

“Dwelling, Multi-Family” - means a single residential structure containing two or more families living independently of each other.

“Dwelling, Single-Family” - means a residential dwelling unit detached from any other structure, designed for the use of one family only, and having one kitchen, one meter for measuring gas, one meter for measuring electric current, and one water meter.

“Family” - A family is any number of persons living and cooking together on the premises as a single housekeeping unit, but it shall not include a group of more than five individuals not related by blood or marriage.

“Frontage” - Frontage means all the property abutting upon one side of a street between two intersecting streets, measured along the street line.

“Garage, community” - means a garage consisting of a series of stalls under a continuous roof for storing self-propelled vehicles, provided the lot where on such garage is located contains not less than one thousand square feet for each vehicle stored.

“Garage, private” - means a garage with capacity for not more than three self-propelled vehicles for storage only; provided, however, a private garage may exceed a three-vehicle capacity if the lot where on such garage is located, contains not less than two thousand square feet for each vehicle stored.

“Garage, public” - means a garage other than a private or community garage used for storage or care of more than three self-propelled vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

“Grade established” - means the grade of the ground closest to the top of foundation.

“Health Care Facility” — means the types of facilities as governed to be licensed and/or certified by the Wyoming Department of Health, Office of Healthcare Licensing and Surveys.

“Health and Retirement “G” is intended to provide progressive care by a compatible mixture of independent retirement residential homes and health care and medical services. All facilities shall follow applicable Statutes of the State of Wyoming and Rules and Regulations of the Wyoming Department of Health. All facilities shall obtain licensing and certification from appropriate Federal and State agencies.

“Height” - *See Grade, established* - the height of a structure is the vertical distance from the ground level closest to height of foundation.

“Hotel/Motel” means a structure provided as a temporary lodging place of individuals for compensation.

“Lot” - A lot is a parcel of land occupied by one main structure or use, with its accessories, and including the open spaces accessory to it. No area shall be counted as accessory to more than one main structure or use, and no area necessary for compliance with the open space requirements for one main structure or use shall be included or counted in the calculations of the open space accessory to any other main structure or use. A lot is the land shown as a lot on a recorded plat. See Lot of Record.

“Lot, corner” - means a lot situated at the junction of two or more streets.

“Lot lines” - means the lines bounding a lot as defined herein.

“Lot, side” - means a lot line that is neither a front nor rear lot line. On a corner lot, the longer lot line which abuts a street is a side lot line.

“Lot, through” - means an interior lot having frontage upon two parallel or nearly parallel streets.

“Main Structure, business” - means a structure that is used for a business.

“Main Structure, residential” - means a dwelling and multi-residential structure.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. A single prefabricated structure designed for transportation after fabrication, on streets and highways on its own wheels and chassis and arriving at the site where it is to be occupied as a dwelling, complete and ready for assembly operations, location on jacks or permanent foundation, connections to utilities and the like, and including all potable contrivances used generally for living and sleeping quarters, towed or transported by another vehicle and cannot qualify as a modular structure. This definition also includes manufactured

homes with a vehicle identification number. The term "manufactured home" does not include a "recreational vehicle."

#### Class I - Double Wide

The term "manufactured home" shall include any structure that is certified to have been manufactured in accordance with the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.

Single-family residences, including double-wide manufactured houses which are constructed twenty (20) years from the building permit application or newer.

- a. Minimum width requirement 20'.
- b. Roofing will be pitched with standard roofing materials.
- c. Be within the terms of the HUD Code for siding, windows, doors, and other appurtenances.
- d. Must be skirted

#### Class II - Single Wide

The term "manufactured home" shall include any structure that is certified to have been manufactured in accordance with the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.

Single-family residences, including double-wide manufactured houses which are constructed twenty (20) years from the building permit application or newer.

- a. Minimum width requirement 12'.
- b. Roofing will be pitched with standard roofing materials.
- c. Be within the terms of the HUD Code for siding, windows, doors, and other appurtenances.
- d. Must be skirted

#### “Modular Home”

A modular home means a home constructed in a factory, away from your property, in a controlled environment and then delivered to your job site. "Modular home" is the most common term used, but they are also known as - systems-built homes, factory-built and off-site construction. Modular homes are built to the same local, state, and regional codes as 100% site-built homes and are considered "real property."

“Manufactured Home Park” - A parcel (or contiguous parcels) of two or more lots and meeting all of the regulations of the Town of Dubois, the lots of which are intended to be sold, leased, or assigned for use by manufactured homes with vehicle identification numbers and/or license plates to create a suitable environment for long term residential occupancy. This definition does not include Recreational Vehicle Campgrounds.

“Nonconforming use” - means a structure or land occupied by a use that does not conform to the use regulations of the zone in which it is situated.

“Person” means person, firm, corporation, or association.



“Recreational Vehicle” - means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

“Rooming house” - See Boardinghouse.

“Sanitary station” means a facility provided for the emptying of self-contained tanks in travel trailers or other mobile sleeping quarters.

“Service building” means a building housing separate toilet and bathing facilities for men and women and also having laundry facilities and a service sink for cleanup uses.

“Short-Term Rental” - means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

“Side street” - means the street beside and running lengthwise with the lots in a block, as such lots are dedicated on a plat and recorded at the Fremont County Courthouse, in current use.

“Street” means a thoroughfare which affords a principal means of access to abutting property dedicated on a plat and recorded at the Fremont County Courthouse.

“Structure” - means anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground which is used for the support, shelter or enclosure of persons or animals means a walled and roofed building or modular home that is principally aboveground.

“Structural alteration” - means any change in the supporting members of a structure, such as bearing walls, columns, beams, or girders.

“Tent trailer” means a vehicle less than twenty feet in length with an expandable enclosure or canvas, fabric, or metal constructed in such a manner that temporary facility for sleeping is provided.

“Truck camper” means any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, constructed in such a manner as will permit temporary occupancy.

“Unit space” means a plot of ground within a park designated for the accommodation of one unit of a pre-designated type.

“Yard, Front” - A front yard is an open space on the same lot with a structure unoccupied except as hereinafter permitted, extending the full width of the lot, and situated between the front line of the lot and the front line of the structure projected to the side lines of the lot.

“Yard, Rear” - A ‘rear yard’ is an open space on the same lot with a structure, occupied except as hereinafter permitted, extending the full width of the lot, and situated between the rear line of the lot and the rear line of the structure projected to the side lines of the lot.

“Yard, Side” - A side yard is an open space on the same lot with a structure unoccupied except as hereinafter permitted, situated between the sideline of the structure and the adjacent sideline of the lot and extending from the rear line of the front yard to the front line of the rear yard. If there shall be no front yard, the front boundary of the side yard shall be the street line and if there be no rear yard, the rear boundary of the side yard shall be the rear line of the lot.

**14-3-1**      **Administrative officer**

This title shall be enforced by the Building Official, who shall be appointed by the Mayor and such appointment shall expire at the same time as the expiration of the Mayor's term of office. The Building Official shall have authority to grant permits in accordance with Titles 6 and Chapter 6, make inspections and to make all decisions necessary to properly carry out the provisions of this title. No oversight or dereliction on the part of the Official or his authorized assistants or on the part of any official or employee of the Town of Dubois shall legalize, authorize or excuse the violation of any of the provisions of this title. Where there is a conflict between Town Building, Town Zoning and other Ordinances, the Town Building Official shall require the more stringent standard. Applicants for Town Building permits assume all expense, responsibility, and liability for locating and complying with any applicable covenants, without regard to the issuance or denial of a building permit. It shall be the responsibility of the property owner to ensure compliance with federal, state, and local codes.

**14-3-2**      **Council authority - hearing**

The council of the Town of Dubois may by ordinance at any time, on its own motion or petition, or upon recommendation by the Board of Adjustment, amend, supplement, or change the regulations in this title or subsequently established; provided, however, that a public hearing shall first be held in relation thereto, after one publication of notice of the time, place, and the purpose of such hearing, in an official newspaper, at least fifteen days prior to such hearing.

**14-3-3**      **Protest against change**

In case, however, of a protest against such change, signed by the owners of twenty percent or more, either of the area of the lot included in such proposed change, or of the property within one hundred forty feet thereof (including property within one hundred forty feet of the opposite side of any alley or street adjacent thereto, and, in the case of corner property, within sixty feet of the property lines of the opposite street corner) such amendment shall not become effective except by the affirmative vote of three members of the town council.

**14-3-4**      **Petition for amendment**

Whenever the owners of more than fifty percent of the frontage of any proposed zone shall present to the council a petition duly signed and acknowledged, requesting an amendment to the zoning map, the council shall act upon such petition within ninety days after the filing thereof.

**14-3-5**      **Requirements for Building Permits**

No permit shall be issued by the Building Official for the excavation for, or erection of, a building, or part of building, or for repairs or addition to, or alterations of, or for moving any building or part of a building, or for the use of any premises, until a statement of the intended use has been filed by the applicant and unless the plans and intended use indicate that they building and premises are to conform in all respects to the provisions of this chapter, or unless such proposed building or use shall have been duly authorized by the Board of Adjustment.

All applications for building permits shall be accompanied by a plat in duplicate showing the lot to be built upon, the location of the building on the lot, accurate dimensions of building and lot and other information as may be necessary to provide for the enforcement of these regulations. A careful record of the original copy of such applications and plats shall be kept in the office of the Building Official and a duplicate copy shall be kept at the building at all times during construction. The Building Official shall require that lot lines be defined on the ground before construction of, or excavation for, a building is commenced.

1. Expiration. Every permit issued by the building official under the provisions of this code shall expire by and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made, or will be made, in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this Section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

2. Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code.
3. Fees. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by the Town Council from time to time. The fee for each permit shall be in accordance with the Values and Fees set forth in Table No. 1, attached hereto and incorporated herein. The determination of value shall be made by the building Official or official. The value to be used in computing the building permit fee shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. Further, the value determination by the building Official shall be in accordance with the BUILDING VALUATION DATA schedule found in the current edition of the Plan Review Manual, International Conference of Building Officials.

#### **14-3-6** **Proper Grade Required**

Before beginning any building construction, the applicant shall ascertain, from the Building Official, the proper grade for such lot; and the finished grade or surface level shall comply therewith, unless said applicant shall set forth, in his application for building permit, the grade desired; and receive, through the Building Official, the approval of the Town Council, therefore.

#### **14-3-7** **Certificate of Occupancy**

No land shall be used or occupied, except for farming, gardening, or recreational purpose, and no building hereafter erected, structurally altered or moved, shall be used, or changed in use until a certificate of occupancy shall have been issued by the Building Official stating that the building or the proposed use thereof complies with the provisions of the Zoning Ordinance. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of occupancy, either for the whole or part of a building, shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection, structural alteration, or moving of such building, or part thereof, shall have been completed in conformity with the provisions of this title. A record of all certificates

shall be kept on file in the office of the Building Official and copies shall be furnished on request, to any persons having a proprietary or tenancy interest in the building affected.

**14-3-8**      **Interpretation - Purpose**

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of health, safety, morals, comfort, convenience, or the general welfare. It is not intended that this title shall abrogate, annul, or in any way impair or interfere with any existing provisions of law relating to the use of buildings or land; provided that where this chapter imposes a greater restriction upon the use of buildings of land or upon the height of buildings, or requires larger lots or yards than are imposed or required by such rules or regulations, this chapter shall control.

**14-3-9**      **Completion of Structures and Pending Applications**

Nothing herein contained shall require any change in the plans, construction, or intended use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within six months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed, according to such plans as filed, within two years from the effective date of the Zoning Ordinance.

## CHAPTER 4 -- ZONING MAP

### 14-4-1      Zones created and designated

In order to regulate and restrict the location of trades, industries and other uses, and the location of structures designed, erected, altered, or occupied for specified purposes; to regulate and limit the height and bulk of structures hereafter erected or altered; to regulate, determine the area of yards and other open spaces; and to regulate and limit the density of population.

Certain zones are created and designated, as shown by the “Zoning Map” of the Town of Dubois, which said map, as revised to include amendments thereto from time to time, together with all notations thereon, is declared to be a part of this title by this reference. The said zoning is classified as follows:

- Residence “A”
- Residence “B”
- Residence “C”
- Manufactured Home Park and Recreational Vehicle “MHP” “RV”
- Recreation - Open Space “ROS”
- Health and Retirement “G”
- Business “D”
- Light Industrial “LI”
- Industrial “E”
- Airport

### 14-4-2      Boundaries

Unless otherwise indicated on the zoning map the boundary lines are street or alley lines. Where the boundary lines are not shown to be street or alley lines, and where the property has been divided into blocks and lots, the boundary lines shall be construed to be lot lines. In un-subdivided property the boundary lines shall be determined by the use of the scale of the zoning map.

## CHAPTER 5 - RESIDENCE "A"

### 14-5-1 Use

The following uses are allowed:

- (a) Dwelling; one-family detached. At any time that a single-family dwelling is altered, remodeled, or added to, in any way to provide for more than one housekeeping unit, it shall thereupon be classed as a two-family dwelling or a multiple dwelling, as the case may be.
- (b) Accessory structures and uses incident to the above use, including one private garage and when located on a side lot shall not be closer to the side street than other structures on the same or adjacent properties, or a private or community garage built integral with the main structure.
- (c) Owners of property exceeding one acre may construct a second, detached dwelling in compliance with 14-5-2 through 14-5-5 below with separate utility connections.
- (d) Modular homes

### 14-5-2 Height

No structure shall be erected or structurally altered to exceed thirty-five feet in height, or two stories plus a basement.

### 14-5-3 Yards

For every structure there shall be a front yard of not less than twenty feet in depth and a side yard on each side of a structure of not less than eight feet. The following shall be exceptions to the above setbacks:

- (a) If a side yard is on the street side of a corner lot, the side yard setback on that side shall not be less than fifteen feet.
- (b) For detached accessory structures the side yard setback shall be one foot if the accessory structure has a front yard setback of 60 feet.
- (c) The front yard setback of any residence may be less than twenty feet if the residence set back conforms to a majority of the adjoining lots, however subsection shall not apply to residences on corner lots.

### 14-5-4 Lot area

For every one-family dwelling there shall be provided a minimum lot area of five thousand square feet and in no case shall over forty percent of the lot area be covered by the main structure and accessory structures.

### 14-5-5 Floor area

Each single-family residence shall have a total floor area under roof of not less than eight hundred fifty square feet, said floor area to be the area on the first floor above the ground. Floor area shall not include garaging or accessory structures integral with the main structure.

## **CHAPTER 6 - RESIDENCE “B”**

### **14-6-1 Use**

The following uses are allowed:

- (a) All uses permitted in a Residence “A”
- (b) Dwelling, Multiple-family, hotel/motel
- (c) Class I and II Manufactured Homes – tie downs and skirting are required
- (d) Elementary and high schools’ institutions for higher education.
- (e) Church, public library, public museum, municipal recreational uses.
- (f) Private clubs, fraternity, or lodge, except those of the chief activity of which is a service carried on as a business.
- (g) Bed and Breakfast Inns limited in size to five rooms in addition to family quarters.
- (h) Accessory structures and uses customarily incident to any of the above uses, including private garages when located not less than one-half of the length of a lot back from the front lot line nor closer to the side street than other structures on the same or adjacent property, or a private or community garage built integral with the main structure.
- (i) Property exceeding one acre may construct a second, detached dwelling in compliance with 14-6-2 through 14-6-5 below with separate utility connections.
- (j) Boarding and rooming houses limited in size to five rooms in addition to family quarters.

### **14-6-2 Height**

No structure will exceed fifty feet in height.

### **14-6-3 Yards**

The requirements shall be the same as prescribed for a Residence “A” District.

### **14-6-4 Lot area**

For every one-family dwelling there shall be a minimum lot area of four thousand square feet per family; and for every two-family dwelling, a minimum lot area of two thousand square feet per family; and for every multiple dwelling, a minimum lot area of four hundred fifty square feet per family.

### **14-6-5 Floor area**

Each single-family residence shall have a total floor area under roof of not less than seven hundred fifty square feet, said floor area to be the area of the first floor above the ground. Floor area shall not include garaging or accessory structures integral with the main structure.

## CHAPTER 7 - RESIDENCE "C"

### 14-7-1      Use

The following uses are allowed:

- (a) All uses permitted in a Residence "A" or "B".
- (b) Hotel/Motel
- (c) Bed and Breakfast, Boarding or rooming houses.
- (d) Community garage, when located not less than sixty feet from the front lot line nor less than five feet from any other street line.
- (e) Accessory structures. The requirements shall be the same as prescribed for accessory structures in a Residence "B" District.
- (f) Property exceeding one acre may construct a second, detached dwelling in compliance with 14-7-2 through 14-7-5 below with separate utility connections.

### 14-7-2      Height

No structure shall exceed fifty feet in height.

### 14-7-3      Yards

The requirement shall be the same as prescribed for a Residence "B".

### 14-7-4      Lot area

For every one-family dwelling there shall be a minimum lot area of thirty-five hundred square feet per family; for every two-family dwelling, a minimum lot area of one thousand five hundred square feet per family, and for every multiple dwelling, a minimum lot area of four hundred fifty square feet per family.

### 14-7-5      Floor area

Each single-family residence shall have a total floor area under roof of not less than four hundred square feet, said floor area to be the area of the first floor above ground. Floor area shall not include garaging or accessory structure integral with the main structures.



## CHAPTER 8 - MANUFACTURED HOME PARK

### 14-8-1

#### Use

- (a) Permanent parking of manufactured homes.

### 14-8-2

#### Manufactured Home Site Provisions

- (a) Parks shall be well drained.
- (b) Parks shall be adequately lighted at night.
- (c) Each unit space shall contain a minimum of two thousand five hundred square feet.
- (d) Each unit space shall abut on a driveway not less than twenty feet in width which shall have unobstructed access to a public street or highway.
- (e) Each unit space shall have its boundaries clearly defined.
- (f) Manufactured homes shall be parked on each unit space so there is a minimum of:
  - (1) Fifteen feet clearance between all units.
  - (2) Ten feet between each unit and any adjoining property line.
  - (3) Twenty-five feet between each of the manufactured homes and the curb line of any public street or highway.
  - (4) Fifteen feet between manufactured homes and any building or structure.
- (g) No greater number of manufactured homes shall be allowed than there are unit spaces available there for.
- (h) Sufficient area shall be provided for the parking of at least one motor vehicle for each unit space.
- (i) Provisions shall be made for adequate all-weather walkways to each unit.
- (j) All water and sewer lines shall have a minimum horizontal separation of ten feet.
- (k) The source, quality, quantity, distribution system, volume, and method of storage of water shall be approved by the Wyoming State Department of Public Health.
- (l) Water and sewage systems shall be constructed of approved materials and in an approved manner.

#### **NOTE:**

Where a complete sewerage system is provided and an approved sewage connection is available at each unit space, this item may be deleted.

**CHAPTER 9 – RECREATIONAL VEHICLE PARK**

**14-9-1**      **Use**

- (a) Temporary parking of recreational vehicles.

**14-9-2**      **Recreational Vehicle Park Site Provisions**

- (a) Recreational Vehicle, Truck Camper or Tent Trailer Units:
  - (1) Each unit shall contain a minimum of one thousand square feet.
  - (2) Provisions shall be made for disposal of kitchen or sink wastewater at each unit in a mariner approved by the Wyoming State Department of Public Health.
  - (3) The wastewater connection of the unit space shall not exceed one and one-fourth inches in diameter.
  - (4) Each overnight or short duration camping area shall provide an approved central water supply.
  - (5) The source, quality, quantity, distribution system, volume, and method of storage of water shall be approved by the Wyoming State Department of Public Health.
  - (6) No recreational vehicle, tent trailer, truck camper, or tent equipment shall be located further than two hundred feet radially or three hundred feet by designated foot path from a service building.
- (b) A sanitary station shall be provided within every park that provides unit spaces or facilities for recreational vehicles, campers, or tent trailers.
- (c) Service building - required
  - (1) Each recreational vehicle park which permits the parking of dependent recreational vehicles or campers as defined in definitions shall provide the following:
    - a. A service building which shall contain a minimum of two toilets for women, one toilet for men, one lavatory and one shower for each sex, a urinal for males, and a service tank.

**NOTE:** The minimum fixtures will be adequate to service a maximum of twenty dependent recreational vehicles or dependent campers.

- (2) Service building - additional fixtures - Additional fixtures shall be provided in the following ratios:
  - a. Toilet facilities for each sex shall consist of at least one flush-type water closet for every ten additional dependent recreational vehicles, or campers in addition to the maximum facilities as stated in 14-8-2.
  - b. Urinals may be substituted for not more than one third of the toilet fixtures required for men.
  - c. Each water closet shall be in a private compartment.
  - d. Toilet facilities for men and women shall be separated if in the same building by a sound retardant wall.

- e. A lavatory for each sex shall be provided for every ten recreational vehicles or campers, and a bath or shower for each sex shall be provided for every twenty.
  - f. Each bath or shower shall be in a private compartment.
  - g. Facilities shall be provided for the cleanup and maintenance of the service builder.
- (3) Service building - requirements - The service building shall also meet the following requirements:
- a. The service building shall be located not more than two hundred feet from any dependent recreational vehicle or camper.
  - b. It shall be of a permanent construction and be provided with adequate light, heat, and ventilation.
  - c. The interior shall be constructed of cleanable, moisture resistant materials.
  - d. All rooms shall be well ventilated with all openings screened.
  - e. All plumbing shall conform to the latest edition of the National Plumbing Code or the local plumbing code, whichever is the more rigorous.
  - f. An adequate volume of hot and cold running water shall be provided at all time in the service building.

**14-9-3**      **Water supply**

- (a) An adequate and safe supply of water under pressure shall be supplied to each unit space.
- (b) The source and distribution system shall be approved by the Building Official.

**14-9-4**      **Sewage disposal**

The method of liquid waste disposal shall meet with the approval of the Building Official.

**14-9-5**      **Refuse disposal**

- (a) The storage, collection and disposal of refuse shall be in such a manner as to avoid a health hazard, odor nuisance, and be approved by the Building Official.
- (b) Refuse containers shall be provided in adequate numbers within one hundred fifty feet of each unit space.
- (c) Garbage shall be collected at a minimum of once weekly and more often as needed.

**14-9-6**      **Insect and rodent control**

- (a) The park shall be kept free of rubbish and maintained in a sanitary condition at all times.
- (b) Harborage for rodents and insects shall be eliminated.
- (c) Breeding places for flies and mosquitoes shall be eliminated or controlled.

**14-9-7**      **Electricity**

All electrical wiring in the manufactured home park shall be in strict compliance with the state code governing such installation.

**14-9-8**      **Miscellaneous**

- (a) Skirting is permissible, but such skirting shall not permanently attach any recreational vehicle, travel trailer, truck camper or manufactured home to the ground.
- (b) The wheels of any recreational vehicle, travel trailer, truck camper or manufactured home shall not be removed except temporarily for repair.
- (c) Jacks or stabilizers may be used under the recreational vehicle, travel trailer, truck camper or manufactured home to prevent movement when the coach is parked and occupied.

**14-9-9**      **Registration of occupants**

Every park owner or operator shall maintain a register containing a record of all recreational vehicles, travel trailers, truck campers or manufactured homes using the park.

**14-9-10**      **Land use conformity**

If any piece of land located outside the Business “D” District, which has been set up as a Manufactured Home Park, is no longer used for Manufactured Home Park purposes, the land use must revert to a conforming use.

For purposes of this section, nonuse shall be deemed to occur when, for a period of eighteen consecutive months, such tract or parcel shall not have been occupied by one or more families, other than the landowner, living in Manufactured Homes located on the tract or parcel, for at least sixty days during the eighteen-month period.

**CHAPTER 10 - RECREATIONAL - OPEN SPACE**

**14-10-1**

**Use**

The following uses are allowed:

- (a) Recreational facilities open to the public.
- (b) Recreational areas owned and operated by a public entity.
- (c) Any structure that is directly involved with the operation or maintenance of a recreation area or park.

**CHAPTER 11 - ZONING - HEALTH AND RETIREMENT “G”**

**14-11-1**      **Use**

The following uses are allowed:

(a)      **Principle Uses:**

Types of facilities as governed to be licensed and/or certified by the Wyoming Department of Health, Office of Healthcare Licensing and Surveys.

Independent retirement residential homes consisting of duplex units up to and including four-plex units.

Health Care Facility - Facilities as governed to be licensed and/or certified by the Wyoming Department of Health, Office of Healthcare Licensing and Surveys.

Assisted Living Facility - Dwelling or rooming house operated by a person, firm or corporation engaged in the business of operating a facility for the purpose of letting rooms for rent and providing meals, personal daily living care and limited nursing care for persons not related to the owner. The facility shall obtain all necessary federal, state, and local certifications.

Medical offices and medical office structures

(b)      **Conditional Uses:**

(1)      Heliport

A portion of a principal use structure may be occupied and used as a drugstore, barbershop, cosmetologist’s shop, newsstand, chapel, or similar use located entirely within the structure, with no entrance from the street or visible from any sidewalk or have no sign or display visible from outside the structure indicating the existence of such use.

(c)      **Accessory Structures:**

Accessory structure and uses customarily incident to any of the above uses, including a private or community garage built integral with a principal use structure.

(d)      **Coverage:**

The area occupied by structures in this district will be restricted to forty (40) percent of the total area less street right-of-way for residential.

Medical facilities will comply with State of Wyoming and Federal guidelines and standards.

**14-11-2**      **Height**

No independent retirement home unit shall have a height over thirty-five feet, and no structure shall exceed fifty feet in height.

**14-11-3**      **Yards**

For every independent retirement home unit there shall be a front yard of not less than twenty feet in depth from street or parking; a side yard on each side of a structure of not less than eight feet in width provided that the side yard on the street side of corner lots shall be not less than fifteen feet in width, and provided that there is sixteen feet between structures. Rear yards shall be not less than ten feet in depth and provided that there is twenty feet between the rear of any unit and any other adjacent principal use structure. For every other principal use structure there shall be no

front yard requirements. Side and rear yards shall have the same setbacks as independent retirement home units in this district.

**14-11-4**      **Utility Easements**

There shall be a ten (10) foot utility easement on perimeters of the property within this district.

**14-11-5**      **Floor Area**

Each residence shall have at least the minimum floor area as recommended by State and Federal guidelines for the intended purpose of uses permitted.

**14-11-6**      **Vacant Land**

Vacant land shall be used for private gardening, tennis court, playground, and other recreational facilities only, and shall be kept free of all rubbish and/or garbage, or weeds and shall not be used for temporary or permanent storage of vehicles or any other equipment of any nature.

**14-11-7**      **Loading Space/Parking**

Adequate parking for clients, patients, employees, residents, and guests shall be provided in this district. Adequate off-street loading/unloading space shall be provided so that at no time will the street be blocked to prevent the passage of any vehicle.

## CHAPTER 12 - BUSINESS "D"

### 14-12-1

#### Use

Structures or premises may be used, and structures may be erected or structurally altered for use permitted in any residence district or for any other use except that the following restrictions, prohibitions, or conditions SHALL apply to business "D".

- (a) In general, any use which may be injurious, noxious, or offensive to the reasonable person, by reason of emission of odor, smoke, gas or noise, pollutant or by-product which may be detrimental to the health safety and welfare of Dubois residents.
- (b) Yard and set back requirements for any use allowed under this section shall comply with 14-12-2 - 14-12-4 herein except that if the Building Official determines a hazard or threat to public safety may exist, yard, and set back requirements may be imposed.
- (c) Certain uses of land normally excluded under this Section may be allowed in this district by special use permit when an application for a special use permit is submitted, reviewed, and approved by the Town Council. The decision of the Council on a special use permit shall be made after considering the following factors:
  - (1) Apparent community needs for the use.
  - (2) Suitability of location for the use.
  - (3) Plan of development of use.
  - (4) Access to area, traffic patterns.
  - (5) Accessibility of utilities.
  - (6) Impact (present and future) on surrounding area, developed and undeveloped.
  - (7) Impact on city facilities: Sewer, water, sanitation, fire, police, traffic, etc.
  - (8) Other factors as necessary to evaluate the use.
- (d) In taking action on a special use permit, the Town Council may deny the request or it may impose any conditions they deem necessary to ensure maximum safety to the public and preserve the general welfare of the neighborhood. Violation of any condition attached to a special use permit shall be a misdemeanor.
- (e) All uses excluded from Industrial "E".
- (f) Any new business must apply for a business license for the purpose of stating the intended use for the property.

### 14-12-2

#### Height

No building shall exceed a height greater than the width of the street on which such building fronts, provided that where a building fronts on more than one street, the height of it shall be determined by the width of the widest of such streets. Any portion of a building may be erected to a height greater than above stipulated, provided such portion of such building is set back from all street, alley, and lot lines a distance of one foot for each two feet of such additional height.



**14-12-3**      **Yards**

Buildings used exclusively for dwellings shall comply with the regulations of Residence “C”. For buildings erected for other than dwelling purposes exclusively, there shall be no yard requirements.

**14-12-4**      **Loading space**

Every structure erected on a lot abutting on an alley shall provide a loading space for the use of commercial vehicles serving such structures. Such loading space, unless adequately provided elsewhere on the lot, shall extend not less than fourteen feet in height above the alley grade and not less than fourteen feet in depth, back from the alley line along fifty percent of the alley frontage, but in no case along less than twenty-five feet. In lieu of the foregoing requirement a lot of fifty feet or more in width may provide a loading space of not less than ten feet in depth back from the alley line along the entire alley frontage.

The above regulation shall not be applied to require any portion of a loading space within fifty feet of a street line. A loading space requirement may be modified or waived by the board of adjustment on application in case of a bank, theater, or other structure of similar limited loading space requirements.

## CHAPTER 13 - ZONING - LIGHT INDUSTRIAL "LI"

### 14-13-1

#### Uses

In the Light Industrial zone, no building or premises shall be used, nor any building or structure be hereafter erected, altered, or occupied except in compliance with all provisions of this title. A Light Industrial lot shall have direct access from a public road, or the frontage road or interior road serving more than one Light Industrial lot shall have direct access from a public road.

Light Industrial uses that meet the following requirements:

- (a) Are carried on in such a manner and with such precautions against fire and explosion hazards as provided by the code.
- (b) Screen or store all raw materials, finished products, machinery, and equipment, including company-owned or operated trucks, within a building, a fence, or vegetative barrier as required by this title.
- (c) Minimal exhaust no waste or dust created by business operation into the air.
- (d) Discharge and disposal of untreated sewage or industrial waste shall comply with the standards approved by the State Department of Health.
- (e) Be conducted so that direct and indirect illumination shall not exceed 0.2-foot candle across lot lines of the subject property.
- (f) No mining, extraction, filling, or soil-stripping operations shall be conducted.
- (g) Use only oil, gas, or electricity as industrial fuel.
- (h) Any new business must apply for a business license for the purpose of stating the intended use for the property.
- (i) Storage:
  - (1) On any property of whatever size with frontage on a public street the following uses are permitted:
  - (2) Storage of materials and machinery- Storage areas must conform to the minimum setback regulations.
  - (3) Storage of up to five thousand (5,000) gallons of petroleum products.
- (j) The following uses are prohibited:
  - (1) Public and private schools, general hospitals, sanatoriums, churches, and cemeteries.
  - (2) Stockyards, soap manufacture, glue manufacture, tannery, paper manufacture, wool scouring and cleaning, cotton textile sizing, scouring, leaching, dyeing, and similar uses; varnish manufacture; creosote; and products manufacture.
  - (3) The production of corrosive and noxious chemicals, including, but not limited to, acids, acetylene gas, ammonia, chlorine, and bleaching compounds.
  - (4) The production and process of coal and coal tar, the processing of petroleum and petroleum products, and petroleum refining.

(5) The extraction, preparation, and processing of dust-producing mineral products including, but not limited to, abrasive, cement, lime, fertilizer, plaster, crushed stone, mining of sand, gravel, topsoil.

(6) The smelting and reduction of metallic ores including, but not limited to, blast furnaces, open hearth, and electric furnaces, Bessemer converters, and non-ferrous metal smelters.

(7) The manufacture and storage of explosive products, including, but not limited to, dynamite, commercial explosives, T.N.T., military explosives, and fireworks.

**14-13-2**      **Yards**

(a) Public and Semi-Public Uses:

- (1) Front Yard.....35 feet
- (2) Side Yard.....No requirement, except when the use abuts any Residential zone; then the side yard shall be five (5) feet for each story of the building.
- (3) Flanking Street.....20 feet
- (4) Rear Yard.....35 feet

(b) Commercial and Industrial Buildings:

- (1) Front Yard.....35 feet
- (2) Side Yard.....No requirement except when a commercial or industrial building abuts any Residential zone then the side yard shall be five (5) feet for each story of the building.
- (3) Flanking Street.....20 feet
- (4) Rear Yard.....15 feet

**14-13-3**      **Building Line Variations**

Where there is an established building line in a Light Industrial zone, a commercial or industrial building may be built on the established building line. The established building line shall be determined by sixty-five (65) percent of the existing buildings within two hundred (200) feet from each side of the lot.

**14-13-4**      **Building Height**

No building shall exceed a height greater than the width of the street on which such building fronts, provided that where a building fronts on more than one street, the height of it shall be determined by the width of the widest of such streets. Any portion of a building may be erected to a height greater than above stipulated, provided such portion of such building is set back from all street, alley, and lot lines a distance of one foot for each two feet of such additional height.

**14-13-5**      **Conditional Uses**

- (a) Automobile Wrecking Yard, Junk Yard.
- (b) Above-ground storage of over five thousand (5,000) gallons (per site) of petroleum products.
- (c) Public Utility Complex Facility.

- (d) Radio, Cellular or Television Towers.
- (e) Any wholesale, retail, or service business.
- (f) Public or private office buildings.
- (g) Wireless Communication Facility (WCF).

**14-13-6**

**Uses Required Special Notice**

- (a) Railroad car or truck cargo container/trailer used for storage or any other purpose not associated with the active operation of a railroad or trucking business.

**CHAPTER 14 - INDUSTRIAL “E”**

**14-14-1**      **Use**

Any use shall be permitted not in conflict with any ordinance of the Town of Dubois regulating nuisances; and providing that the location of the following uses shall be approved by the board of adjustment:

- (a) Acid manufacture.
- (b) Cement, lime, gypsum, or plaster of Paris manufacture.
- (c) Distillation of bones.
- (d) Fertilizer manufacture.
- (e) Fat rendering.
- (f) Fireworks or explosive manufacture and storage.
- (g) Garbage, offal, or dead animal reduction or dumping.
- (h) Gas manufacture.
- (i) Glue manufacture.
- (j) Petroleum refining.
- (k) Reclaiming of petroleum products.
- (l) Smelting of ore.
- (m) Stockyards or abattoir.
- (n) Tannery.
- (o) Micro-Brewery with stipulations.

**14-14-2**      **Height**

No structure shall exceed a height greater than ninety feet.

**14-14-3**      **Loading space**

The requirements shall be the same as prescribed for a Business “D”.

## CHAPTER 15 - ZONING - AIRPORT

### 14-15-1 Hangar Construction

In accordance with Dubois Town Code, 15-1-5, the Town may lease buildings or building sites to individuals or corporations desiring to construct hangers or other structures at the airport. Such structures shall be erected only on such areas as the Town shall designate.

### 14-15-2 Building Permit

Plans and specifications for hangars shall have a licensed engineer stamp on them for doors and trusses and shall be submitted to the Airport Manager and the Building Department at Town Hall for review and approval. A building permit will be issued by the Town of Dubois. Uniformity of design and construction shall be a major consideration during the approval of plans and specifications. Final determination as to whether a design meets the uniformity requirements shall be made by the Airport Manager and the Building Official. Construction must commence within 12 months of the issuance of a building permit and all work must be completed within 18 months of receiving the building permit.

Hangars may be individual free-standing construction or multiple connected “cluster style hangars” with common interior walls.

Hangars shall be designed and constructed using the following parameters:

- (a) Sidewalls shall be new metal sheeting (26 GA minimum) or masonry with a minimum wall height of 12 feet. Metal sheeting shall have an acrylic finish. Exterior walls shall be constructed to meet a 2-hour fire containment standard if they are closer than 50 feet to an adjacent hangar. Interior common walls of cluster style hangars shall meet the same criteria as exterior walls but will not be required to meet a 2-hour fire containment standard.
  - (1) Roof shall be new metal sheeting (26 GA minimum) with a gable form.
  - (2) Cluster style hangars will be constructed with a shed form roof sloping to the rear.
  - (3) Wind loading shall be calculated assuming a basic wind speed of **90** miles per hour.
  - (4) Snow loading shall be able to withstand 30 PSF non-reducible snow loads.
  - (5) Floors shall be concrete, a minimum of 4” in depth, designed and built to be as flat as reasonable. Floor drains are prohibited. Interior walls of “Cluster” style hangars shall also have a stem wall exceeding 2” in height from the floor elevation.
  - (6) Doors shall be constructed of at least 26-gauge metal and have an acrylic finish. Doors shall be capable of fully opening so as not to encroach into adjacent hangars or taxiways. Hangar doors may be manual or mechanical. Personnel doors shall be provided in each hangar. The assumption will be made that the hangar door when closed cannot be used as a personnel exit. Cluster style hangars shall have separate doors for each of the individual bays. Interior bays may have their individual personnel doors built into the hangar door.
  - (7) Colors shall be of earth tones and approved by the Airport Manager.

- (8) Grading shall be such that surface drainage flows away from the hangar and is consistent with the Airport's drainage plan. Under no circumstances shall the ponding of surface water be permitted on or adjacent to the leasehold area.
- (9) Outside exterior edges of a hangar shall be paved to any adjacent taxiway or taxi lane unless otherwise approved by the Airport Manager.

## **CHAPTER 16 - SUPPLEMENTARY RESTRICTIONS**

### **14-16-1 Restrictions**

Except as hereinafter provided, the following restrictions shall be enforced:

- (a) No person, firm or corporation shall build within the Town of Dubois, any basement, placing thereon a roof or any covering to serve as a roof, and use such basement for either dwelling or business purposes, whether temporary or permanent.
- (b) Every structure hereinafter erected shall be located on a lot defined in this title and there will be no more than one main structure on one lot unless the property exceeds one acre. A second residence may be constructed following the regulations set forth in this title. This section does not apply to Health and Retirement "G".

### **14-16-2 Use**

An accessory structure and use shall be permitted when located on the same lot and not involving the conduct of a trade or business, except a home occupation as hereafter defined.

### **14-16-3 Accessory Structure and Use**

An accessory structure and use are a subordinate use of a structure, or other structure, or tract of land or a subordinate structure or other structure:

- (a) Which is clearly incidental to the use of the main, other structure, or use of land; and
- (b) Which is customary in connection with the main structure, other structure, or use of land.

### **14-16-4 Home Occupation**

A home occupation shall be considered as a permitted accessory to use in any residence district provided the home occupation is subject to the following limitations:

- (a) The use shall be conducted entirely within a dwelling or accessory structure and carried on by the inhabitants living there, and no others.
- (b) The use shall be clearly incidental and secondary to the use of the dwelling and dwelling purposes and shall not change the character thereof.
- (c) The total area used for the home occupation shall not exceed one-half (1/2) the floor area of the user's dwelling.
- (d) There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the accessory structure and shall not exceed one square foot in area and which shall not be illuminated.
- (e) There may be only incidental sales of stocks, supplies, or products.
- (f) There shall be no exterior storage on the premises of material or equipment used as part of the home occupation.
- (g) There shall be no offensive noise, vibrations, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
- (h) A home occupation, including studios or rooms for instructions, shall provide additional off street parking area adequate to accommodate needs created by the home occupation.



- (i) In particular, the home occupation includes, but is not limited to, the following, provided all requirements contained herein are met: art studio, beauty shop, dressmaking or millinery shop, professional office, offices for insurance or real estate sales and teaching.
- (j) Ordinarily, a home occupation shall not be interpreted to include the following: a clinic hospital, nursing home, short term rental, animal hospital, restaurant, or motor vehicle repair shop.

No home occupation shall be permitted without prior application to and hearing by the zoning board of adjustment, which board shall determine whether or not the proposed home occupation complies with this section. Notice and conduct of said hearing shall be in accordance with the rules and regulations of the board. If, in the opinion of the quorum of the board members, the proposed home occupation does comply with the provisions of this section, then an annual permit for the proposed home occupation shall be issued by the town clerk or his or her authorized representative upon the payment of a fee of ten dollars (\$10.00). Said permit shall be renewable each year only after application, hearing, approval by the board, and payment of the annual permit fee in accordance with the rules and regulations of the board.

**14-16-5**      **Signs**

No advertising sign of any character will be permitted in a residence district, except signs pertaining to the lease, sale, construction, or improvement of a lot or structure on such place, and not exceeding a total area of twelve square feet, and except further that on a lot occupied by a dwelling, a sign pertaining to the use thereof, or bearing the name or occupation of an occupant, shall be permitted provided such sign shall be attached to the dwelling and shall not exceed one square foot in area.

**14-16-6**      **Garage**

In a Residence “A”, Residence “B”, or Residence “C”, no business, occupation, or service connected with motor vehicles shall be permitted in a private or community garage.

**14-16-7**      **Height exceptions**

- (a) The provisions of this title shall not apply to restrict the height of grain elevators, chimneys, stacks, water towers, penthouses, scenery lofts, radio towers, monuments, cupolas, domes, spires, belfries and necessary mechanical appurtenances, or any industrial structures requiring height to operate.
- (b) A parapet wall not exceeding four feet in height, may be erected above the height limit.

**14-16-8**      **Area exceptions**

- (a) In a residence zone an accessory structure of not more than twelve feet in height may occupy not more than thirty percent of a rear yard as required in this title, but no accessory structure shall be within five feet of its rear lot line where such line forms part of the front half of the sideline of an adjoining lot.
- (b) On a through lot, the front yard requirements of the zone in which such lot is located, shall apply to both street frontages.
- (c) Any lot shown of record under separate ownership on the effective date of the ordinance codified in this title and having less area than required in this title may be occupied by not more than one family.

## **CHAPTER 17 - NONCONFORMING USES**

### **14-17-1**      **Continuance of existing use**

The lawful use of a structure existing on the effective date of the ordinance codified in this title, or authorized by a structure permit issued prior thereto, may be continued, although such use does not conform with the provisions of this title, and such use may be extended throughout the structure.

### **14-17-2**      **Extension**

No nonconforming use shall be extended so as to displace a conforming residential use. A nonconforming use may be changed to a use of the same or higher classification according to the provisions of this title. Whenever a zone shall hereafter be changed, any, then existing nonconforming use in such changed zone may be continued or changed to a use of a similar or higher classification, provided all other regulations governing the new use are complied with.

### **14-17-3**      **Discontinuance of use**

Wherever a nonconforming use of a structure has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be returned to a use of a lower classification or non-conforming use.

### **14-17-4**      **Structure damage**

No structure which has been damaged by fire or other cause to the extent of more than fifty percent of its value shall be repaired or rebuilt except in conformity with the regulations of this title.

### **14-17-5**      **Continuance of Existing Use - Manufactured Home**

The lawful use of a manufactured home or modular home existing on the effective date of this Ordinance or authorized by a building permit issued prior to the effective date of this Ordinance, may be continued, although such use does not conform with the provisions of this Title.

A manufactured home or modular home that does not meet the definitions and standards outlined in this Ordinance shall be deemed to be a non-conforming use regardless of the zone in which it is located. Such non-conforming use may be continued even though it may not comply with the provisions of this Ordinance, provided that such non-conforming use does not constitute a hazard to health or is a nuisance. Such non-conforming use shall not be extended, enlarged, changed, or replaced.

Changes to existing manufactured and modular homes which would make said homes conform to this ordinance are allowed, provided all other town ordinances are complied with.

Any proposed change, extension, enlargement, modification, or replacement of a manufactured or modular home which does not conform to the provisions of this Ordinance requires an application for variance in accordance with Dubois Ordinances and the rules and regulations of the Board of Adjustment. A decision as to whether or not the change, extension, enlargement, modification, or replacement will be allowed will be made by the Board of Adjustment.

## **CHAPTER 18 - BOARD OF ADJUSTMENTS - APPEALS**

### **14-18-1 Board - Generally**

A board of adjustment is established. The word "Board" as used herein shall be construed to mean the "Board of Adjustment." The Board shall consist of seven members who shall be appointed by the mayor and subject to the confirmation of the Town Council in conformity with and shall have the powers and duties specified by the provisions of W.S. § 15-1-605 through 15-1-611 The Board may adopt such reasonable rules as it may deem necessary to carry out the provisions of this Title. Any vacancy shall be filled by an appointment by the Mayor, subject to confirmation by the Town Council, and shall be for the unexpired term of the retired member. All of the members of the said Board will serve without compensation, and they shall not be subject to removal by either the Mayor or the Town Council without cause, written charges and public hearing being required.

### **14-18-2 Board - Meetings**

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Meetings of the board shall be open to the public and the board shall keep minutes of the meetings which shall be filed in the office of the town ~~Clerk~~ Administration Office and shall be open to the inspection of the public.

### **14-18-3 Appeal - Filing**

Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the town of Dubois. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds therefor. The officer from whom the appeal is taken shall immediately transmit to the board the complete record of the action from which the appeal is taken.

### **14-18-4 Appeal - Effect**

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 his opinion, would cause imminent peril to life or property, In such cases proceedings shall not be stayed otherwise 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.

### **14-18-5 Appeal - Hearing**

The board shall fix a reasonable time for the hearing of the appeal, give public notice, adequate notice to the parties in interest, and decide the appeal within a reasonable time. Upon the hearing any party may appear in person or by agents or by attorney.

### **14-18-6 Appeal - Fee**

There shall be no fee required for an appeal.

### **14-18-7 Board - Powers**

The board shall have the following powers:

- (a) To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to this title.

- (b) To hear and decide special exemptions to the terms of the ordinance upon which the board is required to pass under the ordinance.
- (c) To vary or adjust the strict application of any of the requirements of any ordinance adopted pursuant to this title in the case of any physical condition applying to a lot or building if the strict application would deprive the owner of the reasonable use of the land or building involved. If any irregular, narrow, shallow, or steep lot or other physical condition applying to a lot or building as a result of which strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. No adjustment in the strict application of any provision of such ordinance may be granted by the Board unless:
  - (1) That there are special circumstances or conditions, fully described in the findings of the board, applying to the land, or building for which the adjustment is sought, which circumstances, or conditions are peculiar to the land or building 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.
  - (2) For reasons fully set forth in the findings of the board, 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
  - (3) The granting of the adjustment will be 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.
- (d) Grant exceptions and variances upon request after a showing that an illegal construction or a nonconforming building or use existed for a period of at least five years in violation of local ordinance and the town has not taken steps toward enforcement.

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.

The concurring vote of a majority of the board is necessary to reverse any order, requirement, decision, or determination of an official, or to decide in favor of the application on any matter upon which it is required to pass any ordinance or to affect any variation in the ordinance.

The Board shall recommend to the town council the zoning in which each part of any annexation to the town of Dubois shall be placed.