



**CITY OF GILLETTE
PLANNING COMMISSION
Tuesday, October 22, 2024
5:15 PM
2ND FLOOR COMMUNITY ROOM
201 E. 5th Street, Gillette, Wyoming 82716
(307) 686-5281**

Call To Order

Approval of Minutes

1. Meeting Minutes of October 8, 2024

Cases

- Case No. PL2024-0091 Minor Subdivision-2202 Gallery View Dr
- Case No. PL2024-0090 Minor Subdivision – 6350 Swanson Road
- Case No. PL2024-0095 Text Amendment - Zoning Ordinance Rewrite

Old Business

New Business

Adjournment

Planning Commission Meeting Comment Form

CHAIRMAN

Shaun Hottell

VICE-CHAIRMAN

Ryan Conklin

BOARD MEMBERS

Cristal Pratt
Richard Cone

Matthew Nelson

Ian Scott
Jack Colson

www.gillettewy.gov

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**CITY OF GILLETTE
PLANNING COMMISSION
October 22, 2024 5:15:00 PM
Community Conference Room 2nd Floor
201 E. 5th Street, Gillette, Wyoming 82716
(307)686-5281**

DATE: 10/22/2024 5:15:00 PM

CASE NUMBER AND TITLE:

Meeting Minutes of October 8, 2024

APPLICANT/OWNER:

AGENT:

CASE SUMMARY:

CASE BACKGROUND:

CASE REQUIREMENTS:

STAFF RECOMMENDATION:

CASE MANAGER:

TENTATIVE CITY COUNCIL DATE:

ATTACHMENTS:

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[Meeting Minutes 10.08.24](#)

CITY OF GILLETTE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
Community Room ~ City Hall ~ October 8, 2024 ~ 5:15 pm

PRESENT Commission Members Present: Chair Shaun Hottell, Vice-Chair Ryan Conklin, Cristal Pratt, Richard Cone, Jack Colson and Matthew Nelson

Commission Members Absent: Ian Scott.

Staff Present: Shannon Stefanick, Planner; Jill McCarty, Administrative Coordinator.

CALL TO ORDER Chair Shaun Hottell called the meeting to order at 5:15 p.m.

APPROVAL OF THE MINUTES A motion was made by Vice-Chair Conklin to approve the meeting minutes of September 24, 2024. Cristal Pratt seconded the motion. Motion carried 6/0.

Case No. PL2024-0088
MINOR SUBDIVISION
Peterson Subdivision

The applicant seeks to place two existing parcels in a subdivision. Both parcels were recently annexed as part of the Capps Annexation Second Addition on May 21, 2024. A record of survey was filed with the Campbell County Clerk's Office prior to annexation, but a subdivision plat had not been filed. This subdivision will also establish a right of way (ROW) for the future extension of Warlow Drive.

Tract A is the Southernmost of the two tracts and is 21.11 acres. Tract B is 30.45 acres. The ROW that will enable the future extension of Warlow Drive is 2.64 acres and touches the Northernmost boarder of Tract A and the Southernmost boarder of Tract B.

Shannon Stefanick said the city received no inquiries from the public on the case.

Chair Hottell asked if there were any comments from the public or Commission on the case.

There being no further comments or questions Richard Cone made a motion to approve the case, and Cristal Pratt seconded. The Motion carried 6/0.

OLD BUSINESS None.

NEW BUSINESS Shannon Stefanick said the next meetings will be October 22, 2024, and November 12, 2024.

ADJOURNMENT The meeting was adjourned at 5:20 p.m.

Minutes taken and prepared by Jill McCarty, Administrative Coordinator.



CITY OF GILLETTE
PLANNING COMMISSION
October 22, 2024 5:15:00 PM
Community Conference Room 2nd Floor
201 E. 5th Street, Gillette, Wyoming 82716
(307)686-5281

DATE: 10/22/2024 5:15:00 PM

CASE NUMBER AND TITLE:

PL2024-0091

Minor Subdivision-2202 Gallery View Dr

APPLICANT/OWNER:

Dan & Cheryl Barton, Owners

AGENT:

Cevin Imus, Land Surveying Incorporated, Agent

CASE SUMMARY:

The applicant seeks to create a 0.57-acre parcel from a larger 77.65-acre parcel of unplatted land.

CASE BACKGROUND:

The applicant seeks to create a 0.57-acre parcel from a larger 77.65-acre parcel of unplatted land. This subdivision will also create an extension of the right-of-way (ROW) of Waterfall Road to enable access and the future extension of utilities. The purpose of this subdivision is to enable the owner to sell this new parcel of land to an adjacent landowner at 6512 Waterfall Rd.

The parcel is currently zoned Ag, Agricultural District. There is no minimum lot size in Ag except that where permanent residential occupancy is conducted as an accessory use, there shall be at least three (3) acres per each permanently occupied residential dwelling. This lot will not be able to be utilized for residential occupancy unless it is rezoned. The adjacent zoning district is zoned R-1, Single Family Residential. This new parcel would meet the minimum lot size of six thousand (6,000) square feet or 0.138 acres should the new owner choose to move forward with a rezone.

As this parcel is zoned Ag, the extension of utilities will not be required until development. Currently, water and sewer in the area are privately owned by Crestview Estates. The future extension of the private water and sewer mains will require coordination with Crestview Estates by the owner but will still be required to meet City of Gillette Subdivision Regulations.

CASE REQUIREMENTS:

All comments from the staff review process shall be addressed.

STAFF RECOMMENDATION:

Staff recommends approval, subject to all Planning Department

Staff recommends approval, subject to all Planning Requirements.

CASE MANAGER:

Shannon Stefanick, City Planner

TENTATIVE CITY COUNCIL DATE:

November 5th, 2024

ATTACHMENTS:

Click to download
<input type="checkbox"/> Vicinity Map
<input type="checkbox"/> Resolution
<input type="checkbox"/> Planning Requirements

Dodrill Subdivision



Proposed Subdivision
ROW



CITY OF GILLETTE

Information Technology GIS
P.O. Box 3003
Gillette, Wyoming 82717-3003
Phone (307) 686-5364
www.gillettewy.gov

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1 inch equals 83 feet
1 inch equals 0.02 miles

October 15, 2024

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RESOLUTION NO.

**A RESOLUTION APPROVING AND AUTHORIZING THE
MINOR SUBDIVISION OF THE DODRILL SUBDIVISION; TO
THE CITY OF GILLETTE, WYOMING, SUBJECT TO ALL
PLANNING REQUIREMENTS.**

WHEREAS the Final Plat of the Dodrill Subdivision to be known as Lot 1 of the Dodrill Subdivision; to the City of Gillette, Wyoming has been approved by the City of Gillette Planning Commission by a majority of its members on October 22nd, 2024, with Planning Requirements.

WHEREAS the recording of the Dodrill Subdivision to be known as Lot 1 of the Dodrill Subdivision; to the City of Gillette, Wyoming; with the Campbell County Clerk and Ex-Officio Recorder of Deeds, is subject to meeting all Planning Requirements approved by the Planning Commission on October 22nd, 2024.

THEREFORE, IT IS RESOLVED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING, THAT:

the Final Plat of Dodrill Subdivision to be known as Lot 1 of the Dodrill Subdivision; to the City of Gillette, Wyoming, has been approved by the City of Gillette, Wyoming as prepared by Land Surveying Incorporated, signed by Cevin C. Imus, Professional Land Surveyor, Wyoming Registration Number 9328, is hereby approved for filing with the Campbell County Clerk and Ex-Officio Recorder of Deeds.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2024.

Shay Lundvall, Mayor

(S E A L)

ATTEST:

Alicia Allen, City Clerk

PL2024-0091-Minor Subdivision-Dodrill Subdivision

Planning Requirements

1. All comments from the staff review process shall be addressed.



**CITY OF GILLETTE
PLANNING COMMISSION
October 22, 2024 5:15:00 PM
Community Conference Room 2nd Floor
201 E. 5th Street, Gillette, Wyoming 82716
(307)686-5281**

DATE: 10/22/2024 5:15:00 PM

CASE NUMBER AND TITLE:

PL2024-0090

Minor Subdivision – 6350 Swanson Road

APPLICANT/OWNER:

Deejay Hacklin, Owner

AGENT:

Cevin Imus, Land Surveying Incorporated

CASE SUMMARY:

The owner is seeking to subdivide 6350 Swanson Road into three properties.

CASE BACKGROUND:

The owner is seeking to subdivide 6350 Swanson Road into three properties. The purpose of this subdivision is for ownership purposes. Proposed Lot 7B will be 1.30 acres and currently has a commercial structure on it that is serviced by city utilities; Lot 7C will be 1.14 acres and will have access to city utilities; Lot 7D will be 1.31 acres and will have access to city utilities. The current zoning of 6350 Swanson Road is I-2, Heavy Industrial District and is not proposed to change at this time.

CASE REQUIREMENTS:

All comments from the staff review process shall be addressed.

STAFF RECOMMENDATION:

Staff recommends approval, subject to all Planning Requirements.

CASE MANAGER:

Meredith Duvall, City Planning Manager

TENTATIVE CITY COUNCIL DATE:

November 5, 2024

ATTACHMENTS:

[Click to download](#)

[Vicinity Map](#)

[Plat](#)

[Resolution](#)

[Planning Requirements](#)

6350 Swanson Drive



CITY OF GILLETTE

Information Technology GIS
P.O. Box 3003
Gillette, Wyoming 82717-3003
Phone (307) 686-5364
www.gillettewy.gov

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1 inch equals 333 feet

1 inch equals 0.06 miles

October 04, 2024

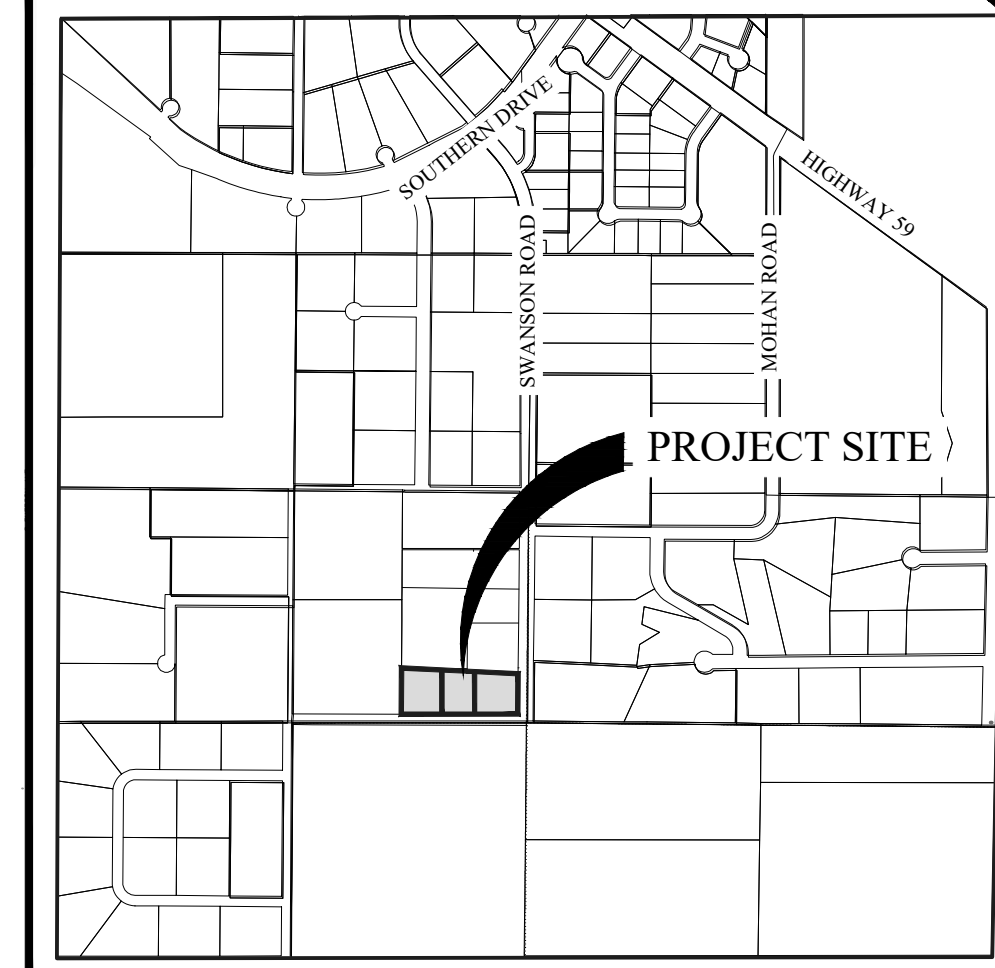
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City of Gillette, GIS Division, Campbell County, City of Gillette, Camp

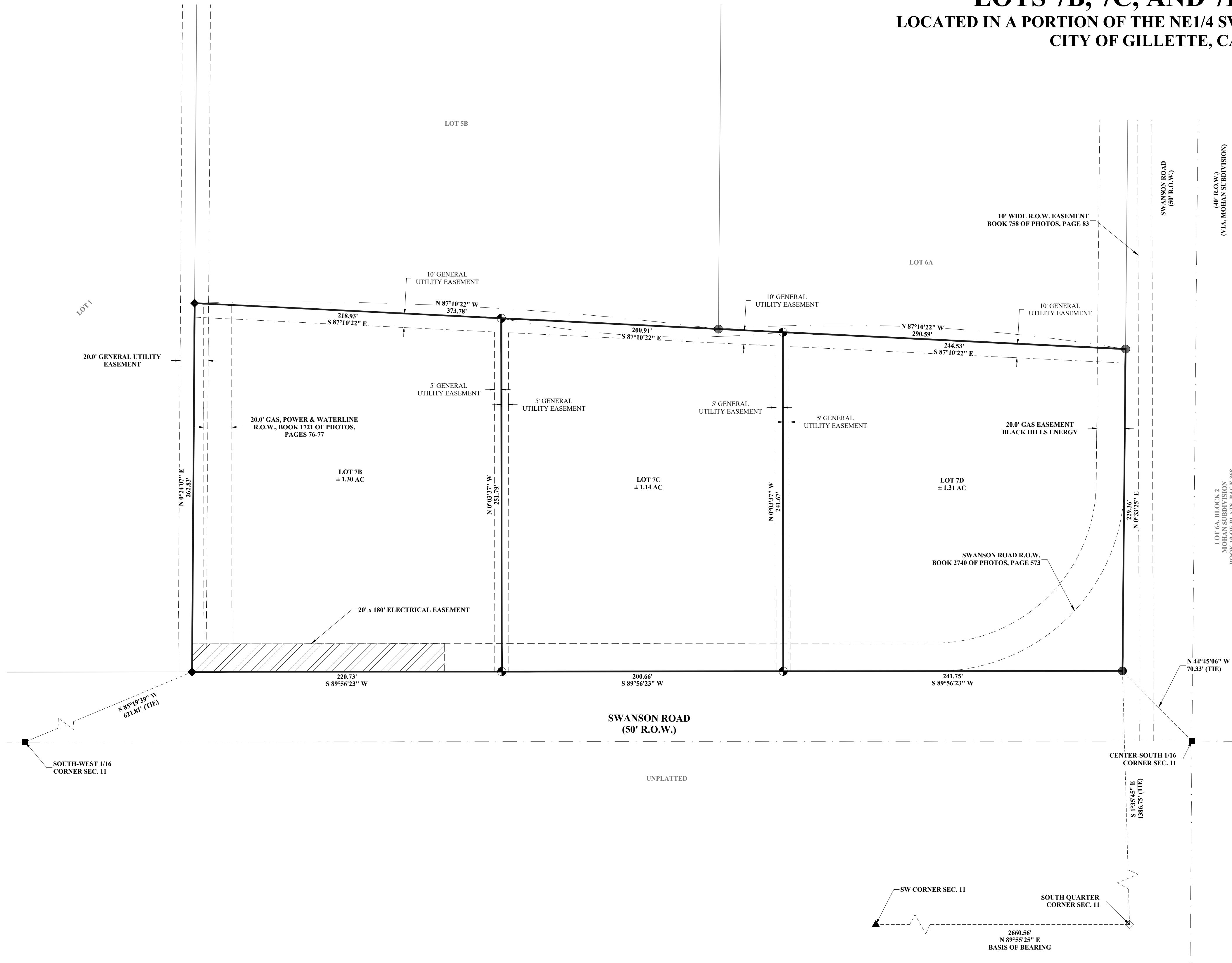
FINAL PLAT

A RESUBDIVISION OF LOT 7A, SHARON SUBDIVISION,
CITY OF GILLETTE, CAMPBELL COUNTY, WYOMING

TO BE KNOWN AS LOTS 7B, 7C, AND 7D, SHARON SUBDIVISION LOCATED IN A PORTION OF THE NE1/4 SW1/4, SECTION 11, T 49 N - R 72 W, OF THE 6TH P.M., CITY OF GILLETTE, CAMPBELL COUNTY, WYOMING



VICINITY MAP
NOT TO SCALE



BASIS OF BEARING:
MODIFIED STATE PLANE
NAD 83, FIPS ZONE 4901
ORIGIN N:1371083.497 E:576996.116
GROUND SCALE FACTOR: 1.0002680554
BASIS OF BEARING: CONSIDERING THE LINE BETWEEN THE SOUTHWEST CORNER AND THE SOUTH QUARTER CORNER OF SECTION 11.
S 89°55'25" W FOR 2660.56'

SUMMARY:
TOTAL LOTS: 3
TOTAL AREA: 3.75 ACRES

DECLARATION VACATING PREVIOUS PLATTING:
THIS PLAT IS A RESUBDIVISION OF LOT 7A, SHARON SUBDIVISION, AS RECORDED IN BOOK 11 OF PLATS, PAGE 231 OF THE OFFICIAL RECORDS OF THE CAMPBELL COUNTY CLERK'S & RECORDERS OFFICE. ALL EARLIER PLATS OR PORTIONS THEREOF ENCOMPASSED BY THE BOUNDARIES OF THIS PLAT ARE HEREBY VACATED.

DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED HACKLIN ENTERPRISE, LLC, BEING THE OWNER(S), PROPRIETOR(S), OR PARTIES OF INTEREST IN LAND SHOWN ON THIS PLAT, DO HEREBY CERTIFY:

THAT THE FOREGOING PLAT DESIGNED AS LOTS 7B, 7C, & 7D, SHARON SUBDIVISION, IS LOCATED IN SECTION 11, TOWNSHIP 49 NORTH, RANGE 72 WEST, CITY OF GILLETTE, CAMPBELL COUNTY, WYOMING AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 7A, SHARON SUBDIVISION:
SAID PARCEL CONTAINING 3.75 ACRES, MORE OR LESS.
THAT THIS SUBDIVISION, AS IT IS DESCRIBED AND AS APPEARS ON THIS PLAT, IS MADE WITH THE FREE CONSENT, AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS, AND THAT THIS IS A CORRECT PLAT OF THE AREA AS IT IS DIVIDED IN LOTS, TRACTS, STREETS AND EASEMENTS, AND

THAT THE UNDERSIGNED OWNERS AND PROPRIETORS OF THE LAND SHOWN AND DESCRIBED ON THIS PLAT DO HEREBY DEDICATE TO THE CITY OF GILLETTE FOR PERPETUAL PUBLIC USE, ALL STREETS, ALLEYS, EASEMENTS AND OTHER PUBLIC LANDS WITHIN THE BOUNDARY LINES OF THE PLAT AS INDICATED AND NOT ALREADY OTHERWISE DEDICATED FOR PUBLIC USE.

UTILITY EASEMENTS AS DESIGNATED ON THIS PLAT ARE HEREBY DEDICATED TO THE CITY OF GILLETTE AND ITS LICENSEES FOR PERPETUAL PUBLIC USE FOR INSTALLING, REPAIRING, REINSTALLING, REPLACING AND MAINTAINING WATER LINES, SEWERS, GAS LINES, ELECTRICAL LINES, TELEPHONE LINES, CABLE TV LINES AND OTHER FORMS AND TYPES OF PUBLIC UTILITIES NOW OR HEREAFTER GENERALLY UTILIZED BY THE PUBLIC.

ALL RIGHTS UNDER AND BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE OF WYOMING ARE HEREBY WAIVED AND RELEASED.

ACKNOWLEDGEMENTS
EXECUTED THIS ___ DAY OF ___, A.D., 2024, BY:

JAY DEE HACKLIN, OWNER, HACKLIN ENTERPRISE, LLC
STATE OF WYOMING)
COUNTY OF CAMPBELL)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY JAY DEE HACKLIN, OWNER, HACKLIN ENTERPRISE, LLC
THIS ___ DAY OF ___, 2024, A.D.
WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

APPROVALS
DATA ON THIS PLAT REVIEWED THIS ___ DAY OF ___, 2024, A.D., BY THE CITY ENGINEER OF GILLETTE, WYOMING.

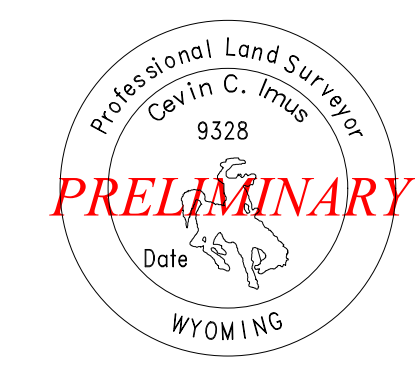
CITY ENGINEER _____
THIS PLAT APPROVED BY THE CITY OF GILLETTE PLANNING COMMISSION THIS ___ DAY OF ___, 2024, A.D.

CHAIRMAN _____ SECRETARY _____

APPROVED BY THE CITY COUNCIL OF THE CITY OF GILLETTE, WYOMING THIS ___ DAY OF ___, 2024, A.D.

MAYOR _____ CITY CLERK _____

RECORDING INFORMATION
THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER AT ___ O'CLOCK ___ M. THIS ___ DAY OF ___, 2024, AND IS DULY RECORDED IN BOOK NUMBER ___ OF PLATS, PAGE NUMBER ____.
COUNTY CLERK _____



SURVEYOR'S CERTIFICATE
I, KEVIN C. IMUS, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED UNDER THE LAWS OF THE STATE OF WYOMING, THAT THIS PLAT IS A TRUE, CORRECT, AND COMPLETE PLAT OF LOT 7A, SHARON SUBDIVISION & TO BE KNOWN AS LOTS 7B, 7C, AND 7D, SHARON SUBDIVISION, AS LAID OUT, PLATTED, AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY AND IMPROVEMENTS BY LARISSA BULAU, UNDER MY DIRECT SUPERVISION.
DATE OF PLAT OR MAP: AUGUST 2024 (KEVIN C. IMUS)

- LEGEND**
- (SET) 2024 ALUMINUM CAP, PLS 9328
 - (FOUND) 2021 ALUMINUM CAP, PLS 9328
 - (FOUND) ALUMINUM CAP PLS 2457
 - (FOUND) 2014 ALUMINUM CAP
 - ◇ (FOUND) 1989 B.L.M. BRASS CAP
 - (FOUND) BRASS CAP, L.S. 538
 - ▲ (FOUND) BRASS CAP, RLS 366

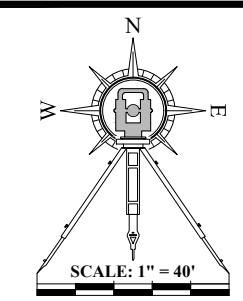
NOTES:
THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FILL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE.
BEARINGS AND DISTANCES SHOWN ON THE EASEMENTS, DESCRIBE THE CENTERLINE.

FINAL PLAT
A RESUBDIVISION OF LOT 7A, SHARON SUBDIVISION,
CITY OF GILLETTE, CAMPBELL COUNTY, WYOMING

TO BE KNOWN AS
LOTS 7B, 7C, AND 7D, SHARON SUBDIVISION,
CITY OF GILLETTE, CAMPBELL COUNTY, WYOMING

PREPARED BY:
FALCON CONSTRUCTION
PO BOX 7280
GILLETTE, WY 82717

PREPARED BY:
LAND SURVEYING INCORPORATED
209 N. WORKS AVENUE
GILLETTE, WY 82716
1-307-682-1661 www.lsi-inc.us



SCALE: 1" = 40'

PAGE: 1 OF 1
DATE: 9/12/2024
FILE: 24159A_PLAT

RESOLUTION NO.

**A RESOLUTION APPROVING AND AUTHORIZING THE
FINAL PLAT OF LOTS 7B, 7C, AND 7D, SHARON
SUBDIVISION; TO THE CITY OF GILLETTE, WYOMING,
SUBJECT TO ALL PLANNING REQUIREMENTS.**

WHEREAS, the Final Plat of Lots 7B, 7C, And 7D, Sharon Subdivision; to the City of Gillette, Wyoming, to the City of Gillette, Wyoming has been approved by the City of Gillette Planning Commission by a majority of its members on October 22nd, 2024, with Planning Requirements.

WHEREAS, the recording of the Final Plat of Lots 7B, 7C, And 7D, Sharon Subdivision; to the City of Gillette, Wyoming; with the Campbell County Clerk and Ex-Officio Recorder of Deeds, is subject to meeting all Planning Requirements approved by the Planning Commission on October 22nd, 2024.

THEREFORE, IT IS RESOLVED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING, THAT:

the Final Plat of Lots 7B, 7C, And 7D, Sharon Subdivision; to the City of Gillette, Wyoming, has been approved by the City of Gillette, Wyoming as prepared by Land Surveying Incorporated, signed by Cevin Imus, Professional Land Surveyor, Wyoming Registration Number 9328, is hereby approved for filing with the Campbell County Clerk and Ex-Officio Recorder of Deeds.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2024.

Shay Lundvall, Mayor

(S E A L)

ATTEST:

Alicia Allen, City Clerk

PL2024-0090 - Minor Subdivision – 6350 Swanson Road
Planning Requirements

1. All comments from the staff review process shall be addressed.



CITY OF GILLETTE
PLANNING COMMISSION
October 22, 2024 5:15:00 PM
Community Conference Room 2nd Floor
201 E. 5th Street, Gillette, Wyoming 82716
(307)686-5281

DATE: 10/22/2024 5:15:00 PM

CASE NUMBER AND TITLE:

PL2024-0095Text Amendment - Zoning Ordinance Rewrite

APPLICANT/OWNER:

City of Gillette

AGENT:

Meredith Duvall, City Planning Manager

CASE SUMMARY:

The City of Gillette Planning Division is requesting the approval of the Zoning Ordinance Rewrite, to be known as the official City of Gillette Zoning Ordinance or “Zoning Code”, replacing the existing Zoning Ordinance that was adopted by City Council through Ordinance No. 979 on January 23, 1979.

CASE BACKGROUND:

The first Zoning Ordinance was adopted by the City of Gillette City Council on February 16, 1968, as Ordinance No. 527. The present-day Zoning Ordinance that current City Staff utilized daily was adopted on January 23, 1979, as Ordinance No. 979 in response to multiple necessary code update. Since 1979, there have been no less than 96 amendments to the original 1979 code.

In 2018, City Planning Staff requested and was granted permission by City Council to undertake an in-house rewrite of the Zoning Ordinance. With the intent to modernize the code and provide residents more flexibility while still maintaining even regulation, City Staff began work. Due to a number of factors outside of the City Planning Staff’s control, the completion and adoption of the rewrite had been delayed on several occasions.

The following have been organized Public Outreach efforts made by City Planning Staff:

- A digital copy of the proposed rewrite has been available for Public Comment on the City Planning webpage since 2019.
- Four presentations to City Council since permission was granted in 2018: January 15, 2019; February 25, 2020; September 29, 2020; March 19, 2024

- Landscape Ordinance Presentation to the Parks Board on July 25, 2019
- Realtors Open House on August 8, 2019
- When the rewrite began, City Staff requested some review and insight by community members through Think Tank meetings. In total, two meetings were held: August 15, 2019; February 12, 2020

Outside of the organized Public Outreach events hosted by City Staff, there has been numerous instances where public feedback has been volunteered or requested at the Planning Counter on the 2nd floor of City Hall by Staff when speaking with residents regarding the regulations within the Zoning Ordinance.

The City Council will consider the proposed Zoning Text Amendment as a Public Hearing and First Reading at their meeting which is scheduled for November 19, 2024.

CASE REQUIREMENTS:

None

STAFF RECOMMENDATION:

Staff recommends approval

CASE MANAGER:

Meredith Duvall, City Planning Manager

TENTATIVE CITY COUNCIL DATE:

November 5, 2024

ATTACHMENTS:

Click to download
<input type="checkbox"/> Planning Requirements
<input type="checkbox"/> Ordinance
<input type="checkbox"/> Exhibit A

Planning Requirements

PL2024-0095 - Zoning Text Amendment - Zoning Ordinance Rewrite

The are no Planning Requirements for this Case.

ORDINANCE NO.

AN ORDINANCE CREATING ZONING REGULATIONS RESTRICTING THE USE OF LAND AND THE USE AND LOCATION OF BUILDINGS AND STRUCTURES; REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND DETERMINING THE AREA OF YARDS, COURTS, AND OTHER PLACES SURROUNDING THEM; REGULATING AND RESTRICTING THE DENSITY OF POPULATION; DIVIDING THE CITY INTO DISTRICTS FOR SUCH PURPOSES; ADOPTING A MAP OF THE CITY SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; DEFINING TERMS USED IN SAID ORDINANCE; ESTABLISHING A BOARD OF ADJUSTMENTS; PROVIDING FOR CHANGES AND AMENDMENTS TO THE SAID REGULATIONS ESTABLISHING A PLANNING COMMISSION; AND AMENDING ORDINANCE NO. 979 AND ALL AMENDMENTS THERETO COMMONLY KNOWN AS THE "ZONING CODE"

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING:

Ordinance 979, and all amendments thereto are amended in their entirety and shall henceforth be organized as follows:

See Attached Exhibit A

PASSED, APPROVED, AND ADOPTED this 17th day of December 2024.

Shay Lundvall, Mayor

(SEAL)
ATTEST:

Alicia Allen, City Clerk
Publication Date:



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ZONING CODE

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SECTION 1. ADMINISTRATION

Contents:

- a. Authority**
- b. Short Title**
- c. Purpose, Application, and Severability**
- d. Administration and Enforcement**
- e. Amendment Procedures**

a. Authority

This ordinance is adopted in accordance with the authority vested in the Gillette City Council by the statutes of the State of Wyoming, 15-1-103(xli); 15-1-501-512; and 15-1-601-611, as amended from time to time.

b. Short Title

This ordinance may be cited as the "Zoning Ordinance" or "Zoning Code".

c. Purpose, Application, and Severability

This ordinance has been made with the following objectives in mind:

1. Purpose

- a. Provide for the public health, safety, and general welfare of the City of Gillette and its residents.
- b. Classify property by districts for compatible land uses.
- c. Encourage compatibility of adjacent land uses.



- d. Provide for attractive development within the City and its jurisdiction.
- e. Encourage development that improves quality of life, conserves environmental resources, and strengthens the physical character of the City of Gillette.
- f. Execute the Comprehensive Plan of the City of Gillette.

2. Application

- a. All land shall be used and occupied and all structures shall be erected, used, altered, or occupied in conformance with the provisions of this ordinance.
- b. This ordinance shall not prohibit the continuation of the lawful use of any land or structures legally established before the effective date of this ordinance, nor shall this ordinance require an additional permit. Alterations to an authorized structure, additional structures, or any change in the authorized use of land shall be subject to the provision of this ordinance.
- c. Restrictive covenants or agreements shall not be a substitute for these zoning regulations.
- d. If any provision of this ordinance conflicts with any other provision of this ordinance, any other ordinance of the City of Gillette, or any applicable state or federal law, the more restrictive provision shall apply.
- e. No person or corporation shall knowingly sell, rent, or lease land for any use or purpose contrary to the provisions of this ordinance.

3. Severability

- a. Should any portion of this ordinance be judicially determined to be illegal or unenforceable, the remainder of the ordinance shall continue in full force and effect.

d. Administration and Enforcement

1. Administering, Enforcement and Inspection Agency

The Planning Division (“Division”) is responsible for the administration and enforcement of the Zoning Code. Division duties include:

- a. Maintain necessary records for the Division.
- b. Perform any necessary studies to determine compliance and appropriateness of the Zoning Code.
- c. Propose to the Planning Commission and City Council any necessary amendments to the Zoning Code or Zoning Map.
- d. Revoke zoning permits, issue "cease and desist" orders, or take any other lawful action to ensure compliance with the provisions of the Zoning Code.
- e. Participate in the meetings or public hearings related to zoning before the Board of Adjustment, the Planning Commission, and the City Council.
- f. Receive all notices of appeal and requests for variances, and transmit the appeal or request, the record of denial, and order or requirement from which the appeal or request was made, to the Board of Adjustment.
- g. Receive, review, and approve or disapprove all applications for permits including construction, alterations, or change of use or occupancy of land or structures.
- h. Coordinate with other departments in the administration and enforcement of the Zoning Code.
- i. Establish and administer the rules and procedures for zoning in the City, including development of the forms and procedures not described by the Zoning Code.



- j.** Propose to the Planning Commission and the City Council any changes to the Zoning Code or to the zoning district classifications within the City when necessary. All such changes shall be subject to the amendment procedures set forth in the Zoning Code.
- k.** Maintain the official District Zoning Map(s) and records.
- l.** Receive and review all applications for commercial, industrial, and residential development and prepare recommendations for review and action.
- m.** Receive and refer all applications for amendments to the language of the Zoning Code or Zoning Map to the Planning Commission and its recommendations to the City Council.

2. Inspection Agency

- a.** The Zoning Administrator is responsible for inspections to ensure compliance with provisions of the Zoning Code. The Zoning Administrator shall establish rules and procedures for the conduct of inspection.

3. Administrative Liability

- a.** The City does not waive governmental immunity by enforcing these ordinances and specifically retains all immunities and defenses available to it pursuant to Wyo. Stat. §§ 1-39-101-120 and other applicable law.

4. Permits

- a.** Additional permits are not required for structures, use of any structure, or land use legally established prior to the effective date of this ordinance. Any future modifications to existing structures or changes of use of any structure or land requires appropriate permits established by this Zoning Code.
- b.** No building or structure shall be constructed, erected, or altered unless a zoning permit has been issued by the Zoning Administrator. Any building or structure over twenty-five thousand (25,000) square feet, or when two (2) or more buildings are being built upon the same commercial or industrial zone lot at the same time, must be approved by the City of Gillette Planning Commission before it is eligible for a zoning permit.
- c.** A zoning permit is required prior to establishing or changing any land use or any building or structure use.
- d.** A legal Permitted Use must be established before an Accessory Structure or building may be constructed or placed upon a lot.
- e.** Applications for zoning permits shall be accompanied by a site plan drawn to scale, the required application, and any other information necessary for the proper enforcement of the Zoning Code at the discretion of the Zoning Administrator.
- f.** No zoning permit will be issued for the erection, alteration, use, or occupancy of any structure that is not connected to a public sewage system or served by a water supply system meeting the standards of the State of Wyoming Department of Environmental Quality and approved by the City Engineer.
- g.** The Zoning Administrator will grant a permit if the proposed construction or use complies with the requirements of the Zoning Code. If the Zoning Administrator denies a permit, the Zoning Administrator will specifically state the reason(s) for denial.
- h.** A copy of all required permits and variance requests shall be maintained by the Zoning Administrator and made available to the public.



1. When weather or other extraordinary circumstances make immediate compliance with the terms of the Zoning Code impractical, the applicant shall execute an agreement with the City, guaranteeing the completion of the required improvements within a time period specified by the Zoning Administrator. This agreement shall be secured with a bond, letter of credit, or other suitable financial guarantee, in an amount which will cover the estimated cost of improvements required. If the applicant defaults, the certificate of occupancy may be revoked. At the Zoning Administrator's discretion, the improvement guarantee may be waived.

5. Violations, Penalties, and Remedies

- a. No person shall construct or alter any building or land within the City limits in violation of the Zoning Code.
- b. The Zoning Administrator shall address in writing any violation, the Zoning Code provision violated, and the date by which the violation must be corrected. After a notice of violation has been served, no work shall proceed on any building or land except to correct or to comply with the notice.
- c. The Zoning Code shall be enforceable by injunction, mandamus, proceedings in abatement, or any other remedies provided by law. Appeals from judgments rendered in any action instituted to enforce this ordinance shall be in accordance with applicable provisions of Wyoming law regarding appeals from the Municipal Court.
- d. Any person who violates any provision of this Zoning Code is guilty of a misdemeanor and may be fined not more than seven hundred and fifty (\$750.00) dollars, plus court costs. Each day of non-compliance with any provision of the Zoning Code shall constitute a separate offense.
- e. The City of Gillette and its Zoning Administrator are not responsible for any damage to persons or property based on any inspection or failure to inspect, or issuing of a Zoning Permit authorized by the Zoning Code.

6. Appeals

- a. *Appeals Generally.* Any decision made by the Zoning Administrator may be appealed to the Board of Adjustment by any person or agency aggrieved by a decision. Any appeal must be submitted to the Zoning Administrator within ten (10) days from the date of the decision. All appeals must be in writing specifying the grounds for the appeal. The Zoning Administrator shall transmit the written notice of appeal and all original documents to the Board of Adjustment.
- b. *Effect of a Pending Appeal on a Denial.* The Zoning Administrator's denial of a permit requires all construction activity and/or use to cease. If such denial is then appealed, then construction activity and/or use may only continue if the Zoning Administrator certifies in writing to the Board of Adjustment that a pause of construction and/or use would cause imminent peril to life or property. (See W.S. 15-1-607(b)).

7. Board of Adjustment (the Board)

Purpose: The purpose of the Board of Adjustment is to hear appeals for variances from the terms of this Zoning Ordinance. A property owner must demonstrate that the strict application of the requirements of the Zoning Ordinance would result in unnecessary hardship that would deprive the owner of the reasonable use of their land or structure, when compared to other land or structures similarly situated.

a. Creation

- 1) The Board shall consist of five (5) residents of the City of Gillette. The members are appointed by the Mayor and with the consent of the City Council. The Board of Adjustment, existing on the effective date of this Zoning Code, shall be allowed to complete their appointed terms of office. Appointments shall be made for three (3) years. Vacancies shall be filled for any



unexpired term by the Mayor and City Council. Any member of the Board may be removed, for cause, by the City Council upon written charges and after a public hearing. Members of the Board shall serve without compensation.

- 2) The Board may appoint a Secretary from within the five (5) currently serving members.
- 3) The members of the Board shall convene after receiving a BOA application and after proper notice as set forth in W.S. 15-1-602, is provided to the applicant and public. They shall select one (1) of their members as Chair and one (1) as Vice-Chair, who shall serve one (1) year terms. Special meetings may be called at any time by the Chair or in their absence, by the Vice-Chair. A majority of the Board constitutes a quorum.

b. Powers and Jurisdiction of the Board of Adjustment

The Board has jurisdiction to:

- 1) Determine on appeal whether to allow a nonconforming use or structure on a specific property.
- 2) Interpret the provisions of the Zoning Code in accordance with the Comprehensive Plan.
- 3) Permit the reconstruction of a nonconforming building. The nonconforming building must have been damaged by accident or disaster, act of god, or public enemy, to the extent that more than sixty percent (60%) of the structural value of the building and the land upon which it is located has been destroyed. The BOA must find some compelling public necessity requiring continuance of the nonconforming use. The primary purpose of continuing the nonconforming use shall not be to continue a monopoly. In the case of doubt, the fair market value shall be determined, as provided in [SECTION 7. Non-Conforming Uses and Structures](#).
- 4) Reverse, affirm, or modify the order of the Zoning Administrator.

c. Variances

- 1) A request for variance shall only occur after the denial of a permit. The request for a variance must be submitted to the Zoning Administrator prior to an appeal to the Board of Adjustment. The Zoning Administrator shall transmit the request, a copy of the denied permit, and any other pertinent information to the Board for their consideration.
- 2) A variance is specific to a use or structure and runs with the land. The following circumstances do not qualify for a variance:
 - a) Self-imposed hardships.
 - b) Hardships based solely on financial considerations, convenience, or inconvenience.
 - c) Conditions that are alleged to be "special," but that are actually common to many properties within the same zoning district.
- 3) The Board must find that each of the following conditions are present before granting a variance:
 - a) The use is already allowed in the district in which the variance is requested.
 - b) Literal enforcement of the provisions of the Zoning Code will result in an unnecessary hardship on the property.
 - c) The owner of the property did not create the extraordinary circumstances and the circumstances do not represent a general condition of the district.
 - d) The variance will not substantially injure any adjacent conforming property.
 - e) The variance will not alter the character of the district in which it is located.
 - f) The variance will provide relief with the minimum deviation from the Zoning Code.



g) The variance will not adversely affect public health, safety, or welfare.

d. Rules for Proceeding Before the Board of Adjustments on Appeals

- 1) Appeals to the Board of Adjustment may be made by any aggrieved person or any officer, department, board, or bureau of the City affected by any decision of the Zoning Administrator. All appeals shall be in writing and filed with the Zoning Administrator within ten (10) days from the date of the decision of the Zoning Administrator. The Zoning Administrator shall then immediately transfer the written notice of appeal and all original documents pertaining to the appeal to the Board.
- 2) Upon receipt of the notice of appeal, the Board shall fix a reasonable time and place for a public hearing and proceed in accordance with the following rules:
 - a) Public notice shall be given of all hearings to aggrieved parties. Public notice consists of:
 - i. Notice of the hearing must be provided to each party in interest--served personally or by mail at least fifteen (15) days prior to the hearing. The notice will include a statement of (i) the time, place, and nature of the hearing, (ii) the legal authority and jurisdiction under which the hearing is to be held, (iii) the particular sections of the statutes and/or rules involved, and (iv) a short and plain statement of the matters asserted and parties involved; or
 - ii. One (1) published notice in a newspaper of general circulation at least fifteen (15) days prior to the hearing when the indispensable and necessary parties are composed of a large class, including the same information that would be included in the documentation served personally or by mail otherwise.
 - b) An aggrieved party may appear at a public hearing in person and/or be represented by an agent or attorney.
 - i. In all contested cases, depositions, subpoenas, and discovery may be held before the public hearing pursuant to Wyoming Statute 16-3-107.
 - c) Any witnesses shall swear or affirm their testimony under oath. Each party may offer evidence and cross-examine witnesses.
 - d) A majority vote of the Board is necessary to reverse any order, requirement, or decision of the Zoning Administrator.
 - e) The Board shall render a written decision in every appeal within thirty (30) days of the hearing. Each decision must include findings of fact and conclusions of law. The Board shall file with the Campbell County Clerk each variance granted including the nature of the variance, time limitations, and any special conditions imposed by the Board.
 - f) The Board shall keep a record of the proceeding and make copies available to any party at a cost consistent with public records requests.
- 3) Decisions of the Board under this section may be appealed and reviewed on appeal by the District Court within the jurisdiction pursuant to Wyoming Statute 16-3-114.

8. Zoning Fees

The following fees shall be collected by the City of Gillette, Development Services Department, prior to review of the following applications:



Figure d. A
Permit Fees for Services Described in the Zoning Code

Permit Type	Fee
Commercial Site Plan	\$375
Planned Unit Development	\$1,000
Zoning Map Amendment	\$400
Zoning Text Amendment	\$1,000
Zoning Variance	\$655
Zoning Appeal	\$655
Electronic Graphic Display Billboard	\$2,500 Application Fee and \$250 License Annual Fee
Tower Application	See SECTION 9., Wireless Communication Facilities

e. Amendment Procedures

1. **Statement of Policy:** The City of Gillette Zoning Code promotes sound development and stable land use patterns. Any person, corporation, or the City may initiate amendments to the Zoning Code to:
 - a. Correct an obvious error or oversight in the regulations; or
 - b. Recognize changing conditions in the City that requires an amendment(s) for the public health, safety, or general welfare.
2. **Amendments: Type and how made**
 - a. The City recognizes two types of Amendments:
 - 1) Text amendments seeking to change the language of the Zoning Code.
 - 2) Map amendments seeking to change the district boundary lines.
 - a) Map Amendments seeking to be rezoned as Agricultural District will not be accepted as the Agricultural District is no longer considered a valid Zoning District.
 - b. Applications for amendments shall be made to the Zoning Administrator. The Zoning Administrator may develop forms for this purpose. The application shall include:
 - 1) Name and address of applicant.
 - 2) Applicant's interest in the application.
 - 3) Name and address of any other interested parties.
 - 4) Explanation of reasons for amendment.
 - 5) Amendment(s) to the Zoning Map must also include:
 - a) Map and legal description of the property sought to be rezoned; map must show abutting properties.
 - b) Existing zoning district designation and proposed zoning district designation.
 - c) The names and addresses of all landowners within one hundred forty (140) feet of the outer limits of the area proposed for rezoning, the width of any intervening street or alley right-of-way shall not be included.
 - d) Proof of ownership of property requested to be rezoned. (i.e., Warranty Deed, Title Report)
 - c. The Zoning Administrator collects all comments and schedules the matter for public hearings before the Planning Commission and City Council.



3. Public Hearing

- a. The Planning Commission shall hold a public hearing for proposed amendment(s) to the Zoning Code and Zoning Map. Notice of the public hearing shall be given per W.S. 15-1-602.
- b. Following a public hearing the Planning Commission shall vote and forward their recommendations in writing to the City Council.
- c. The City Council cannot consider a zoning amendment until it receives the Planning Commission’s recommendations. The Council is not bound by the recommendation of the Planning Commission and may consider any available evidence in its decision. A majority vote of the City Council is required to pass a zoning amendment.
- d. All protests to a proposed amendment to the Zoning Code or Zoning Map shall be filed with the Zoning Administrator at least twenty-four (24) hours before the City Council meeting considering the proposed amendment.
- e. If the owners of twenty percent (20%) or more of the area of the lots included within the proposed change or those immediately adjacent within a distance of one hundred forty (140) feet (the rights-of-way not included) protest a proposed amendment by filing a signed objection, the amendment shall not become effective, except by the affirmative vote of three fourths (3/4) of all the members of the City Council.
 - 1) A signed objection must include a printed name, address, and signature of protesting property owners within the area of the lots included in the proposed change, or those within the one hundred and forty (140) feet therein.

4. Amendments for Mineral Extraction or Production

- a. All mineral extraction and/or production activity shall take place in an I-2 District.
- b. Applications for amendments to allow mineral extraction and production shall follow the established amendment procedures.
- c. Following a public hearing, the City Council may:
 - 1) Request that State or Federal approvals be withheld, pending recommended modifications.
 - 2) Impose such additional conditions and safeguards deemed necessary to protect the surrounding environment or adjacent uses of land.

5. Limitations on Filing

- a. A Text or Map Amendment that has been denied may not be requested and filed again until one (1) year from the date of the final hearing has passed.

SECTION 2. DISTRICT REGULATIONS

Contents:

- a. Establishment of Zoning Districts
- b. Purpose and Land Use

a. Establishment of Zoning Districts

1. District Classification

Land within the corporate limits of the City of Gillette shall be divided into the following zoning districts:



**Table a. A
Districts Established**

Abbreviation	District Name	Reference
AG	Agricultural District <i>*Grandfathered Status</i>	a.
R-R	Rural Residential District	b.
R-S	Suburban Residential District	c.
R-1	Single-Family Residential District	d.
R-2	Single and Two-Family Residential District	e.
R-3	Single and Multiple-Family Residential District	f.
R-4	Multi-Family Residential	g.
M-H	Mobile Home District	h.
E-MH	Enhanced Manufactured Home District	i.
E-MH RS	Enhanced Manufactured Home Suburban Residential District	j.
C-P	Planned Neighborhood Business District	k.
C-O	Office and Institutional	l.
C-1	General Commercial District	m.
C-2	Office and Institution	n.
C-3	Business and Services District	o.
I-1	Light Industrial District	p.
I-2	Heavy Industrial District	q.

2. Zoning District Map

- a. The boundaries of the zoning districts are shown on a map titled, "Zoning Map, Gillette, Wyoming". This map, and all official amendments, are hereby declared to be part of this ordinance. The [Zoning Map](#) can be found on the City website under "Planning Services Division".
- b. All lands within the corporate boundaries shall be within one of the Zoning Districts.
- c. All lands which are hereafter annexed to the City of Gillette will have the default zoning of R-1, Single-Family Residential District, unless otherwise designated by the City Council as a part of the annexation and zoning process. Established zoning may be amended pursuant to the procedures established by the Zoning Code.

3. Uniform District Regulations

This ordinance applies uniformly in all zoning districts with the same classification:

- a. If a single property is divided by a zoning district boundary line, and if one parcel is smaller than the minimum lot size required by the Zoning Code, the zoning district regulations for the larger parcel shall apply to the small parcel.
- b. If a single property is divided by a zoning district boundary line, and if each parcel is at least equal to the minimum lot size required by the Zoning Code, the zoning district regulations for each parcel shall apply.
- c. If a single property is divided by a zoning district boundary line, and if both parcels are smaller than the minimum lot size required by the Zoning Code, the most restrictive of the zoning district regulations for the two parcels shall apply to both parcels.
- d. Lots located in R-1, R-2, M-H, E-MH and E-MH-RS Zoning Districts may have one (1) primary structure; this applies to individually owned lots in the M-H Zoning District. Lots located in the



remaining zoning districts and mobile home parks located in an M-H Zoning District may have more than one (1) primary structure. All structures must comply with the Zoning Code.

4. Minimum Size of District Area

Amendments to the Zoning Code must meet minimum size requirements.

Table a. B Minimum Size of District Area		
Abbreviation	District Name	Minimum Size of District
Ag	Agricultural	No New Districts Allowed
R-R	Rural Residential	10 acres
R-S	Suburban Residential	10 acres
R-1	Single-Family Residential	10 acres
R-2	Two-Family Residential	3 acres
R-3	Single and Multiple Family Residential	3 acres
R-4	Multi-Family Residential	2 acres
M-H	Mobile Home	5 acres
E-MH	Enhance Manufactured Home	7 acres
E-MH RS	Enhanced Manufactured Home Suburban Residential	10 Acres
C-O	Office and Institutional	1 acre
C-P	Planned Neighborhood Business	1 acre
C-1	General Commercial	4 acres
C-2	Office and Institution	1 acre
C-3	Business/Service	10 acres
I-1	Light Industrial	5 acres
I-2	Heavy Industrial	10 acres

5. Rules for Interpreting and Calculating Area for Zoning District Boundaries

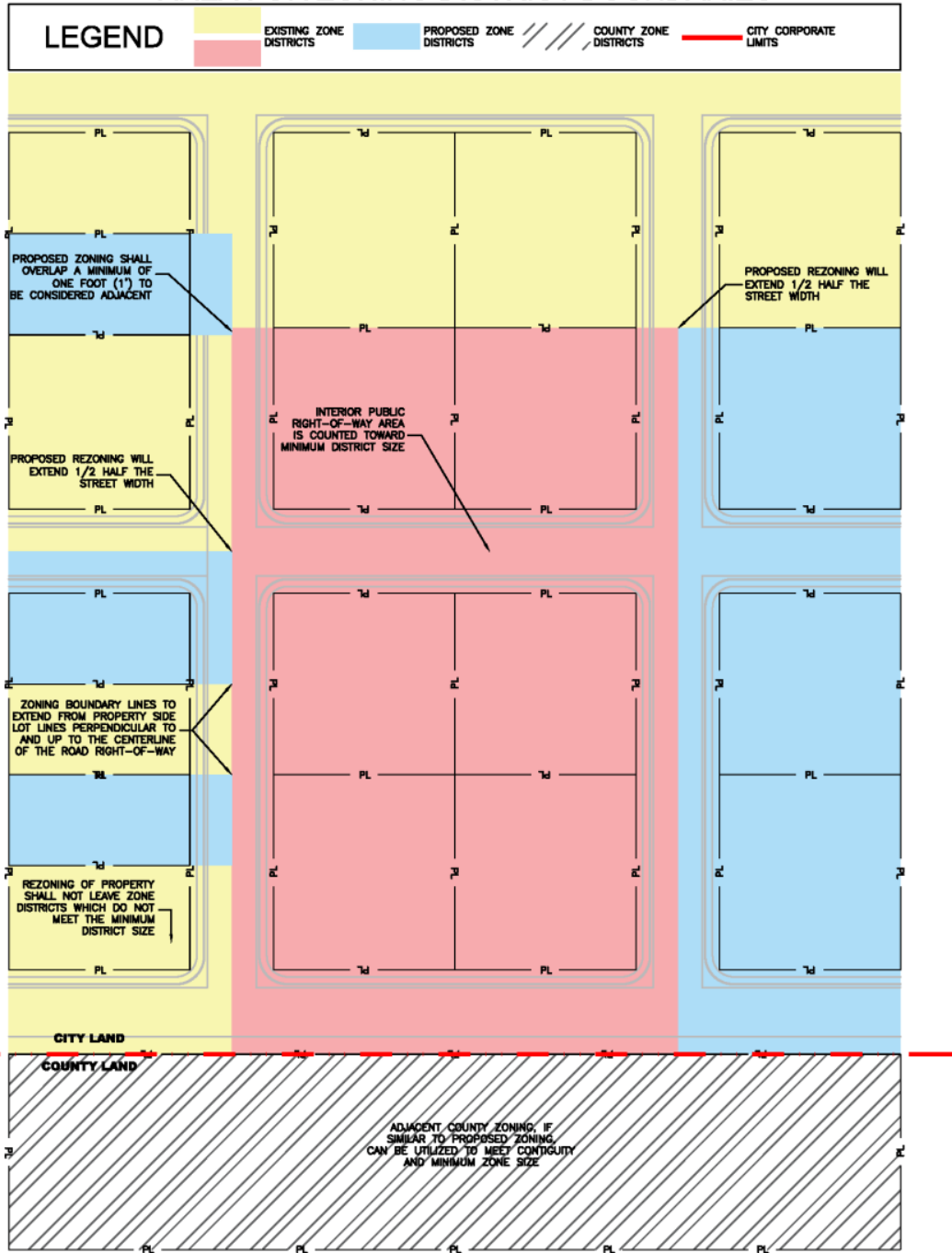
- a. All rights-of-way within City limits are to be zoned to the centerline.
- b. Side lot lines extend to the centerline of the right-of-way.
- c. Interior public right-of-way counts toward minimum district size.
- d. Natural features are zoned to the centerline when at a boundary limit.
- e. Adjacent and contiguous land in the surrounding county that is zoned in a similar category can be used for rezoning acreage calculation purposes.
- f. Upon annexation and zoning of County land, the zoning will be adjusted to the center of right-of-way as applicable.



Figure a. A

Rules for Interpreting and Calculating Area for Zoning Districts

RULES FOR INTERPRETING AND CALCULATING AREA FOR ZONING DISTRICT BOUNDARIES



b. Purpose and Land Use



**Table b. A
Permitted Uses**

X = Permitted Use

Use	Ag	R-R	R-S	R-1	R-2	R-3	R-4	M-H	E-MH	E-MH RS	C-O	C-P	C-1	C-2	C-3	I-1	I-2
Amusement Place													X				
Animal Boarding/Training	X														X	X	X
Animal or Livestock Sales																	X
Antique Shop (all merchandise sold indoors)												X	X	X			
Asphalt Plant or Concrete Plant																	X
Automobile Body Work, Painting, or Major Repairs																X	X
Automobile Wrecking/Salvage Yard/Junk Yard																	X
Automobile/Mobile/Manufactured Homes Sales													X		X	X	
Automobile Supply Store													X		X		
Bar/Tavern/Lounge											X	X	X	X			
Barber, Beauty Shop, or Spa											X	X	X	X	X		
Bed & Breakfast		X	X	X	X			X									
Boarding or Rooming House							X										
Bulk Plant, Gasoline, or LP Gas																	X
Carpenter and Cabinet Shop; (employing 5 persons or less in C-1 and C-2)													X	X	X	X	X
Car Servicing/Repair													X	X	X	X	
Cemetery	X	X	X	X	X			X		X							
Church	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
Civic (police, post office, fire, utilities, parks, libraries, etc.)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Commercial Recreation													X	X	X	X	X
Community Center		X	X	X	X	X	X	X	X	X			X				
Condominium or Townhouse				X	X	X											
Contractors' Yard (vehicles, equipment/supplies, etc.)																X	X
Crematorium (as primary use)																X	X
Daycare* - with appropriate state license and special permit		X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Dry cleaning/Laundry, etc.											X	X	X	X	X	X	X
Entertainment - Family-Friendly (movie theater, bowling alley, etc.)												X	X				
Financial Institutions (banks, lending, etc.)											X	X	X	X			
Fix-it-Shop (small appliance, household, and small engine repair)												X	X				
Flooring and carpet store													X		X		
Food Sales (bakery, coffee shop, etc.)											X	X	X	X	X		
Foster Home	X	X	X	X	X	X	X	X	X	X							
Gas Station (does not include body work, painting, or major repairs)												X	X		X	X	X
General Agriculture	X																



**Table b. A
Permitted Uses**

X = Permitted Use

Use	Ag	R-R	R-S	R-1	R-2	R-3	R-4	M-H	E-MH	E-MH RS	C-O	C-P	C-1	C-2	C-3	I-1	I-2
Golf Course	X		X	X									X				
Greenhouse/Plant Nursery	X											X	X		X	X	X
Grocery Store													X				
Group Care Facility	X	X	X	X	X	X	X	X	X	X	X		X	X			
Group Daycare Facility (with appropriate state license)						X	X					X	X	X	X		
Group Foster Home - with appropriate state license						X	X							X			
Halfway House														X		X	
Heavy Equipment Sales, Service, and Repair																	X
Heavy Manufacturing, Processing, and Fabrication																	X
Hospital						X	X				X			X			
Hotel/Motel													X	X			
Industrial Pipe Yard																	X
Institution of Higher Learning, Including Dormitory Accommodations						X	X						X	X			
Junk Yard																	X
Light Manufacturing, Processing, or Fabrication															X	X	X
Lumber/Pipe Yard/Building Material Storage and Sales (except ready mix concrete)													X		X	X	X
Medical Offices											X	X	X	X	X		
Mixed-use Development (Minimum area of zone lot for mixed-use shall be 2000 square feet per residential development.)											X	X	X	X	X		
Mobile Vendors**	X										X	X	X	X	X	X	X
Mobile/Manufactured Home								X	X	X							
Mortuary (Does not include Crematorium as an Accessory Use in Residential Zones)					X	X					X		X	X			
Multi-Family Dwelling						X	X										
Museum													X	X			
Neighborhood Recreational Facility											X	X					
Nursing Home/Assisted Living for Elderly						X	X				X			X			
Office											X	X	X	X	X	X	
Off-Street Parking and Storage of Personal Effects								X	X	X							
Oil/Gas/Mineral Exploration, Production	X																X
Oil/Gas/Mineral Supply, Storage, and Sales																X	X
Parking Garage													X	X	X		
Parking of Vehicles (Must comply with SECTION 5.)					X	X		X			X		X	X	X	X	X
Pet Store												X	X	X			



**Table b. A
Permitted Uses**

X = Permitted Use

Use	Ag	R-R	R-S	R-1	R-2	R-3	R-4	M-H	E-MH	E-MH-RS	C-O	C-P	C-1	C-2	C-3	I-1	I-2
Pharmacy											X	X	X	X			
Printing and Publishing, Including Newspaper Office													X		X		
Private Club/Lodge						X	X						X	X	X		
Professional Services											X	X	X	X	X	X	X
Railroad	X			X	X								X		X	X	X
Ready-mix Concrete Plant																	X
Recreation Camp	X																
Recreational Vehicle (RV) Park													X				
Refinery																	X
Rental Store													X			X	
Restaurant, Fast Food											X		X				
Restaurant, Standard											X	X	X	X	X	X	
Retail, Alcohol/Tobacco Sales											X	X	X	X			
Retail, General Goods											X	X	X	X	X		
Sanitary Landfill																	X
Schools (Public and Private)	X	X	X	X	X	X	X	X			X		X	X			
Self Service Laundry													X				
Sexually Oriented Business																	X
Shared Living Residence for Senior Citizens		X	X	X	X	X	X	X						X			
Single-Family Dwelling		X	X	X	X	X	X	X	X	X							
Slaughterhouse																	X
Storage Facility													X		X	X	X
Taxidermy***															X	X	
Telecommunication Studio (television, radio, etc.)													X		X	X	
Truck or Railroad Terminal																X	X
Two-Family Dwelling					X	X	X										
Underground Oil or Gas Storage Facilities, as Approved by the City Engineering and Fire Marshall																X	
Veterinary Clinic	X												X		X	X	X
Victim Service Agency					X	X	X						X				
Warehouse																X	X
Welding Shop																X	X

* Daycares: R-R, R-S, R-1, R-2, R-3, R-4, M-H, E-MH, and E-MH-RS - Family Child Care Home (FCCH), or Family Child Care Center (FCCC), with appropriate State License and operated from the provider's home with a special permit, or Child Care Center (CCC) operated by a church with appropriate State License as required under Section 3.t. of this code. Family Child Care Center (FCCC) or Child Care Center (CCC) can operate C-O, C-P, C-1, C-2, C-3. All outdoor play areas must be fenced.

**Mobile Vendors (excluding Ice Cream Trucks) are only allowed within Residential Zone Districts in City Parks. All Mobile Vendors are required to obtain a Zoning Permit for all permitted Districts.



**Table b. A
Permitted Uses**

X = Permitted Use

Use	Ag	R-R	R-S	R-1	R-2	R-3	R-4	M-H	E-MH	E-MH-RS	C-O	C-P	C-1	C-2	C-3	I-1	I-2
***Tanning of hides, preparation such as boiling skulls for European Mounts and anything that causes obnoxious odors and smells are not allowed in the C-2, Central Business District and the C-3, Business/Service District.																	
Not all uses are listed as part of this table. Uses not listed shall be subject to administrative review and approval.																	

**Table b. B
Permitted Encroachments in All Zoning Districts**

Type	Amount
Belt courses, sills, lintels, exterior columns, chimneys, and building accessories	2 feet
Open/unwalled porches, terraces, balconies, and exterior stairways	3.5 feet
Cornices, overhangs, eaves, and gutters	2 feet

**Table b. C
Permitted Accessory Uses in Residential Districts**

Type	Ag	R-R	R-S	R-1, R-2, M-H, E-MH, E-MH-RS	R-3, R-4
Clearly incidental, customary, and commonly associated with the primary structure	X	X	X	X	X
Operated and maintained under the same ownership and on the same lot as the primary structure	X	X	X	X	X
Accessory use in detached structures	X	Gross floor area not to exceed 1.5 times that of primary structure	Gross floor area not to exceed 1.5 times that of primary structure	Not to exceed the Gross Floor Area of the permitted use.	Not to exceed the Gross Floor Area of the permitted use.
Livestock and fowl - with restrictions	X	X	---	---	---
Chickens - Up to five (5) Chickens in Accordance with Chapter 4, Sections 4-33 through 4-43 of the Gillette City Code.	X	X	X	X	X
Residential occupancy - with restrictions*	X	See Table 20.02.02 E	See Table 20.02.02 E	See Table 20.02.02 E	See Table 20.02.02 E

**Table b. D
Permitted Accessory Uses in Commercial and Industrial Districts**

Type	C-P	C-O	C-1	C-2	C-3	I-1, I-2
Clearly incidental, customary, and commonly associated with the primary structure.	X	X	X	X	X	X
Operated and maintained under the same ownership and on the same zone lot as the permitted use.	X	X	X	X	X	X



Table b. D
Permitted Accessory Uses in Commercial and Industrial Districts

Type	C-P	C-O	C-1	C-2	C-3	I-1, I-2
Does not include structures or structural features inconsistent with the permitted use.	X	X	---	X	---	---
Does not include residential occupancy	X	X	X	X	---	---
Does not include residential occupancy, except by a caretaker or watchman employed on the premises.	---	---	---	---	X	X
Except for Mixed-Use Development, does not include residential occupancy, except by owners and employees employed on the premises and their families; provided however, that no more than one (1) such dwelling unit shall be allowed for each permitted use. Mobile or manufactured homes shall not be permitted.	X	X	X	X	X	---
If operated wholly or partly within the structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed thirty (30%) percent of gross floor area of the permitted use.	---	---	---	X	---	---
If operated within a structure, shall not exceed a gross floor area of fifty (50%) percent of the gross floor area of the permitted use. If operated as an open accessory use, shall not exceed a gross floor area of fifty (50%) percent of the area of the zone lot.	X	X	X	---	X	X
Does not include an area of over ten (10%) percent of the area of the zone lot.	---	---	---	---	---	X
Does not include an area of over ten (10%) percent of the area of the zone lot or thirty-five (35%) percent of the gross floor area of the permitted use, whichever is greater.	---	---	---	---	X	---
If in a separate, detached structure from a permitted use, the gross floor area devoted to the accessory use shall not exceed the gross floor area of the permitted use.	---	---	---	X	---	---

Table b. E
Accessory Dwelling Units (ADU)

Use	Requirement
Occupancy	Owner must live on-site in either the primary dwelling or the ADU
Quantity	One ADU per lot
Foundation	Must be on a permanent foundation
Utilities	Water, sewer, and electric utilities shall be provided to each ADU
Parking	Must provide one additional off-street paved parking space (9'x18') in addition to primary dwelling parking requirements
Setbacks and Open Space	Must adhere to zoning district accessory use setbacks and open space requirements.
Size	800 square feet maximum

ADU's are allowed in all residential zoning districts on lots that are individually owned and contain single-family dwellings. No Day Cares are allowed in ADU's. ADU's must comply with the current Building Code as adopted by the City of Gillette.



**Table b. F
Shipping Containers**

Residential	Commercial	Industrial
Allowed only as Accessory use to Primary Structure (Not allowed as ADU)	Allowed as Primary or Accessory Structure	Allowed as Primary or Accessory Structure
Solid 6' screen fence required	Solid 6' screen fence required or mural for screening. Construction shall meet all current Building Codes	Construction shall meet all current Building Codes

SECTION 3. DISTRICT STANDARDS

Contents:

- a. Agricultural (Ag)
- b. Rural Residential (R-R)
- c. Suburban Residential (R-S)
- d. Single-Family Residential (R-1)
- e. Two-Family Residential (R-2)
- f. Single and Multiple Family Residential District (R-3)
- g. Multi-Family Residential District (R-4)
- h. Mobile Home District (M-H)
- i. Enhanced Manufactured Home District (E-MH)
- j. Enhanced Manufactured Home Suburban Residential District (E-MH R-S)
- k. Planned Neighborhood Business District
- l. Office and Institutional (C-0)
- m. General Commercial (C-1)
- n. Central Business (C-2)
- o. Business/Service (C-3)
- p. Light Industrial (I-1)
- q. Heavy Industrial (I-2)
- r. Fences, Walls, and Retaining Walls
- s. Home Occupations
- t. Child Day Care
- u. Recreational Vehicle (RV) Park Standards



a. Agricultural (Ag)

The Agricultural District is no longer considered a valid Zoning District. Any lots zoned Ag before the effective date of this ordinance, shall have a grandfathered status.

This district is intended to allow for and protect existing agricultural uses within the City by controlling density and land coverage and providing for compatible land use.

1. The following uses are allowed within this District:
 - a. General agriculture; including farming, ranching, grazing, dairying, and animal or plant husbandry.
 - b. Residential occupancy within Ag is permitted by owners or persons employed on the premises and their immediate families.
 - c. Single-family dwellings, mobile/manufactured homes, guest homes, and lodges may be accessory uses to a permitted use.
2. The following is not allowed within this District:
 - a. The spreading, accumulating, feeding, or use of garbage in any manner on the open surface of the land.
 - b. Animal feedlot or commercial holding pens.
 - c. Any use or activity that results in unreasonable and continuous odor, dust, or noise, if located within 300 feet of a residential structure or food or retail business.

Table a. A Building Placement in Agricultural District (Ag)		
Type	Primary Structure	Accessory Structure
Minimum Area of Lot	None Except when permanent residential occupancy is conducted as an accessory use, then at least 3 acres per permanently occupied dwelling unit	---
Minimum Width of Lot	None	---
Front Yard Setback	30 feet Except on corner lots, any front yard not directly adjacent to the primary entrance to a main building is reduced to 25 feet	30 feet Except on corner lots, any front yard not directly adjacent to the primary entrance to a main building is reduced to 25 feet
Side Yard Setback	15 feet	15 feet
Rear Yard Setback	40 feet	5 feet A garage entered from an alley must maintain a minimum distance of 10 feet from the alley



<p>Maximum Height *</p>	<p>When within 150 feet from a residential district: 35 feet When more than 150 feet from a residential district: 80 feet</p>	<p>When within 150 feet from a residential district: 35 feet When more than 150 feet from a residential district: 80 feet</p>
<p>*Permitted exceptions to maximum height: church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers, and fire towers may be erected to any safe height not in conflict with other regulations.</p>		



Figure a. A
Agricultural (Ag) Standard Lot

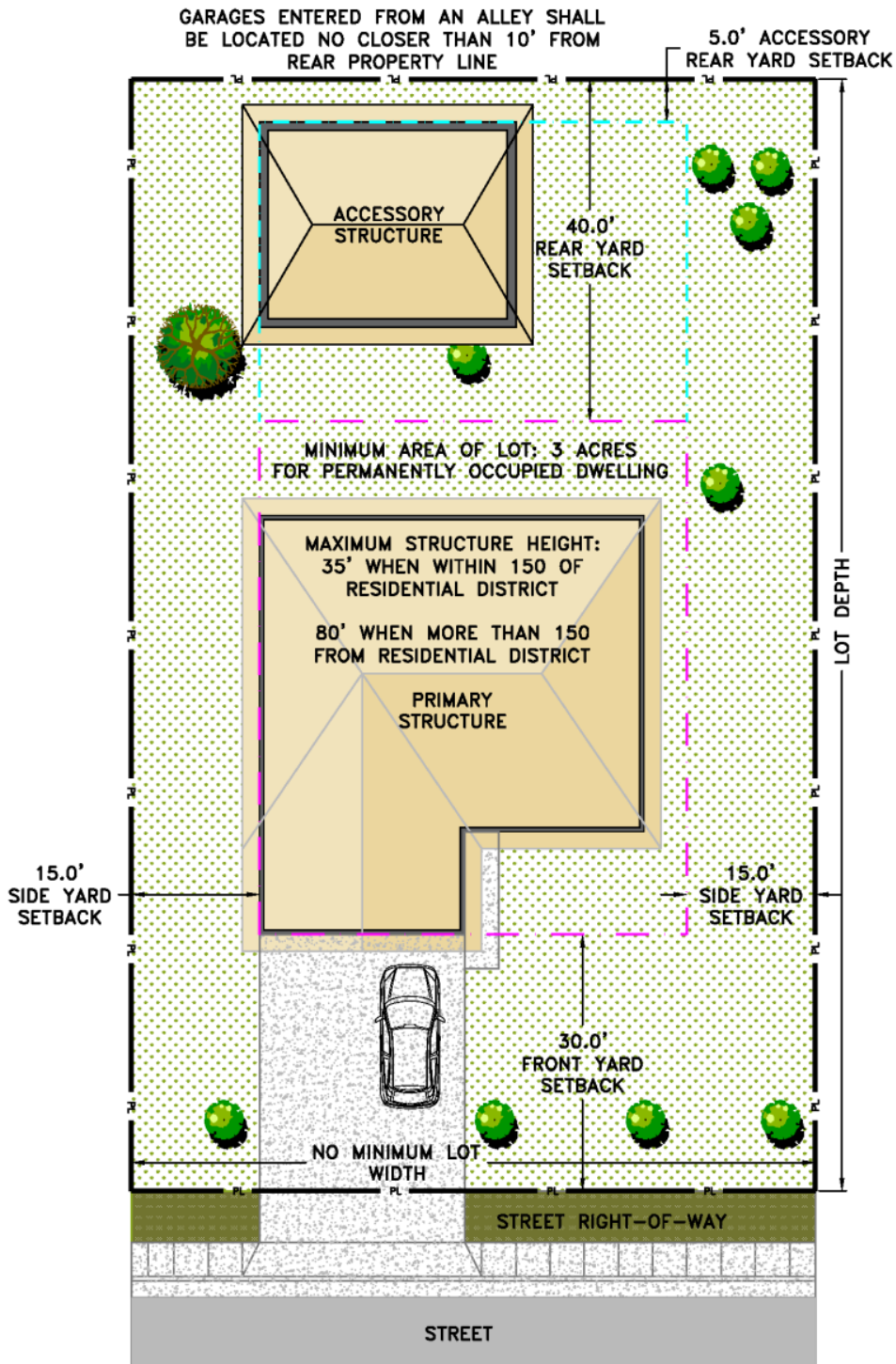
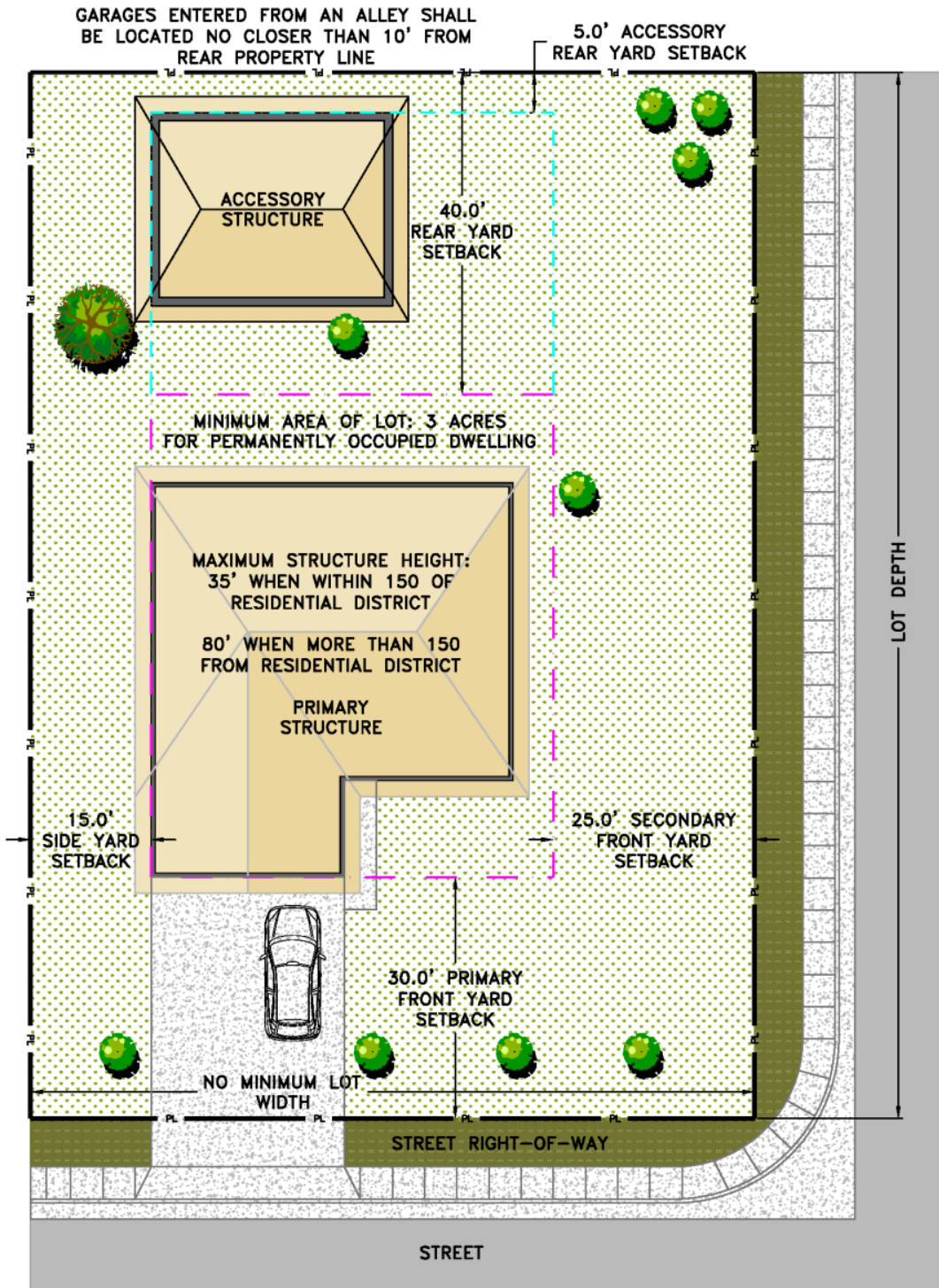




Figure a. B
Agricultural (Ag) Corner Lot





b. Rural Residential (R-R)

This District is intended to accommodate single-family dwellings, accessory structures, and uses for those areas of the community where it is desirable to maintain a semi-rural environment.

1. Livestock and fowl are permitted in accordance with the following provisions:
 - a. The number of livestock, including horses, cattle, sheep, burros, or goats (excluding swine) is limited to 1 animal per 1.5 acres on each platted lot, up to a total of 2 animals. Unweaned offspring are not included in this allowance.
 - b. Rabbits, fowl, or poultry, including chickens, turkeys, geese, or game birds are limited to 10 rabbits or mixed fowl per 1 acre.
 - c. No commercial breeding of livestock and fowl is permitted.
 - d. Areas of the lot as well as accessory buildings or structures devoted to livestock and fowl must be maintained and kept in such a manner as to not constitute a nuisance to the surrounding properties.

Table b. A
Building Placement in Rural Residential (R-R)

Type	Primary Structure	Accessory Structure
Minimum Area of Lot	1 acre	---
Minimum Width of Lot	125 feet	---
Front Yard Setback	40 feet Except on a corner lot, any front yard not directly adjacent to the primary entrance to a main building is reduced to 30 feet	40 feet Except on a corner lot, any front yard not directly adjacent to the primary entrance to a main building is reduced to 30 feet
Side Yard Setback	15 feet	6 feet
Rear Yard Setback	40 feet	10 feet
Maximum Height*	35 feet	35 feet

*Permitted exceptions to maximum height: church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers, and fire towers may be erected to any safe height not in conflict with other regulations.



Figure b. A
Rural Residential (R-R) Standard Lot

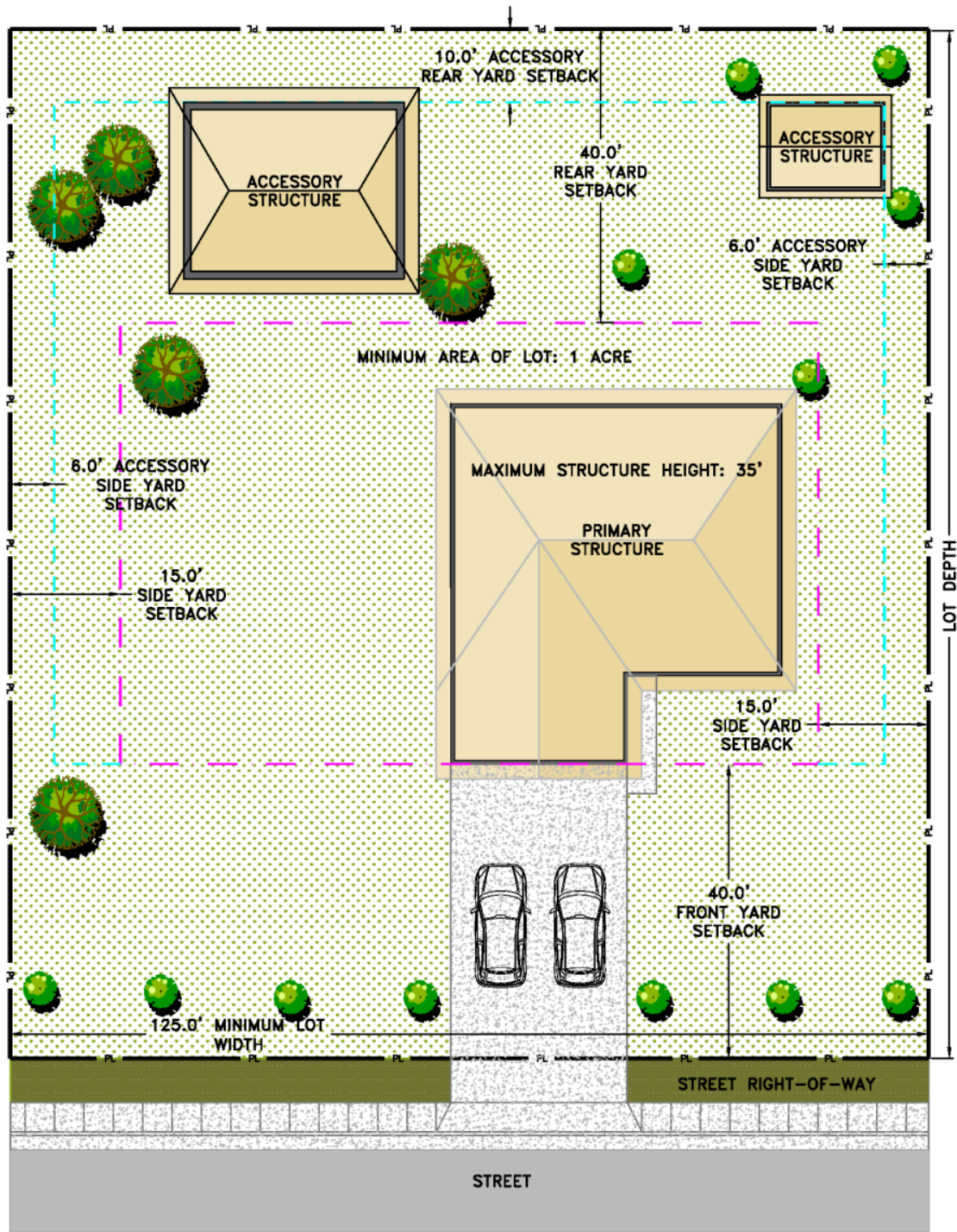
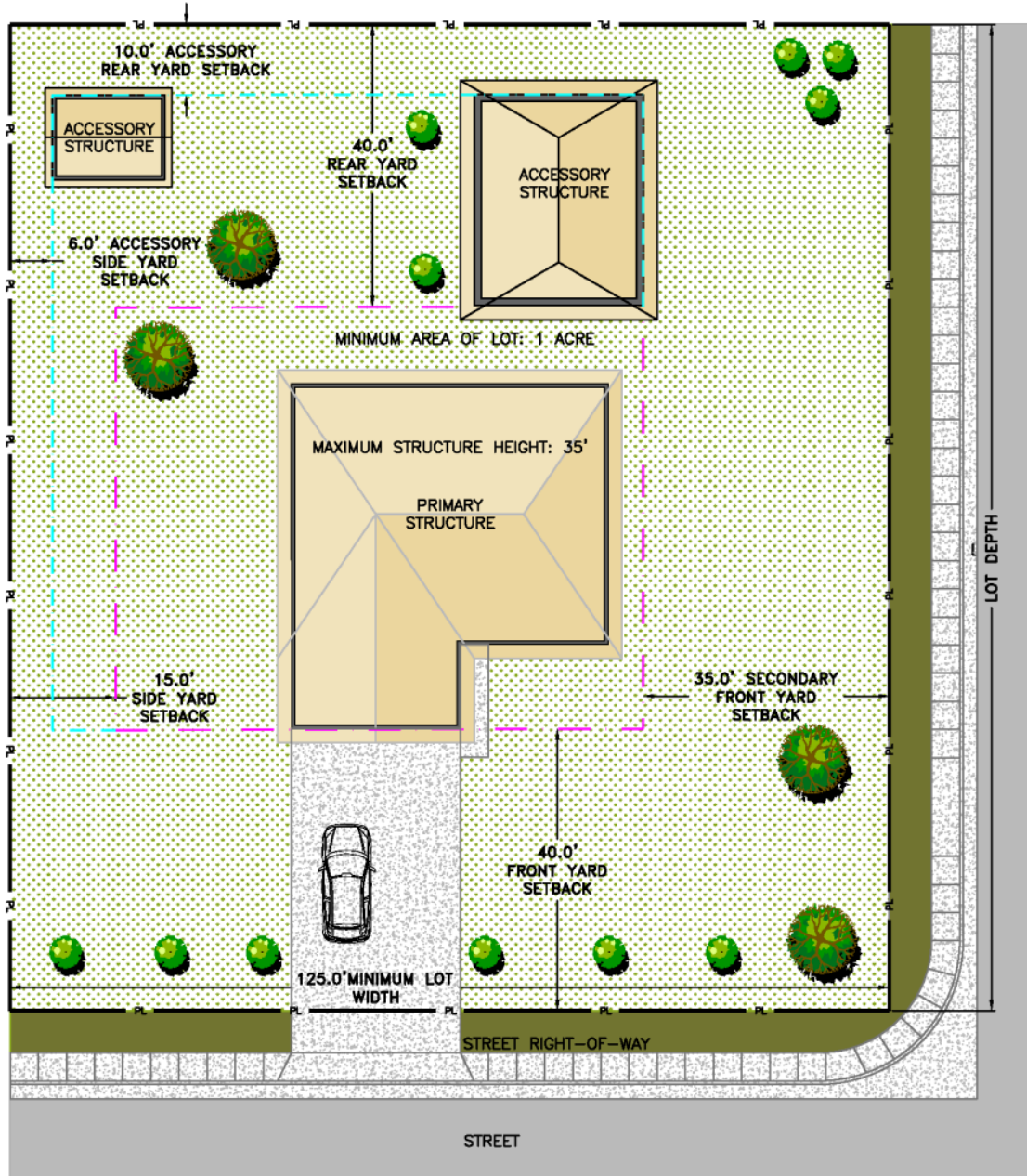




Figure b. B
Rural Residential (R-R) Corner Lot





c. Suburban Residential (R-S)

This District is intended as a single-family residential district for those areas of the community where it is desirable to maintain low residential densities.

Table c. A Building Placement in Suburban Residential (R-S)		
Type	Primary Structure	Accessory Structure
Minimum Area of Lot	22,000 square feet	---
Minimum Width of Lot	125 feet	---
Front Yard Setback	30 feet Except on a corner lot, any front yard not directly adjacent to the primary entrance to a main building is reduced to 20 feet	30 feet Except on a corner lot, any front yard not directly adjacent to the primary entrance to a main building is reduced to 20 feet
Side Yard Setback	15 feet	6 feet
Rear Yard Setback	40 feet	10 feet
Maximum Height*	35 feet	35 feet

*Permitted exceptions to maximum height: church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers, and fire towers may be erected to any safe height not in conflict with other regulations.



Figure c. A
Suburban Residential (R-S) Standard Lot

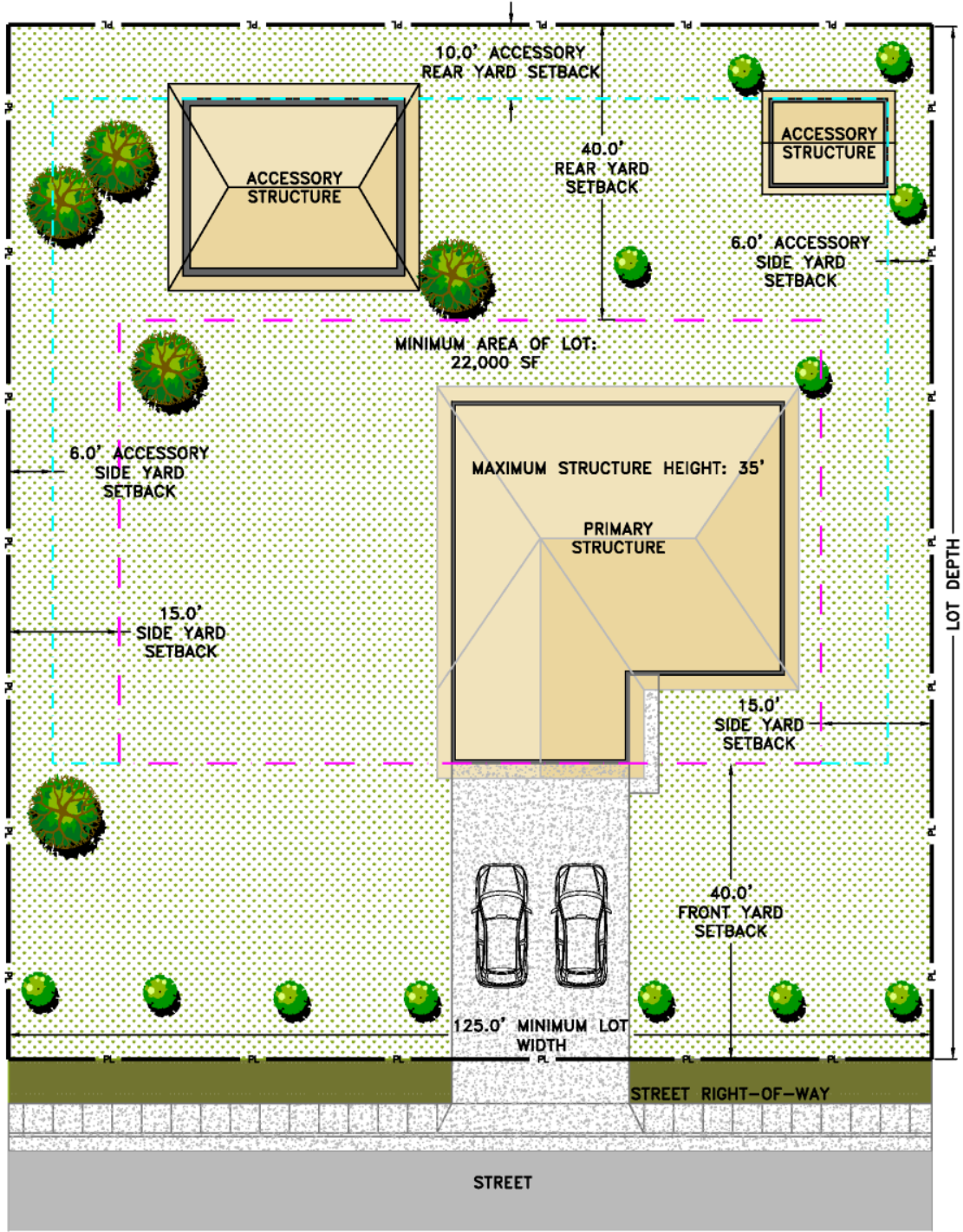
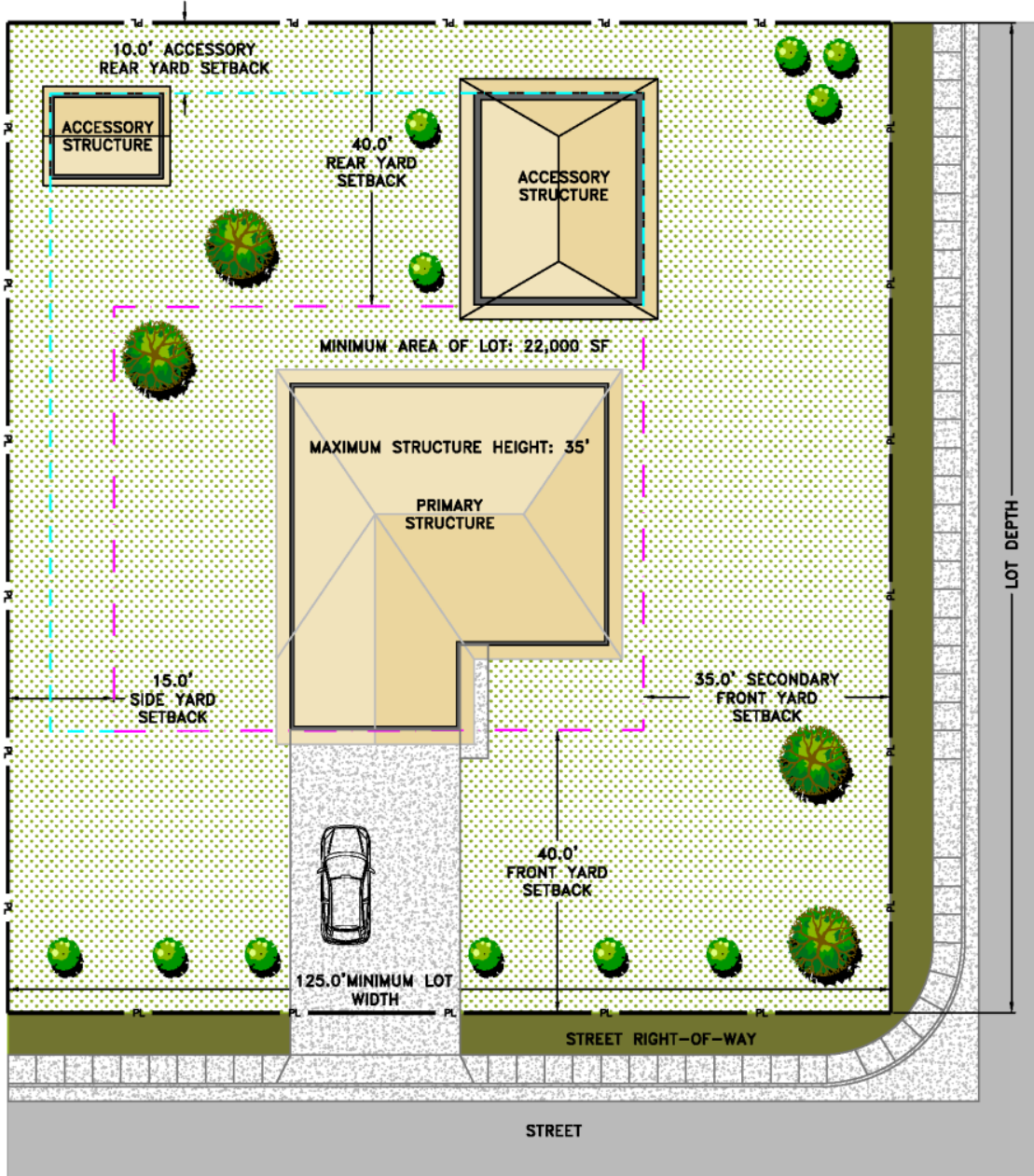




Figure c. B
Suburban Residential (R-S) Corner Lot





d. Single-Family Residential (R-1)

This District is intended to be applied to lands which are suitable for medium density residential development. This District also allows uses which are compatible with and provide support to a medium density residential environment.

Table d. A Building Placement in Single-Family Residential (R-1)		
Type	Primary Structure	Accessory Structure
Minimum Area of Lot	6,000 square feet	---
Minimum Width of Lot	50 feet	---
Front Yard Setback	20 feet Except on a corner lot, any front yard not directly adjacent to the primary entrance to a main building may be reduced to 10 feet	20 feet Except on a corner lot, any front yard not directly adjacent to the primary entrance to a main building may be reduced to 10 feet
Side Yard Setback	5 feet Except on lots of record existing on the effective date of this resolution and having a width of less than 50 feet, the side yard may be reduced to 3 feet	5 feet Except on lots of record existing on the effective date of this resolution and having a width of less than 50 feet, the side yard may be reduced to 3 feet
Rear Yard Setback	20 feet or 20% of the depth of the lot, whichever is smaller	5 feet A garage entered from an alley must be located at least 10 feet from the alley
Maximum Height*	35 feet	35 feet
Open Space Requirement**	50% of the lot	50% of the lot
<p>* Permitted exceptions to maximum height: church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers, and fire towers may be erected to any safe height not in conflict with other regulations.</p> <p>**Areas devoted to off-street parking are not counted as free and unobstructed open space.</p>		





Figure d. A
Single-Family Residential (R-1) Standard Lot



Figure d. A
Single-Family Residential (R-1) Standard Lot

GARAGES ENTERED FROM AN ALLEY SHALL BE LOCATED NO CLOSER THAN 10' FROM REAR PROPERTY LINE

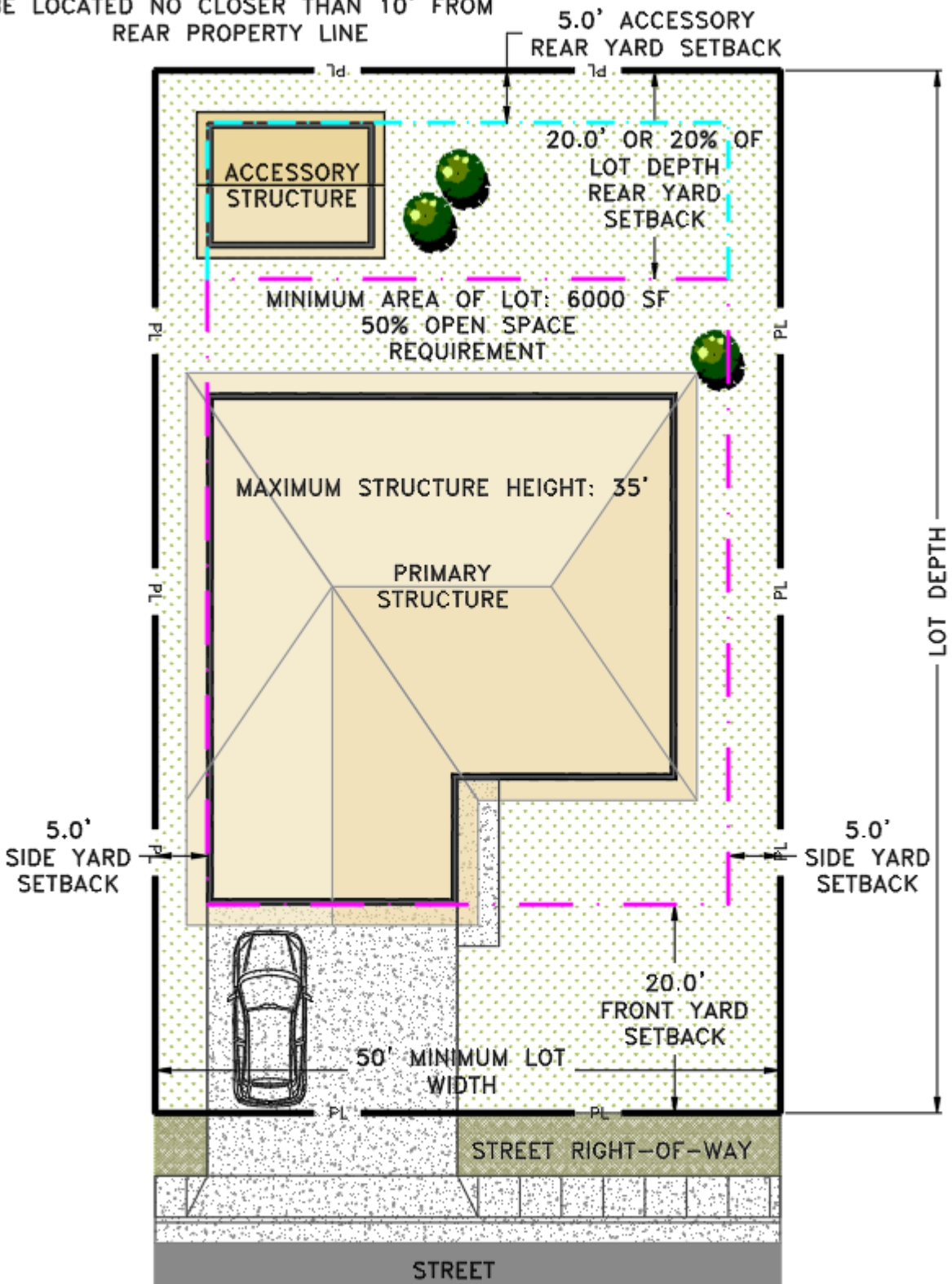
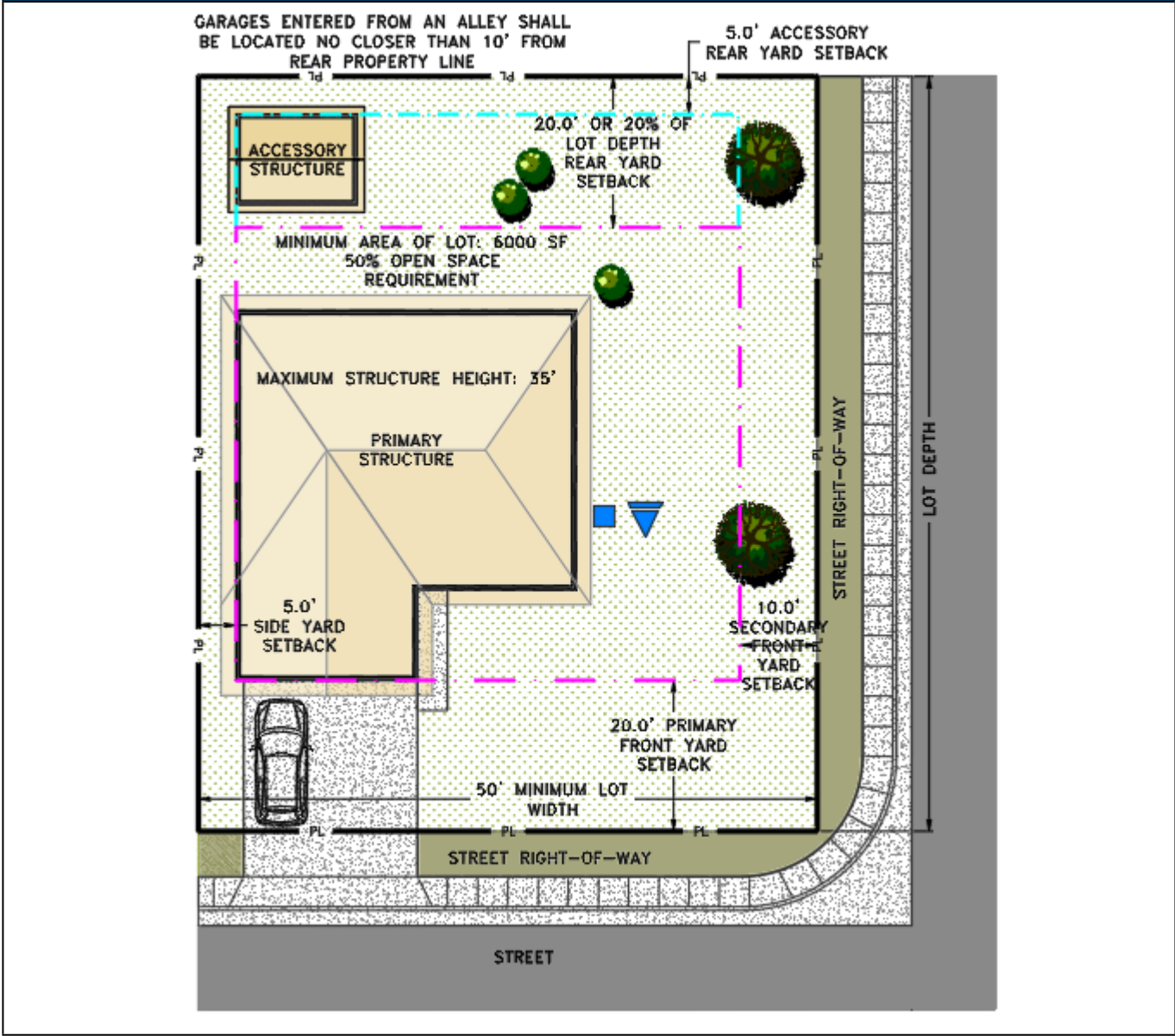




Figure d. B
Single-Family Residential (R-1) Corner Lot

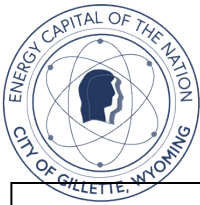


e. Two-Family Residential (R-2)

This District allows a mixture of single and two-family dwellings, at a density higher than single-family districts.

Table e. A
Building Placement in Two-Family Residential (R-2)

Type	Primary Structure	Accessory Structure
------	-------------------	---------------------



Minimum Area of Lot	6,000 square feet On lots where there are two-family dwellings, there must be a minimum of 4,000 square feet per dwelling unit	---
Minimum Width of Lot	50 feet	---
Front Yard Setback	20 feet Except on a corner lot, any front yard not directly adjacent to the primary entrance of a main building is reduced to 10 feet	20 feet Except on a corner lot, any front yard not directly adjacent to the primary entrance of a main building is reduced to 10 feet
Side Yard Setback	5 feet Except on lots of record existing on the effective date of this code and having a width of less than 50 feet, then the side yard is reduced to 3 feet.	5 feet Except on a corner lot, any front yard not directly adjacent to the primary entrance of a main building is reduced to 10 feet
Rear Yard Setback	20 feet or 20% of the depth of the lot, whichever is smaller	5 feet A garage entered from an alley must be at least 10 feet from the alley
Maximum Height*	35 feet	35 feet
**Open Space Requirement	Single-Family dwelling unit: 50% of the lot Two-family dwelling units: 750 square feet per dwelling unit	Single-Family dwelling unit: 50% of the lot Two-family dwelling unit: 750 square feet per dwelling unit

*Permitted exceptions to maximum height: church spires, church towers, water towers, flagpoles, antennas, and fire towers may be erected to any safe height not in conflict with other regulations.

**Areas devoted to off-street parking are not counted as free and unobstructed open space.





Figure e. A
Two-Family Residential (R-2) Standard Lot



Figure e. A
Two-Family Residential (R-2) Standard Lot

GARAGES ENTERED FROM AN ALLEY SHALL
BE LOCATED NO CLOSER THAN 10' FROM
REAR PROPERTY LINE

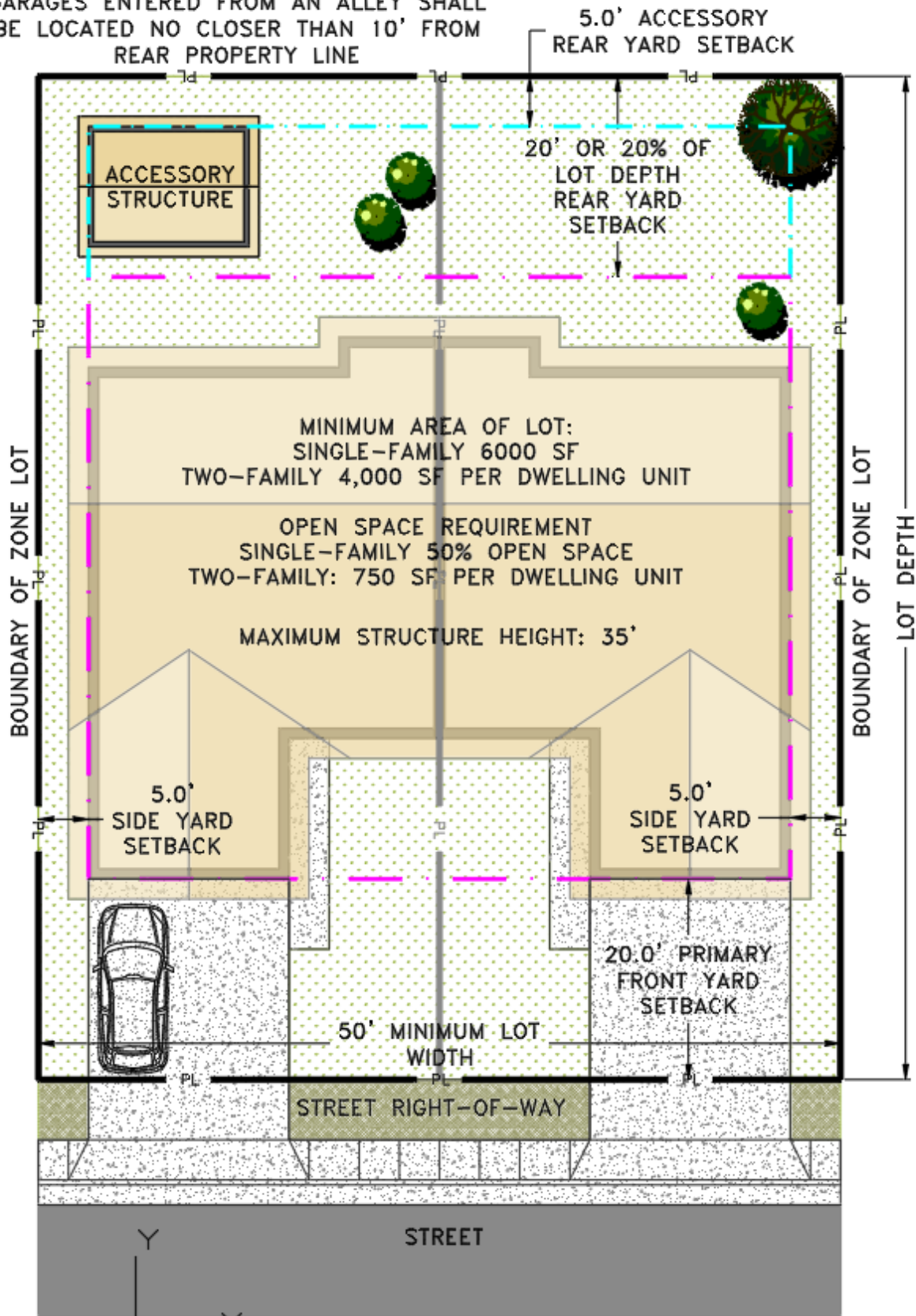


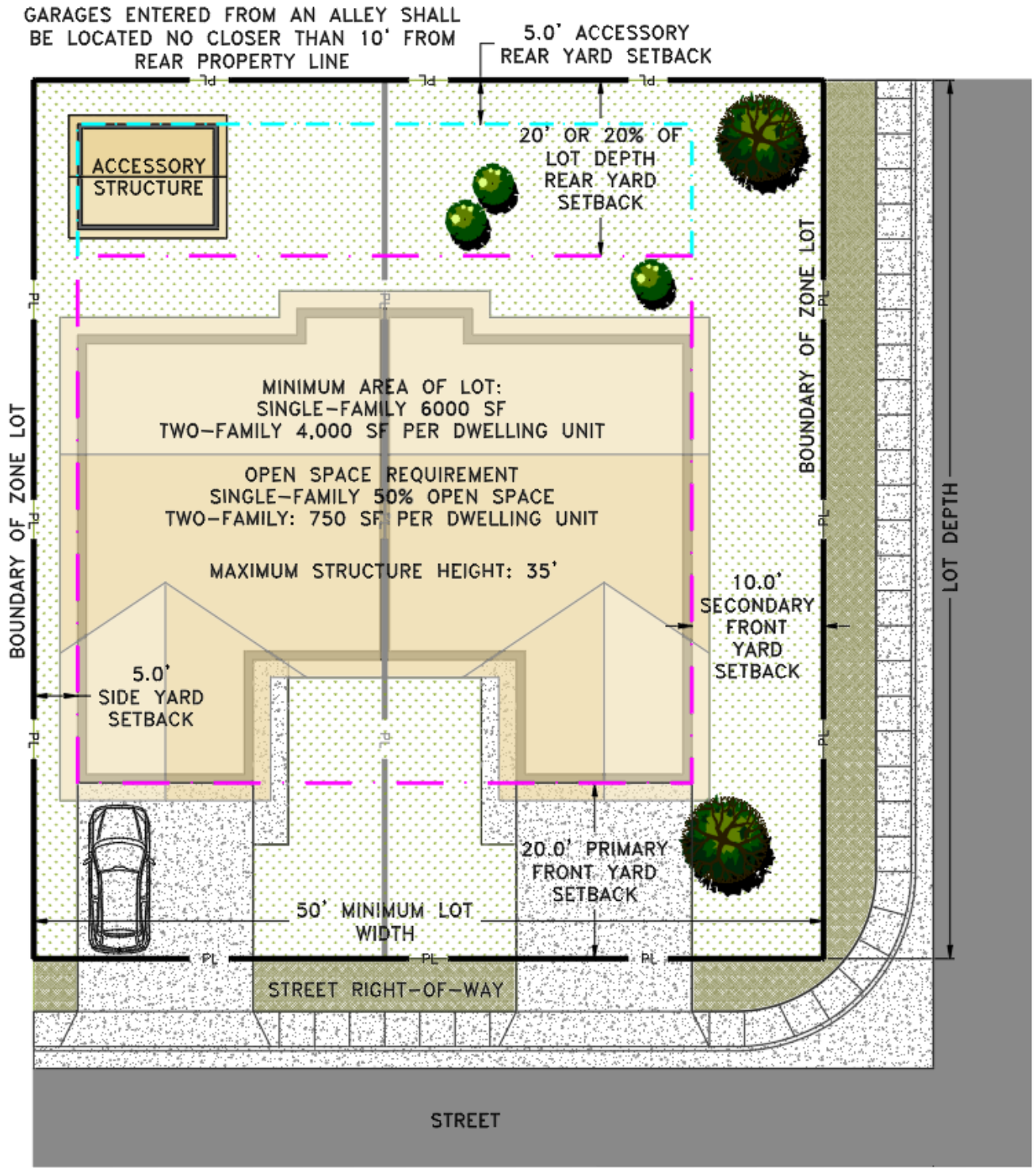




Figure e. B
Two-Family Residential (R-2) Corner Lot



Figure e. B
Two-Family Residential (R-2) Corner Lot



R-2, TWO-FAMILY RESIDENTIAL
CORNER LOT



f. Single and Multiple Family Residential District (R-3)

This District allows a mixture of single and multiple-family dwellings at a density slightly higher than that for single family districts alone, plus the accessory public and semi-public uses offering services to the surrounding area.

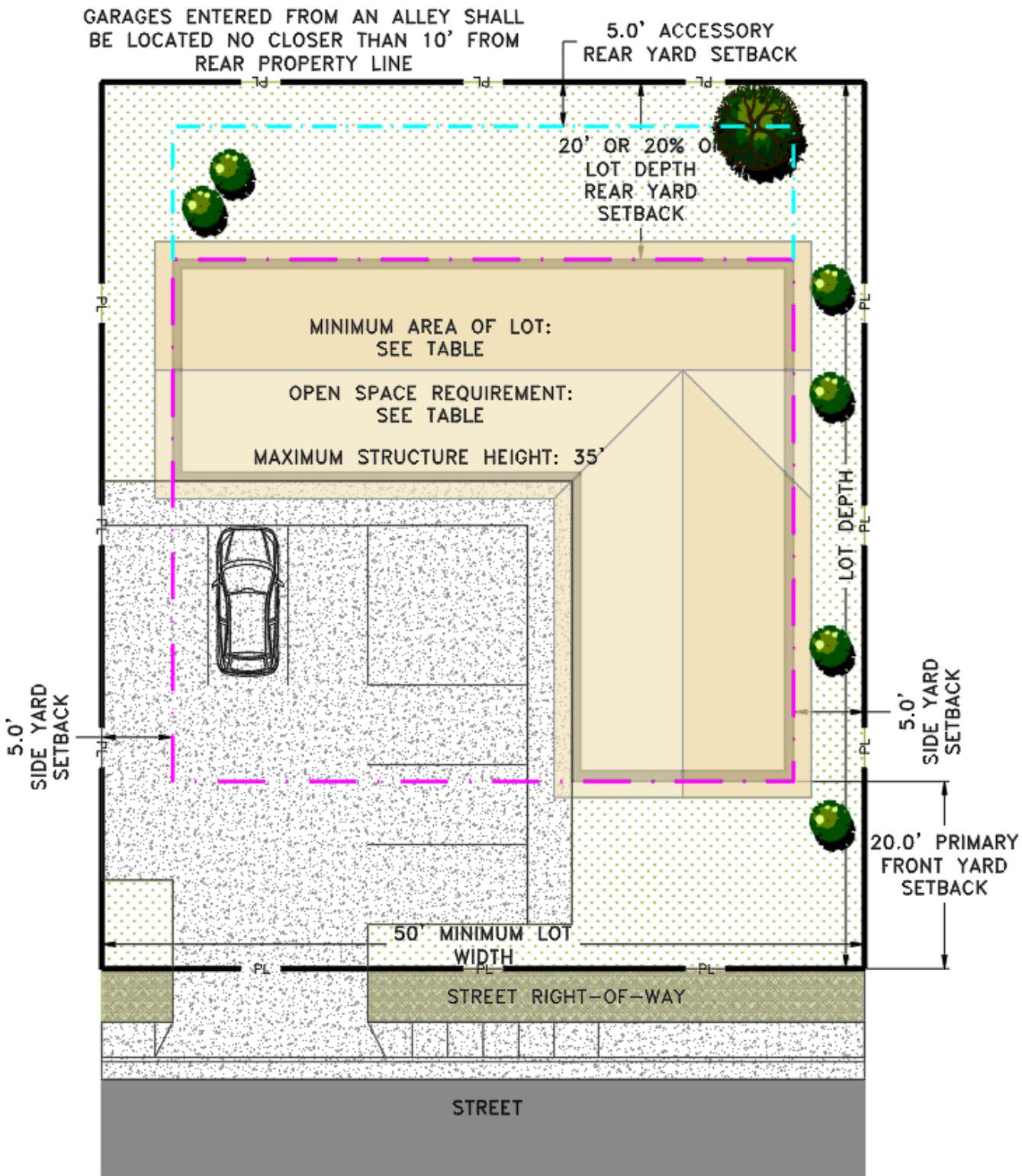
Table f. A Building Placement in Multi-Family Residential (R-3)		
Type	Primary Structure	Accessory Structure
Minimum Area of Lot	Single dwelling unit: 6,000 square feet Additional 3,000 square feet for each dwelling unit of a multiple family dwelling in excess of 2 dwelling units	---
Minimum Width of Lot	50 feet	---
Front Yard Setback	20 feet On a corner lot, any front yard not directly adjacent to the primary entrance of a building may be reduced to 10 feet	20 feet On a corner lot, any front yard not directly adjacent to the primary entrance of a building may be reduced to 10 feet
Side Yard Setback	5 feet On lots of record existing on the effective date of this resolution and having a width of less than 50 feet, the side yard may be reduced to 3 feet	5 feet On lots of record existing on the effective date of this resolution and having a width of less than 50 feet, the side yard may be reduced to 3 feet
Rear Yard Setback	20 feet or 20% of the depth of the lot, whichever is smaller	5 feet A garage entered from an alley must be at least 10 feet from the alley
Maximum Height*	35 Feet	35 Feet
Open Space Requirement**	1 dwelling unit: 50% of lot 2 or more dwelling units: 750 square feet per dwelling unit	1 dwelling unit: 50% of lot 2 or more dwelling units: 750 square feet per dwelling unit
<p>*Permitted exceptions to maximum height: church spires, church towers, water towers, flagpoles, antennas, and fire towers may be erected to any safe height not in conflict with other regulations.</p> <p>**Areas devoted to off-street parking is not counted as free and unobstructed open space.</p>		



Figure f. A
Single and Multiple Family (R-3) Standard Lot



Figure f. A
Single and Multiple Family (R-3) Standard Lot



R-3, SINGLE AND MULTIPLE FAMILY RESIDENTIAL
STANDARD LOT

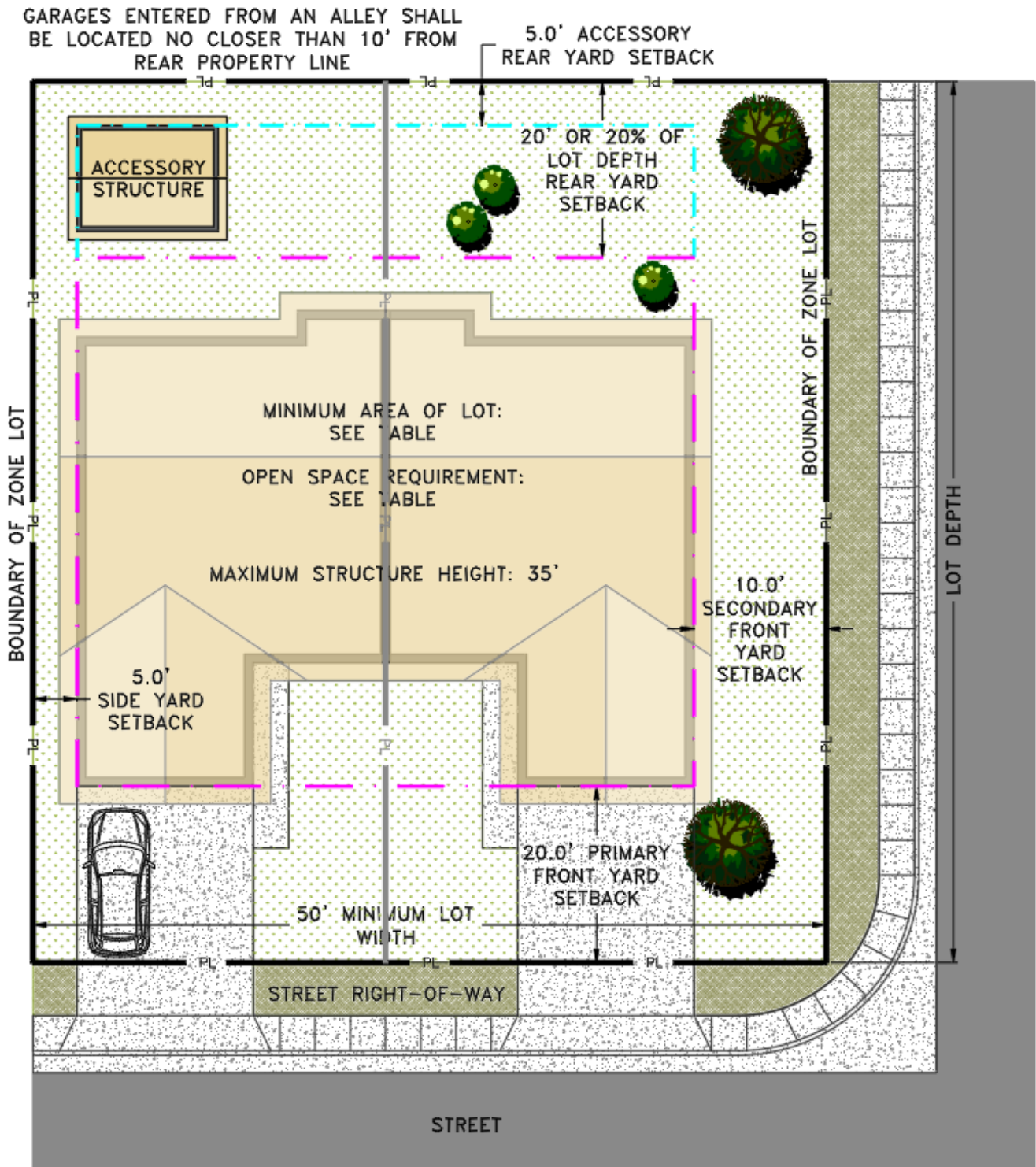




Figure f. B
Single and Multiple Family (R-3) Corner Lot



Figure f. B
Single and Multiple Family (R-3) Corner Lot



R-3, SINGLE AND MULTIPLE FAMILY RESIDENTIAL CORNER LOT



g. Multi-Family Residential District (R-4)

This District allows for a compatible mixture of multiple-family dwellings at a medium density and other uses of an institutional or semi-public nature, while maintaining a general residential environment.

Table g. A Building Placement in Multi-Family Residential (R-4)		
Type	Primary Structure	Accessory Structure
Minimum Area of Lot	Single dwelling unit: 6,000 square feet Two-Four dwelling units: 3,000 square feet Excess of 4 dwelling units: 1,500 square feet The minimum area of a lot for townhomes is 3,000 square feet per unit. Living units in boarding/rooming houses/residence halls are not considered to be dwelling units for the purpose of this requirement	---
Minimum Width of Lot	50 feet at the front setback line	---
Front Yard Setback	10 feet For carports, the minimum front yard may be reduced to 5 feet	10 feet
Side Yard Setback	For buildings less than 35 feet in height: 5 feet For buildings 35 feet or higher in height: 8 feet When the primary entrance is located in the side yard, the side yard is increased by 5 feet	For buildings less than 35 feet in height: 5 feet For buildings 35 feet or higher in height: 8 feet
Rear Yard Setback	20 feet or 20% of the depth of the lot, whichever is smaller	5 feet A garage entered from an alley must be at least 10 feet from the alley
Maximum Height*	For buildings with 1-2 dwelling units: 35 feet For buildings in excess of 2 units within 150 feet of residential zoning districts, including street/alley rights-of-way: 50 feet For buildings in excess of 2 units more than 150 feet of residential zoning districts, including street/alley rights-of-way: 100 feet	For buildings with 1-2 dwelling units: 35 feet For buildings in excess of 2 units within 150 feet of residential zoning districts, including street/alley rights-of-way: 50 feet For buildings in excess of 2 units more than 150 feet of residential zoning districts, including street/alley rights-of-way: 100 feet
Open Space Requirement**	1 dwelling unit: 50% of lot 2 dwelling units: 750 square feet per dwelling unit 3 or more dwelling units: 500 square feet per dwelling unit Lots occupied by a boarding/rooming house must have 500 square feet of open space for each sleeping room	1 dwelling unit: 50% of lot 2 dwelling units: 750 square feet per dwelling unit 3 or more dwelling units: 500 square feet per dwelling unit Lots occupied by a boarding/rooming house must have 500 square feet of open space for each sleeping room
*Permitted exceptions to maximum height: church spires, church towers, water towers, flagpoles, antennas, and fire towers may be erected to any safe height not in conflict with other regulations. **Areas devoted to off-street parking is not counted as free and unobstructed open space.		



Figure g. A
Multi-Family (R-4) Standard Lot



GARAGES ENTERED FROM AN ALLEY SHALL BE LOCATED NO CLOSER THAN 10' FROM REAR PROPERTY LINE

5.0' ACCESSORY REAR YARD SETBACK

20' OR 20% OF LOT DEPTH REAR YARD SETBACK

MINIMUM AREA OF LOT: SEE TABLE

OPEN SPACE REQUIREMENT: SEE TABLE

MAXIMUM STRUCTURE HEIGHT: SEE TABLE

<35' IN HEIGHT: 5.0'
>35' IN HEIGHT 8.0'
SIDE YARD SETBACK

<35' IN HEIGHT: 5.0'
>35' IN HEIGHT 8.0'
SIDE YARD SETBACK

10.0' PRIMARY FRONT YARD SETBACK

50' MINIMUM LOT WIDTH

STREET RIGHT-OF-WAY

STREET

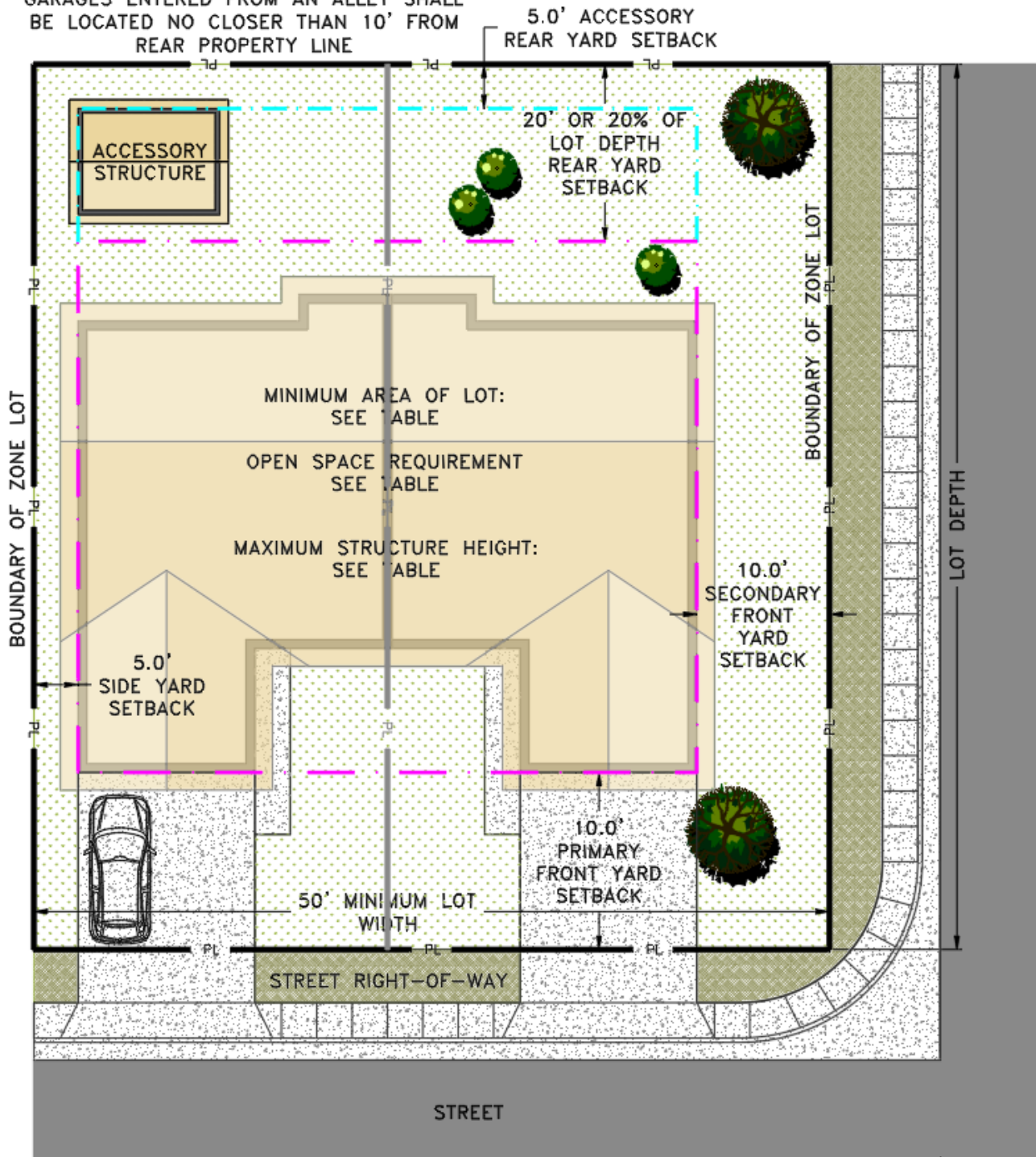
R-4, MULTI-FAMILY RESIDENTIAL STANDARD LOT



**Figure g. B
Multi-Family (R-4) Corner Lot**



GARAGES ENTERED FROM AN ALLEY SHALL BE LOCATED NO CLOSER THAN 10' FROM REAR PROPERTY LINE



R-4, MULTI-FAMILY RESIDENTIAL CORNER LOT



h. Mobile Home District (M-H)

This District allows for mobile/manufactured homes, located in planned mobile/manufactured home courts or parks, mobile/manufactured homes located on separate zone lots in planned mobile/manufactured home subdivisions, and single-family dwellings on separate zone lots.

Table h. A Building Placement in Mobile Home (M-H)		
Type	Primary Structure	Accessory Structure
Minimum Area of Lot	Mobile/manufactured home in a court or park: 4,000 square feet not including public rights-of-way or private streets Mobile/manufactured home or single-family unit in a subdivision: 6,000 square feet	---
Minimum Width of Lot	50 feet at the front setback line	---
Front Yard Setback	20 feet Except on a corner lot, any front yard not directly adjacent to the primary entrance of a main building is reduced to 10 feet For carports, the minimum front yard may be reduced to 5 feet	20 Feet Except on a corner lot, any front yard not directly adjacent to the primary entrance of a main building is reduced to 10 feet For carports, the minimum front yard may be reduced to 5 feet
Side Yard Setback	5 feet Except for the main entry side of a mobile/manufactured home: 10 feet	5 feet Except for the main entry side of a mobile/manufactured home: 10 feet
Rear Yard Setback	10 Feet	5 Feet A garage entered from the alley must maintain a minimum distance of 10 feet from the alley
Maximum Height*	35 feet	35 feet
Required Open Space**	For each mobile/manufactured home or single-family unit: 2,000 square feet	For each mobile/manufactured home or single-family unit: 2,000 square feet
<p>*Permitted exceptions to maximum height: church spires, church towers, water towers, flagpoles, antennas, and fire towers may be erected to any safe height no in conflict with other regulations.</p> <p>**Areas devoted to off-street parking will not be counted as free and unobstructed open space</p>		





Figure h. A
Mobile Home (M-H) Standard Lot A



Figure h. A
Mobile Home (M-H) Standard Lot A

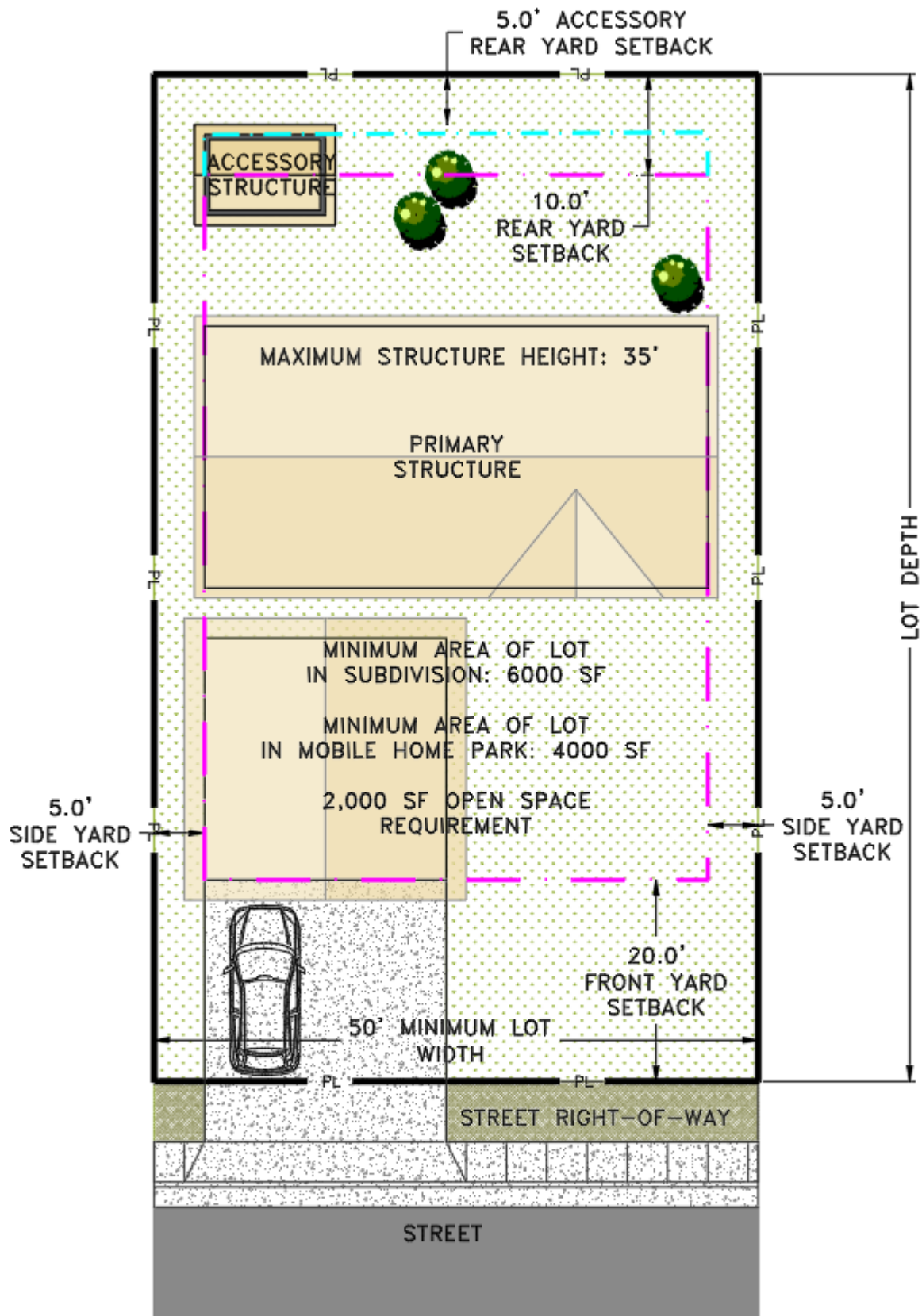






Figure h. B
Mobile Home (M-H) Standard Lot B



Figure h. B
Mobile Home (M-H) Standard Lot B

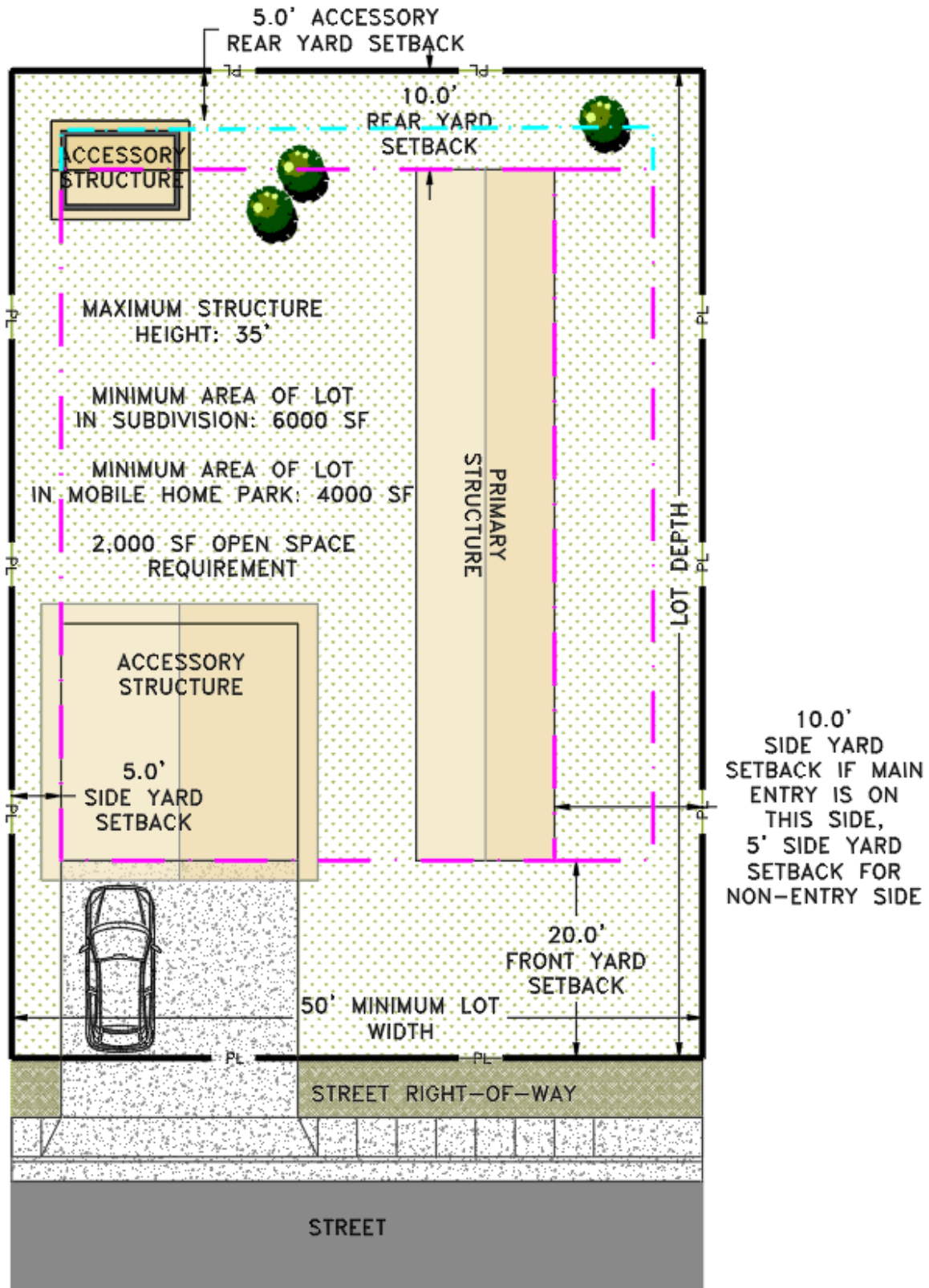


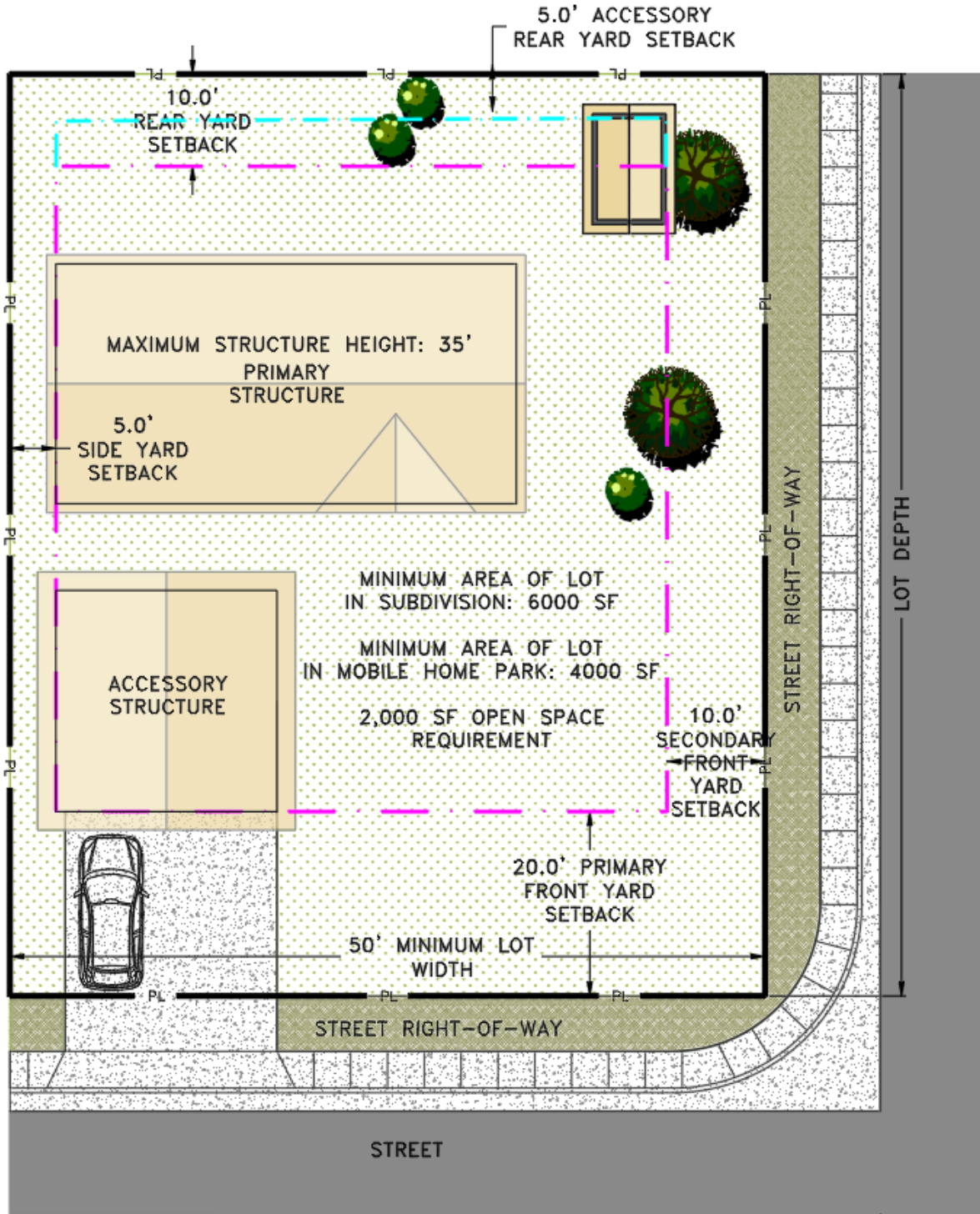




Figure h. C
Mobile Home (M-H) Corner Lot



Figure h. C
Mobile Home (M-H) Corner Lot



M-H, MOBILE HOME
CORNER LOT



i. Enhanced Manufactured Home District (E-MH)

This District allows for Enhanced Manufactured Homes, single-family dwellings, and uses which are compatible with and provide support to low density, single-family residential environment.

Table i. A Building Placement in Enhanced Manufactured Home (R-M)		
Type	Primary Structure	Accessory Structure
Minimum Area of Lot	6,000 square feet	---
Minimum Width of Lot	50 feet at the front setback line	---
Front Yard Setback	20 feet Except on a corner lot, any front yard not directly adjacent to the primary entrance of a main building is reduced to 10 feet For carports, the front yard may be reduced to 5 feet	20 feet Except on a corner lot, any front yard not directly adjacent to the primary entrance of a main building is reduced to 10 feet For carports, the front yard may be reduced to 5 feet
Side Yard Setback	5 feet The main entry side of a mobile/manufactured home: 10 feet	5 feet The main entry side of a mobile/manufactured home: 10 feet
Rear Yard Setback	20 feet or 20% of the zone lot, which ever is smaller	5 feet A garage entered from an alley must maintain a minimum distance of 10 feet from the alley
Maximum Height*	35 feet	35 feet
Required Open Space**	50% of the lot	50% of the lot
<p>*Permitted exceptions to maximum height: church spires, church towers, water towers, flagpoles, antennas, and fire towers may be erected to any safe height no in conflict with other regulations.</p> <p>**Areas devoted to off-street parking will not be counted as free and unobstructed open space</p>		





Figure i. A
Enhanced Manufactured Home (E-MH) Standard Lot A



Figure i. A
Enhanced Manufactured Home (E-MH) Standard Lot A

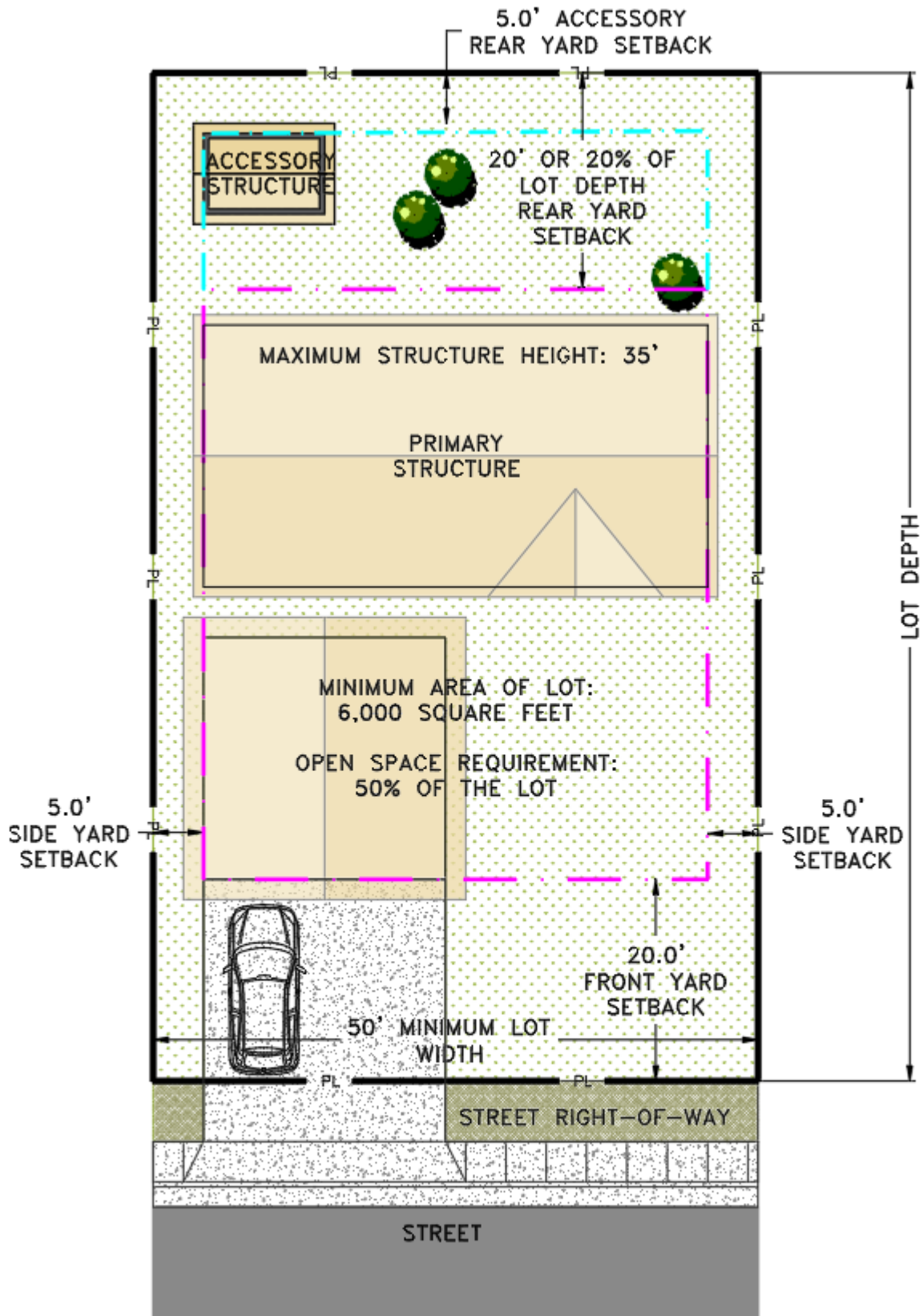






Figure i. B
Enhanced Manufactured Home (E-MH) Standard Lot B



Figure i. B
Enhanced Manufactured Home (E-MH) Standard Lot B

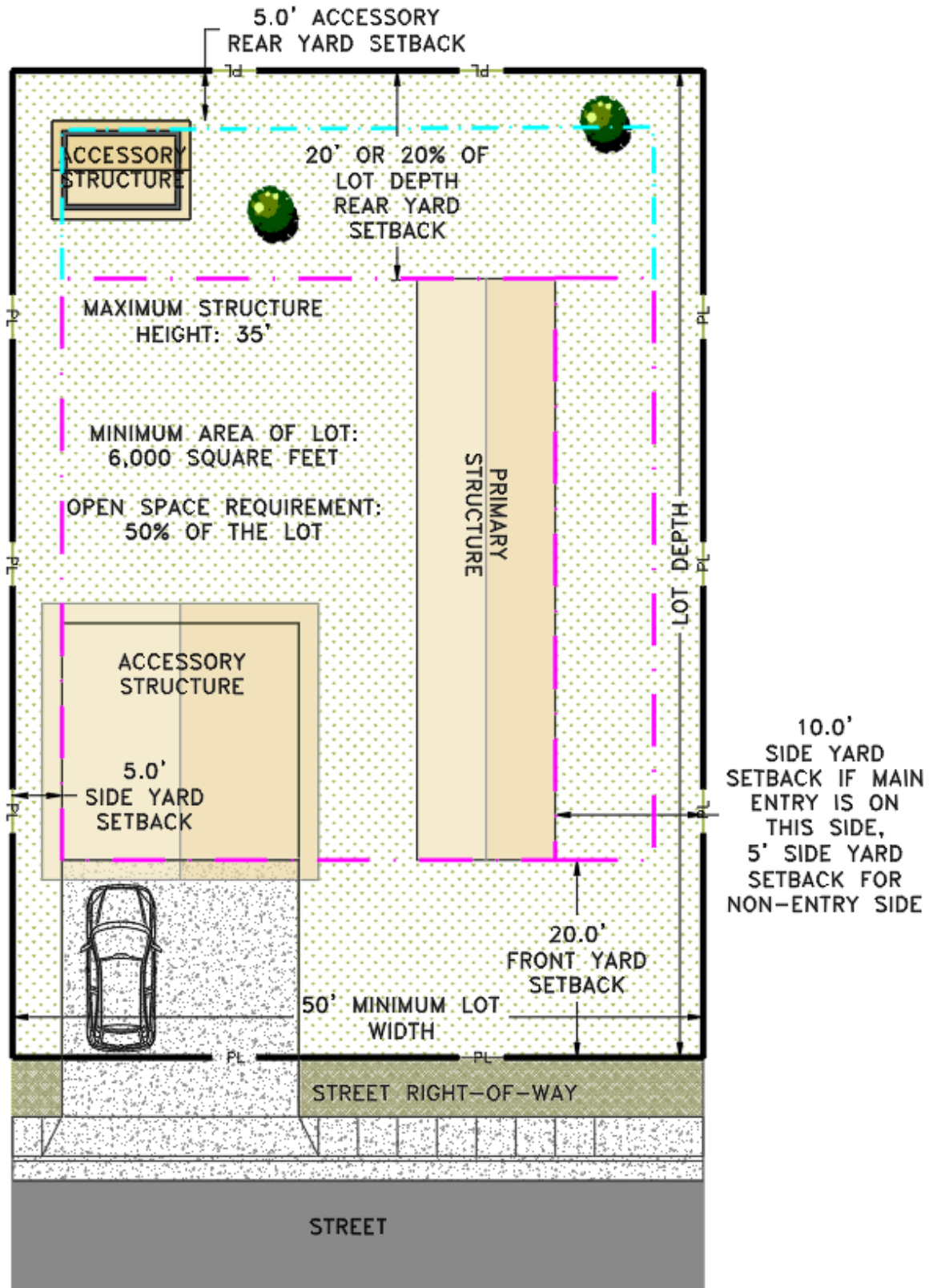


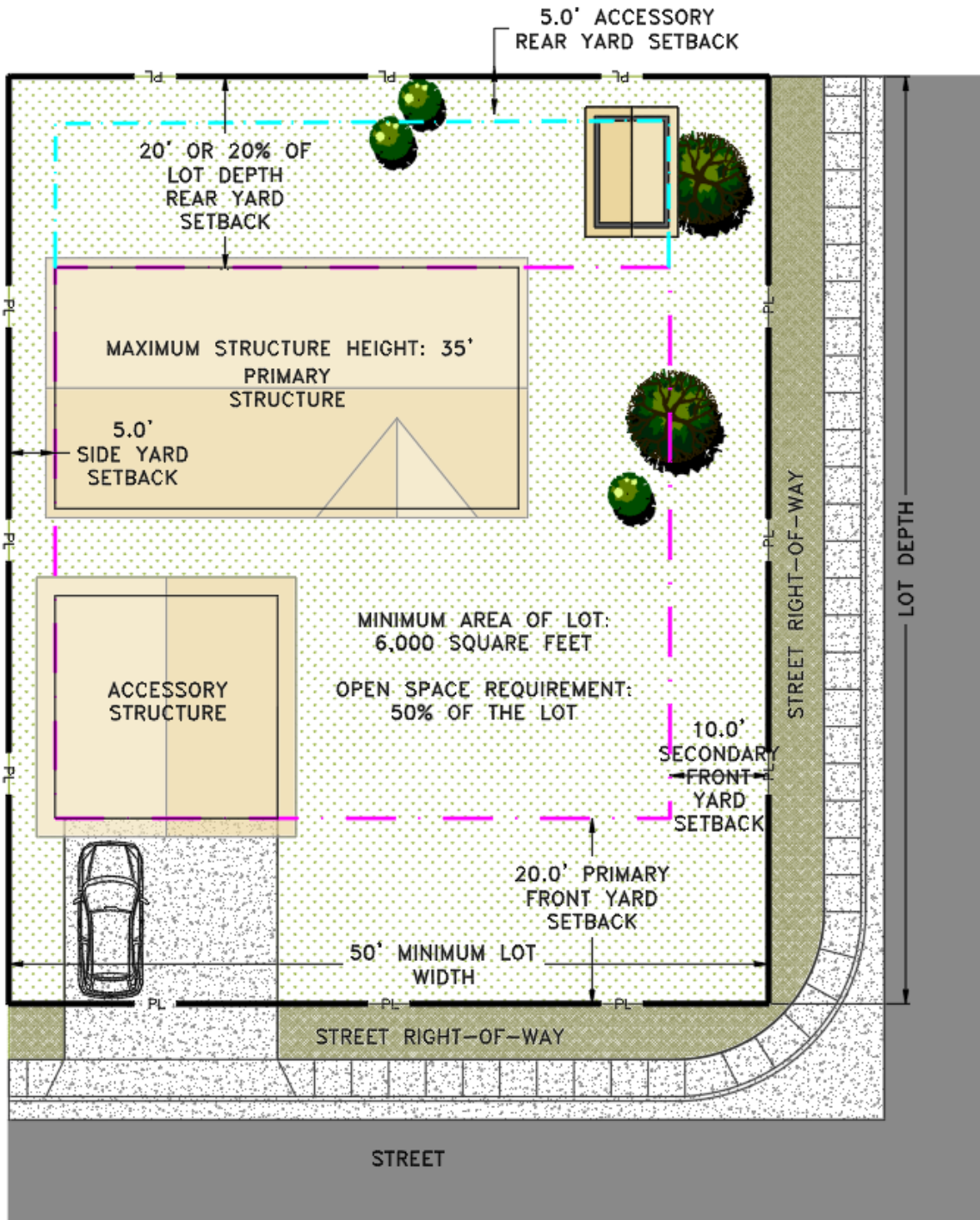




Figure i. C
Enhanced Manufactured Home (E-MH) Corner Lot



Figure i. C
Enhanced Manufactured Home (E-MH) Corner Lot



E-MH ENHANCED MANUFACTURED HOME
CORNER LOT



j. Enhanced Manufactured Home Suburban Residential District (E-MH R-S)

This district allows for single-family dwellings and Enhanced Manufactured Homes where it is desirable to maintain low residential densities.

Table j. A Building Placement in Enhanced Manufactured Home Suburban Residential District (E-MH-RS)		
Type	Primary Structure	Accessory Structure
Minimum Area of Lot	15,000 square feet	---
Minimum Width of Lot	100 feet	---
Front Yard Setback	30 feet On a corner lot, any front yard not directly adjacent to the primary entrance of the structure may be reduced to 25 feet For carports, the front yard may be reduced to 25 feet	30 feet On a corner lot, any front yard not directly adjacent to the primary entrance of the structure may be reduced to 25 feet For carports, the front yard may be reduced to 25 feet
Side Yard Setback	15 feet	6 feet
Rear Yard Setback	40 feet	40 feet
Maximum Height*	35 feet	35 feet
<p>*Permitted exceptions to maximum height: church spires, church towers, water towers, flagpoles, antennas, and fire towers may be erected to any safe height no in conflict with other regulations.</p> <p>**Areas devoted to off-street parking will not be counted as free and unobstructed open space</p>		

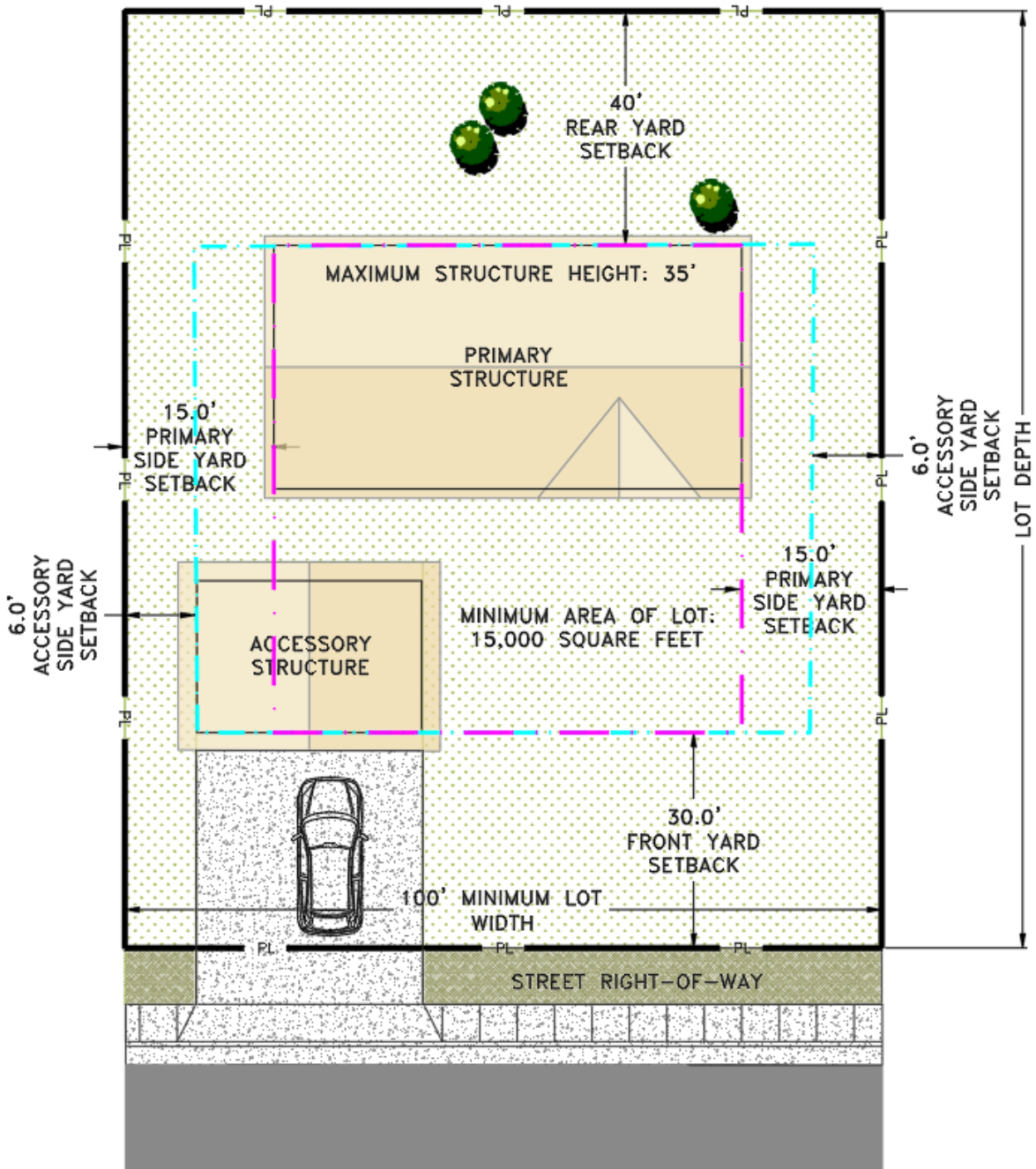




Figure j. A
Enhance Manufactured Home Suburban Residential (E-MH RS) Standard Lot



Figure j. A
Enhance Manufactured Home Suburban Residential (E-MH RS) Standard Lot



E-MH RS, ENHANCED MANUFACTURED HOME SUBURBAN RESIDENTIAL STANDARD LOT



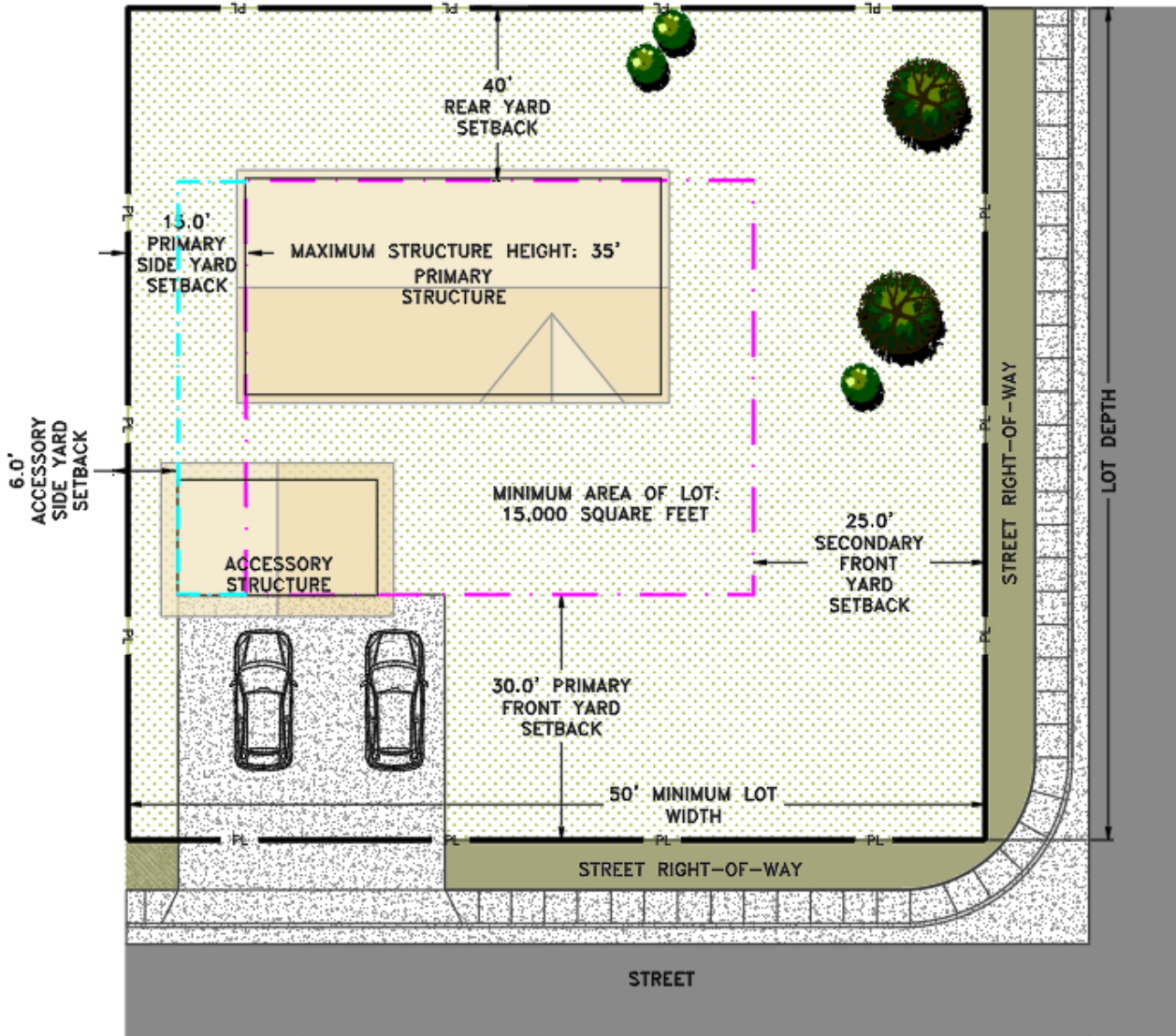




Figure j. B
Enhanced Manufactured Home Suburban Residential (E-MH RS) Corner Lot



Figure j. B
Enhanced Manufactured Home Suburban Residential (E-MH RS) Corner Lot



E-MH RS, ENHANCED MANUFACTURED HOME SUBURBAN RESIDENTIAL
CORNER LOT



k. Planned Neighborhood Business District (C-P)

This District allows for excellent vehicular access with convenient shopping goods for nearby residential and institutional areas. Since convenience shopping areas are most effective as a combination of several retail uses, a Major Commercial Site Plan will be required.

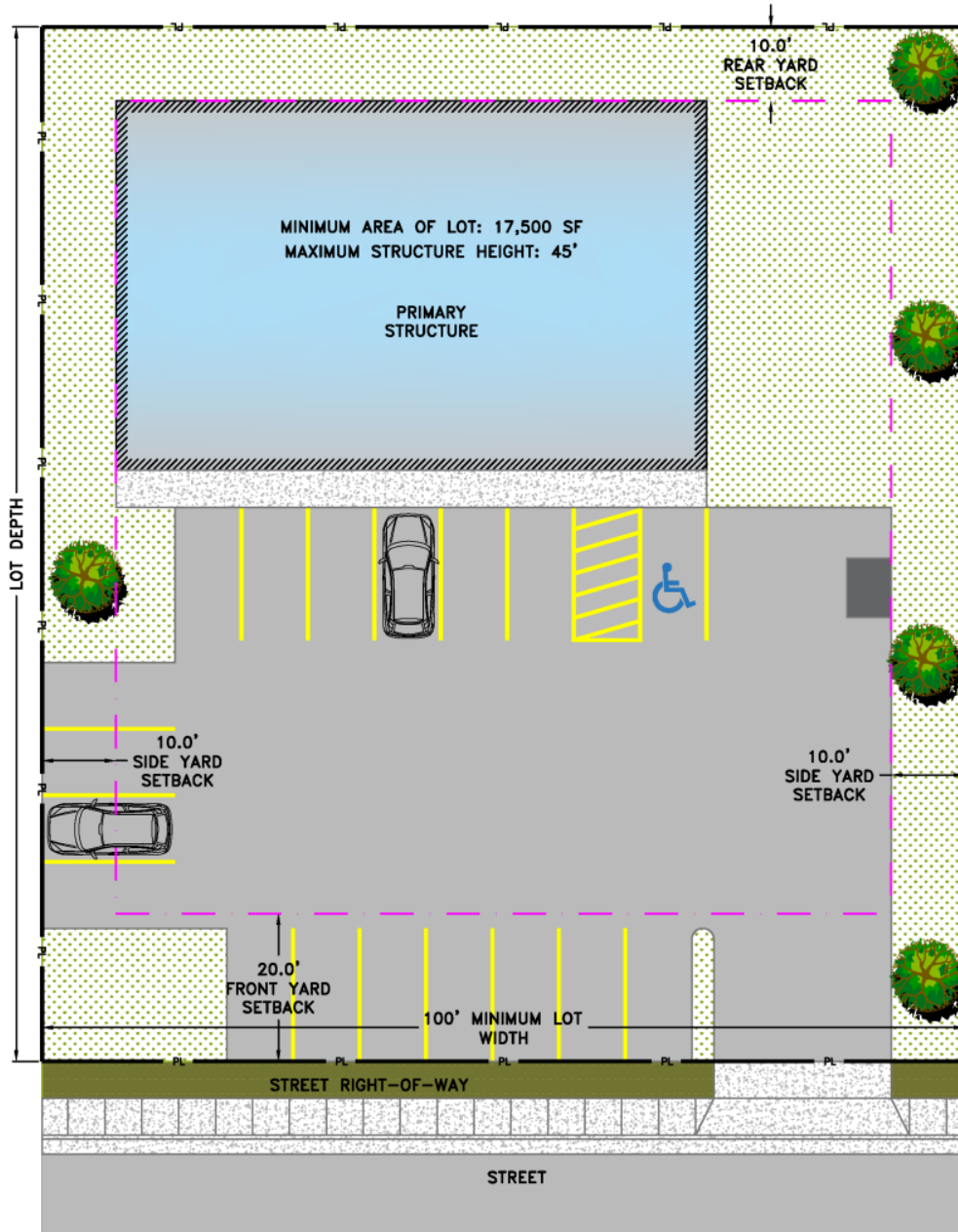
For the purposes of zoning, an existing multi-unit commercial structure can be divided into separate lots and have zero lot line between units, provided the overall structure meets the zoning requirements within the boundaries of the larger zone lot to which it was originally constructed. The subdivision of the structural units must be created through the Condominium Subdivision process.

New multi-unit commercial structures which have separate units which span multiple lots must establish an overall outer boundary to which the zoning requirements of this section apply. The subdivision of the structural units must be created through the Condominium Subdivision process.

Table k. A Building Placement for Planned Neighborhood Business District (C-P)	
Type	Building
Minimum Area of Lot	17500 square feet
Minimum Width of Lot	100 feet at the front setback line
Front Yard Setback	20 feet Any front yard not directly adjacent to the primary entrance may be reduced to 15 feet
Side Yard Setback	10 feet
Rear Yard Setback	10 feet
Buffer Strip	In yards adjacent to residentially zoned property, there must be a buffer area of open space of at least 10 feet into all yards
Maximum Height*	45 feet
*Permitted exceptions to maximum height: water towers, flagpoles, and antennas may be erected to any safe height not in conflict with other regulations	



Figure k. A
Neighborhood Business (C-P) Standard Lot



I. Office and Institutional (C-0)



This District allows for a compatible mixture of public, quasi-public, and private institutional and professional service uses at a moderate level of intensity, designed to be compatible with nearby residential districts.

For the purposes of zoning, an existing multi-unit commercial structure can be divided into separate lots and have zero lot line between units, provided the overall structure meets the zoning requirements within the boundaries of the larger zone lot to which it was originally constructed. The subdivision of the structural units must be created through the Condominium Subdivision process.

New multi-unit commercial structures which have separate units which span multiple lots must establish an overall outer boundary to which the zoning requirements of this section apply. The subdivision of the structural units must be created through the Condominium Subdivision process.

Table I. A Building Placement for Office and Institutional (C-O)	
Type	Building
Minimum Area of Lot	7000 square feet
Minimum Width of Lot	50 feet at the front setback line
Front Yard Setback	10 feet On a corner lot, the 10-foot front yard will apply to both streets
Side Yard Setback	No side yard is required; except when the property adjoins residentially zoned property, then a rear yard of 5 feet must be provided
Rear Yard Setback	No rear yard is required; except when the property adjoins residentially zoned property, then a rear yard of 20 feet must be provided
Maximum Height*	Within 150 feet of a residential district: 50 feet More than 150 feet from a residential zoning district: 100 feet
*Permitted exceptions to maximum height: water towers, flagpoles, and antennas may be erected to any safe height not in conflict with other regulations	

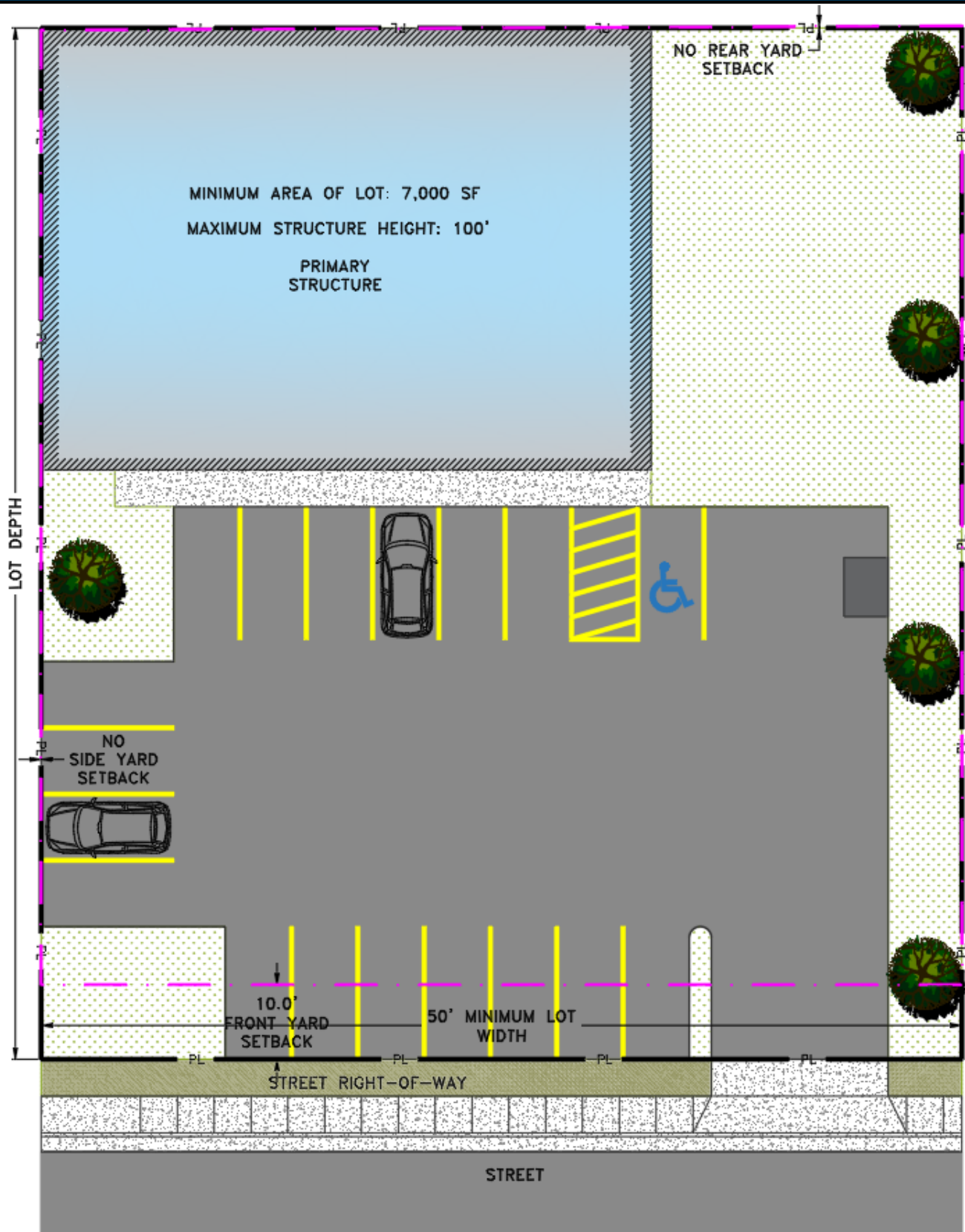




Figure I. A
Office and Institutional (C-O) Standard Lot



Figure I. A
Office and Institutional (C-O) Standard Lot



C-O, OFFICE AND INSTITUTIONAL
STANDARD LOT

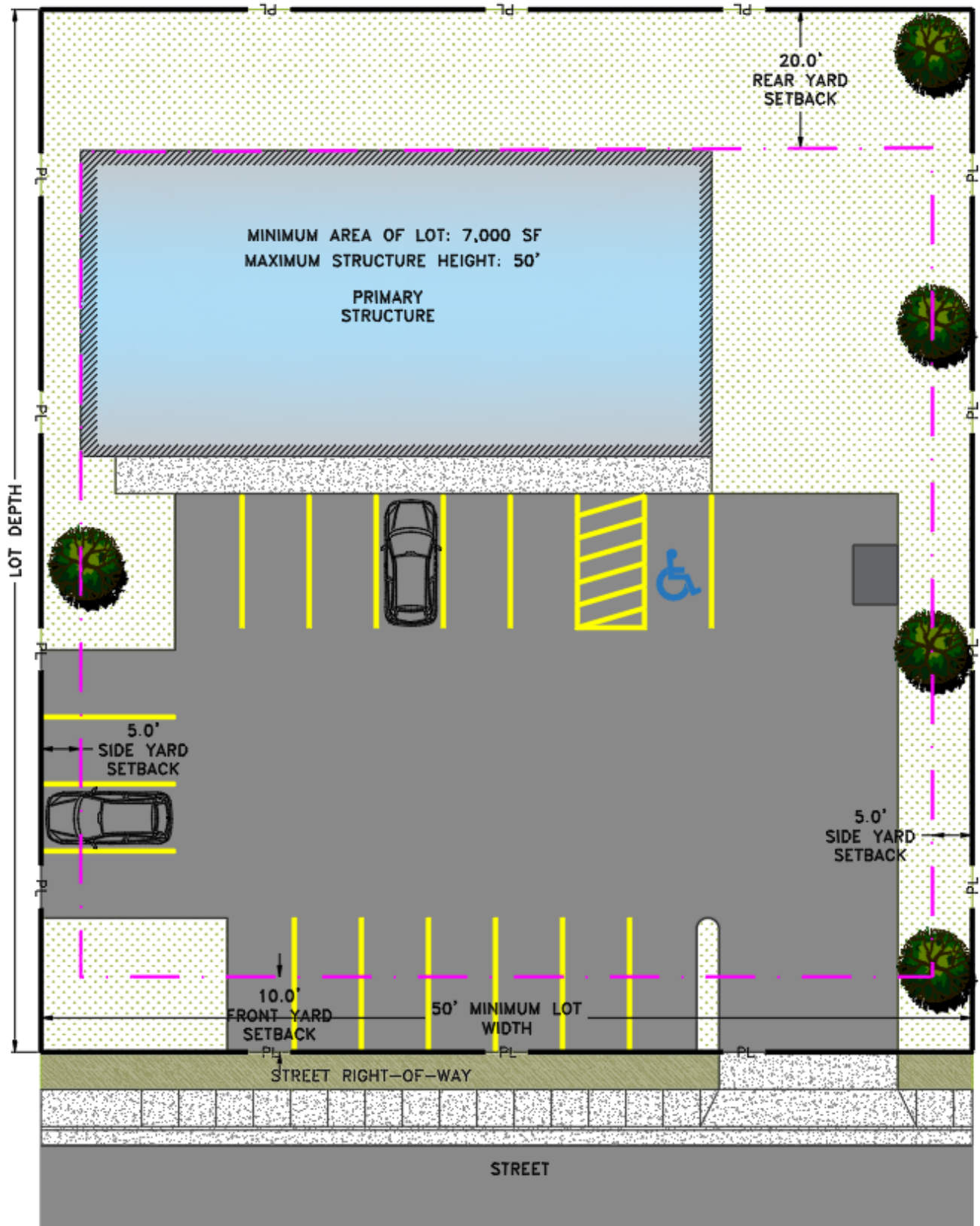




Figure I. B
Office and Institutional (C-O) Residential Adjoining



Figure I. B
Office and Institutional (C-O) Residential Adjoining



C-O, OFFICE AND INSTITUTIONAL
RESIDENTIAL ADJOINING



m. General Commercial (C-1)

This District is intended to provide locations for basic retail services and office uses in addition to those normally permitted in neighborhood convenience centers and those normally found in commercial locations. The commercial uses may be relatively large or intense in nature and need good access; their proximity and location in relation to residential districts should be carefully considered in order to avoid any adverse impacts on the residential areas.

For the purposes of zoning, an existing multi-unit commercial structure can be divided into separate lots and have zero lot line between units, provided the overall structure meets the zoning requirements within the boundaries of the larger zone lot to which it was originally constructed. The subdivision of the structural units must be created through the Condominium Subdivision process.

New multi-unit commercial structures which have separate units which span multiple lots must establish an overall outer boundary to which the zoning requirements of this section apply. The subdivision of the structural units must be created through the Condominium Subdivision process.

Table m. A Building Placement in General Commercial (C-1)	
Type	Building
Minimum Area of Lot	---
Minimum Width of Lot	50 feet
Front Yard Setback	20 feet Corner lots: the other front yards are viewed as side yards
Side Yard Setback	5 feet
Rear Yard Setback	15 feet
Maximum Height*	45 feet
*Permitted exceptions to maximum height: church spires, church towers, water towers, flagpoles, antennas, and fire towers may be erected to any safe height not in conflict with other regulations.	



Figure m. A
General Commercial (C-1) Standard Lot

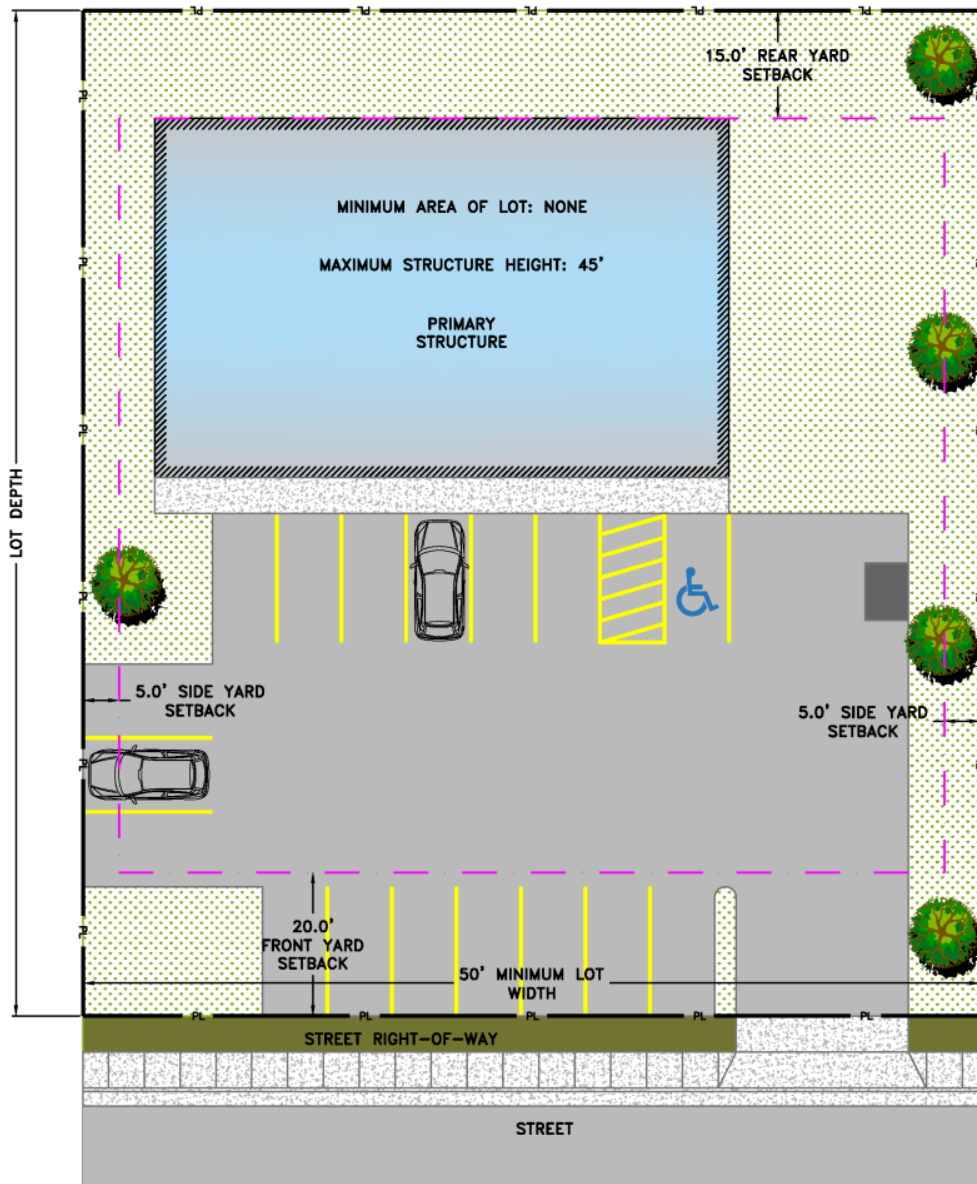
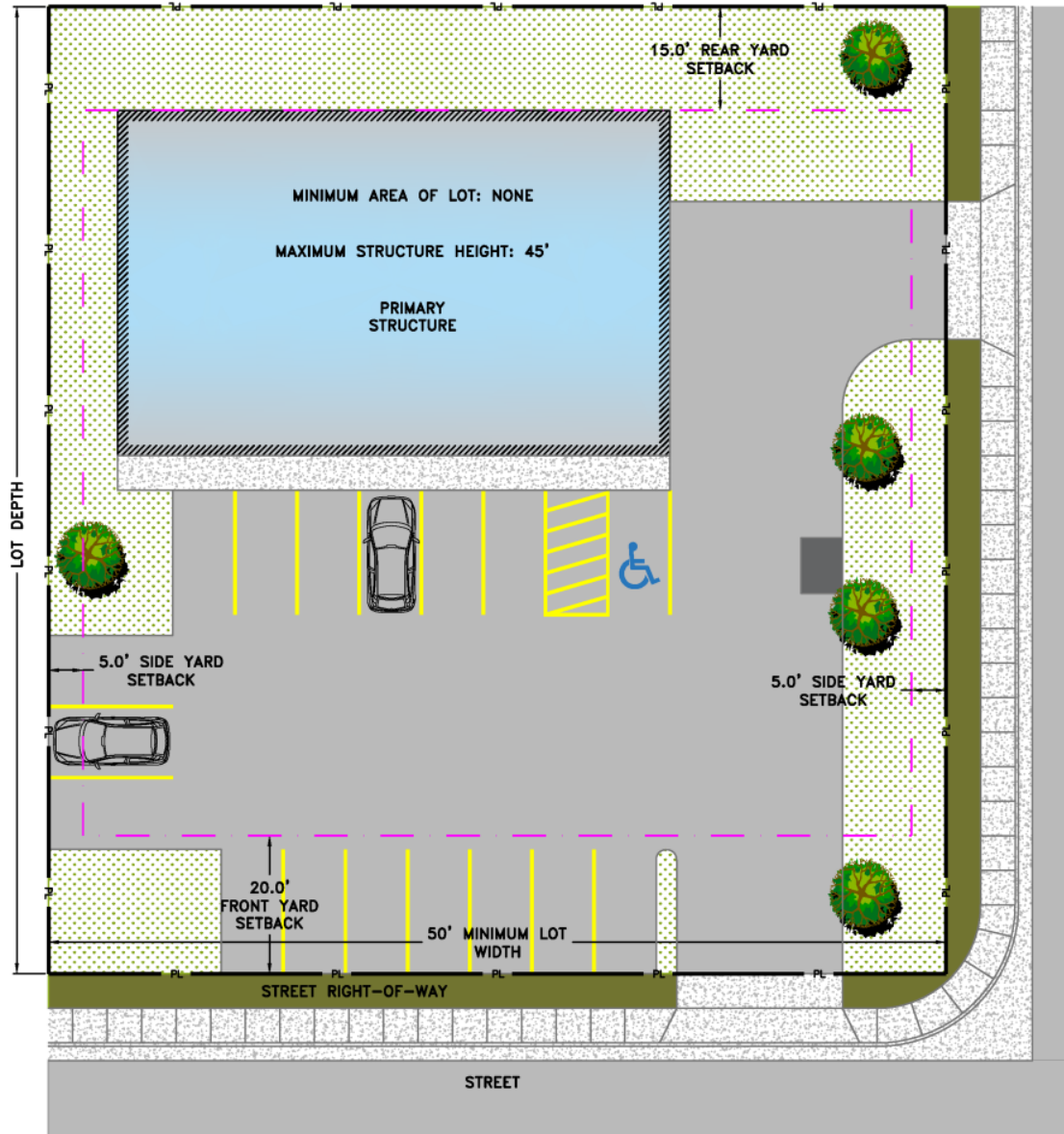




Figure m. B
General Commercial (C-1) Corner Lot





n. Central Business (C-2)

This District is intended to permit a compatible mixture of retail, commercial, institutional, and office uses necessary for a central business district, serving a major trade area larger than a segment of the community. This district is intended to be the most intensely developed of all of the business districts.

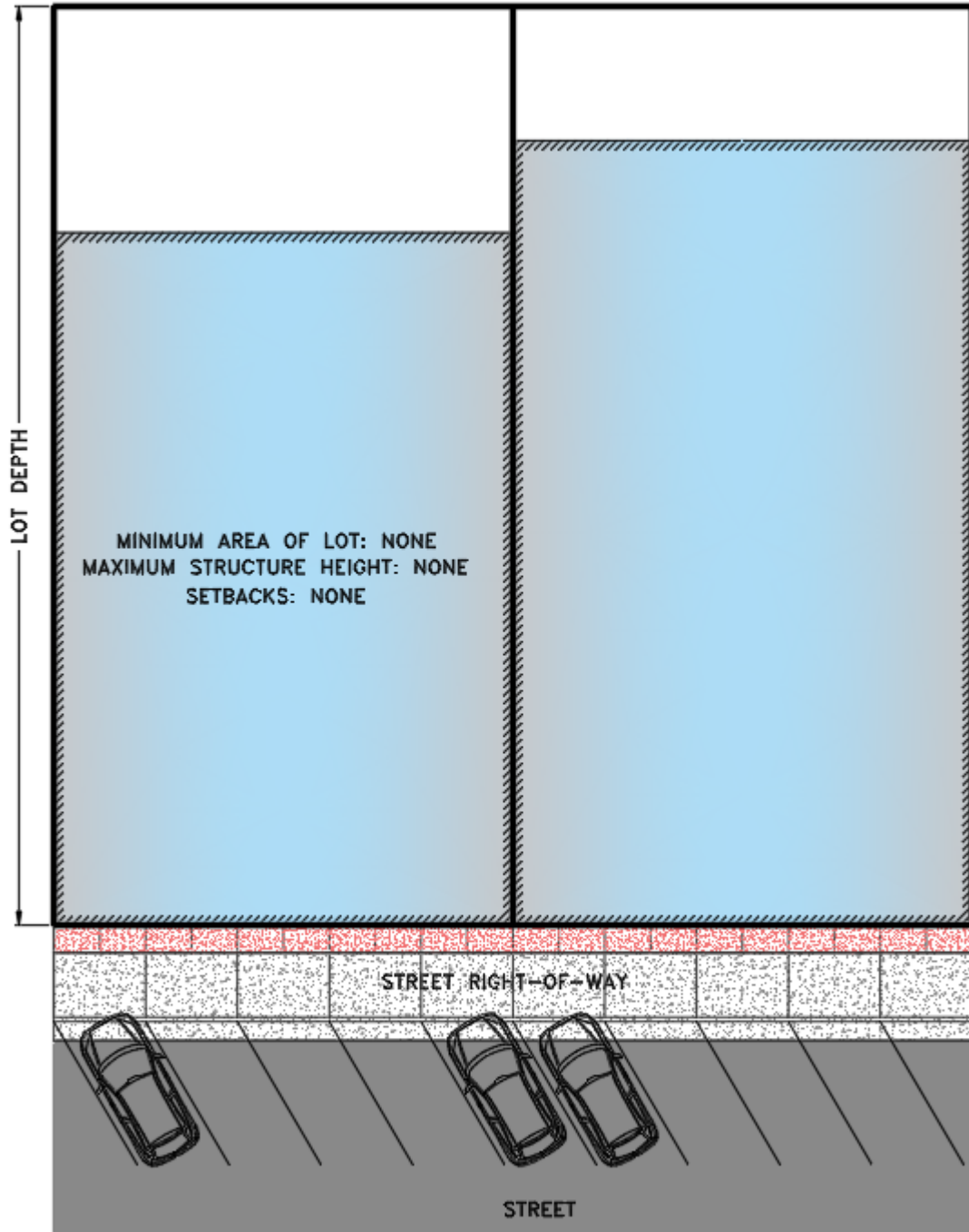
Table n. A Building Placement in Central Business District (C-2)	
Type	Building
Minimum Area of Lot	None
Minimum Width of Lot	None
Front Yard Setback	None except that all sight triangles must remain clear and open
Side Yard Setback	None except that all sight triangles must remain clear and open
Rear Yard Setback	None except that all sight triangles must remain clear and open
Maximum Height*	None
*Permitted exceptions to maximum height: church spires, church towers, water towers, flagpoles, antennas, and fire towers may be erected to any safe height not in conflict with other regulations.	

Permitted Right-of-Way Encroachments:

1. Awnings, cornices, overhangs, eaves, and gutters may project over the public right-of-way, provided the projection is at least eight (8) feet above any pedestrian way, and provided the projection is no closer than eighteen (18) inches from any curb line.
2. Sandwich board signage, clothing racks, sale tables, and other temporary advertising or merchandise displays associated with the permitted use may be placed within the thirty (30) inch custom accent zone of colored concrete directly adjacent to buildings located on Gillette Avenue. All items placed in the custom accent zone must not extend onto the adjacent pedestrian way and must be removed daily by the merchant at the close of business.
3. Outdoor dining and beverage service is allowed on Gillette Avenue directly adjacent to the permitted use and extending into the public right-of-way from April 1st through October 31st of each calendar year, between the hours of 6:00 a.m. and 11:00 p.m. provided that:
 - a. A lease and Sidewalk Use Agreement between the City of Gillette and the business/property owner has been completed.
 - b. A Zoning Permit for the outdoor service area has been obtained by the applicant.
 - c. The design of the Sidewalk Café complies with the City of Gillette Sidewalk Café Design Guidelines.



Figure n. A
Central Business (C-2) Standard Lot



C-2, CENTRAL BUSINESS
STANDARD LOT



o. Business/Service (C-3)

This District is intended to accommodate a compatible mixture of office, light industrial uses, business services, and retail uses not dependent on visual exposure to passing motorists. Uses in this district are not to create nuisance sounds, glare, dust, or odors which would interfere with nearby residential areas.

For the purposes of zoning, an existing multi-unit commercial structure can be divided into separate lots and have zero lot line between units, provided the overall structure meets the zoning requirements within the boundaries of the larger zone lot to which it was originally constructed. The subdivision of the structural units must be created through the Condominium Subdivision process.

New multi-unit commercial structures which have separate units which span multiple lots must establish an overall outer boundary to which the zoning requirements of this section apply. The subdivision of the structural units must be created through the Condominium Subdivision process.

1. Outdoor Storage and Waste Disposal

- a.** No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground.
- b.** All outdoor storage of materials must be enclosed by a solid fence or structure to conceal the materials from the adjacent property unless the adjacent property is zoned as C-3, Business/Service District.
- c.** No wastes shall be deposited on any lot that can be removed from the lot by wind or other natural forces.
- d.** All materials or wastes that cause fumes or dust, constitute a fire hazard, or attract rodents or insects must be stored in closed containers.

**Table o. A
Building Placement in Business/Services (C-3)**

Type	Building
Minimum Area of Lot	15,000 square feet
Minimum Width of Lot	75 feet
Front Yard Setback	20 feet Corner lot: any front yard not directly adjacent to the primary entrance to a main building may be reduced to 15 feet
Side Yard Setback	5 feet Abuts residential: 15 feet on the abutting side
Rear Yard Setback	15 feet
Maximum Height*	Within 150 feet of a residential zone district: 45 feet More than 150 feet of a residential zone district: 75 feet
*Permitted exceptions to maximum height: water towers, flagpoles, and antennas may be erected to any safe height not in conflict with other regulations.	



Figure o. A
Business/Services (C-3) Standard Lot

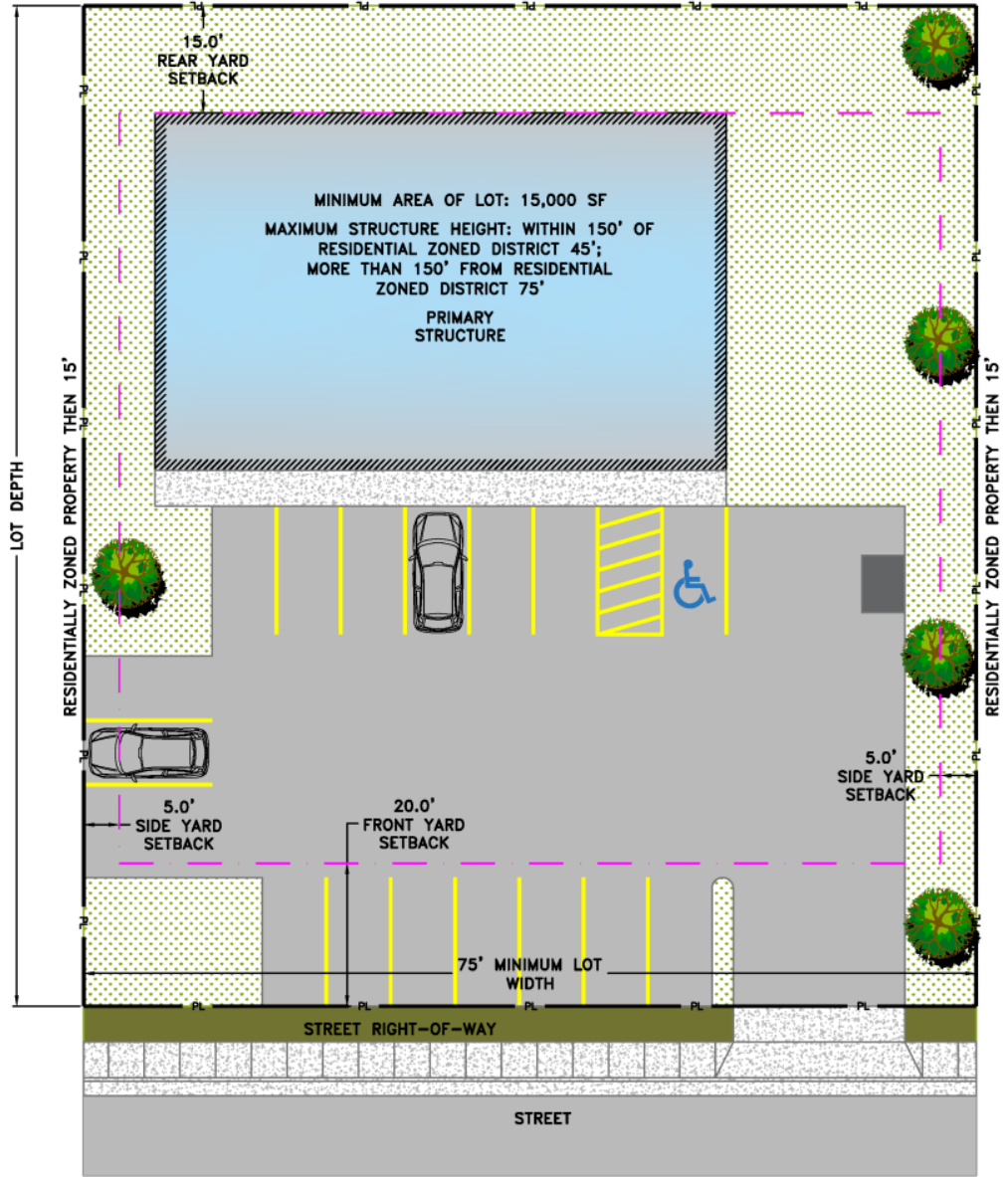
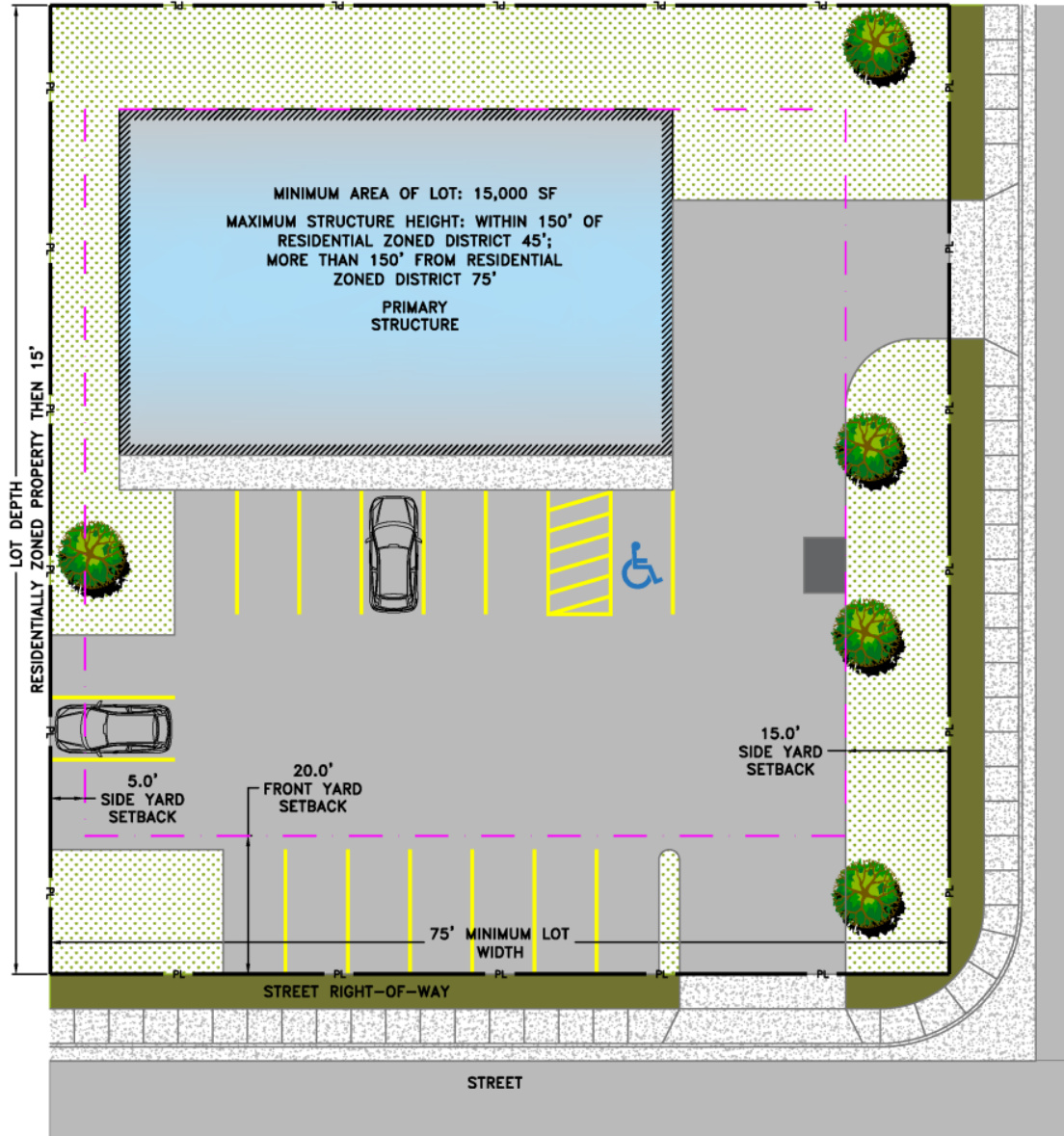




Figure o. B
Business/Services (C-3) Corner Lot



p. Light Industrial (I-1)



This District is intended to allow for a mixture of light industrial uses that do not create nuisance sounds, glare, dust, or odors.

For the purposes of zoning, an existing multi-unit commercial structure can be divided into separate lots and have zero lot line between units, provided the overall structure meets the zoning requirements within the boundaries of the larger zone lot to which it was originally constructed. The subdivision of the structural units must be created through the Condominium Subdivision process.

New multi-unit commercial structures which have separate units which span multiple lots must establish an overall outer boundary to which the zoning requirements of this section apply. The subdivision of the structural units must be created through the Condominium Subdivision process.

1. Outdoor Storage and Waste Disposal

- a. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground.
- b. All outdoor storage of materials must be enclosed by a solid fence or structure to conceal the materials from the adjacent property unless the adjacent property is zoned I-1, Light Industrial District or I-2, Heavy Industrial District.
- c. No wastes shall be deposited on any lot that can be removed from the lot by wind or other natural forces.
- d. All materials or wastes that cause fumes or dust, constitute a fire hazard, or attract rodents or insects must be stored in closed containers.

Table p. A Building Placement in Light Industrial (I-1)	
Type	Building
Minimum Area of Lot	---
Minimum Width of Lot	---
Front Yard Setback	25 feet Corner lot: any front yard not directly adjacent to the primary entrance to a main building is reduced to 15 feet
Side Yard Setback	5 feet Abuts residential: 15 feet on abutting side
Rear Yard Setback	15 feet
Maximum Height*	Within 150 feet of a residential zone district: 45 feet More than 150 feet from a residential zone district: 75 feet
*Permitted exceptions to maximum height: water towers, flagpoles, and antennas may be erected to any safe height not in conflict with other regulations.	



Figure p. A
Light Industrial (I-1) Standard Lot

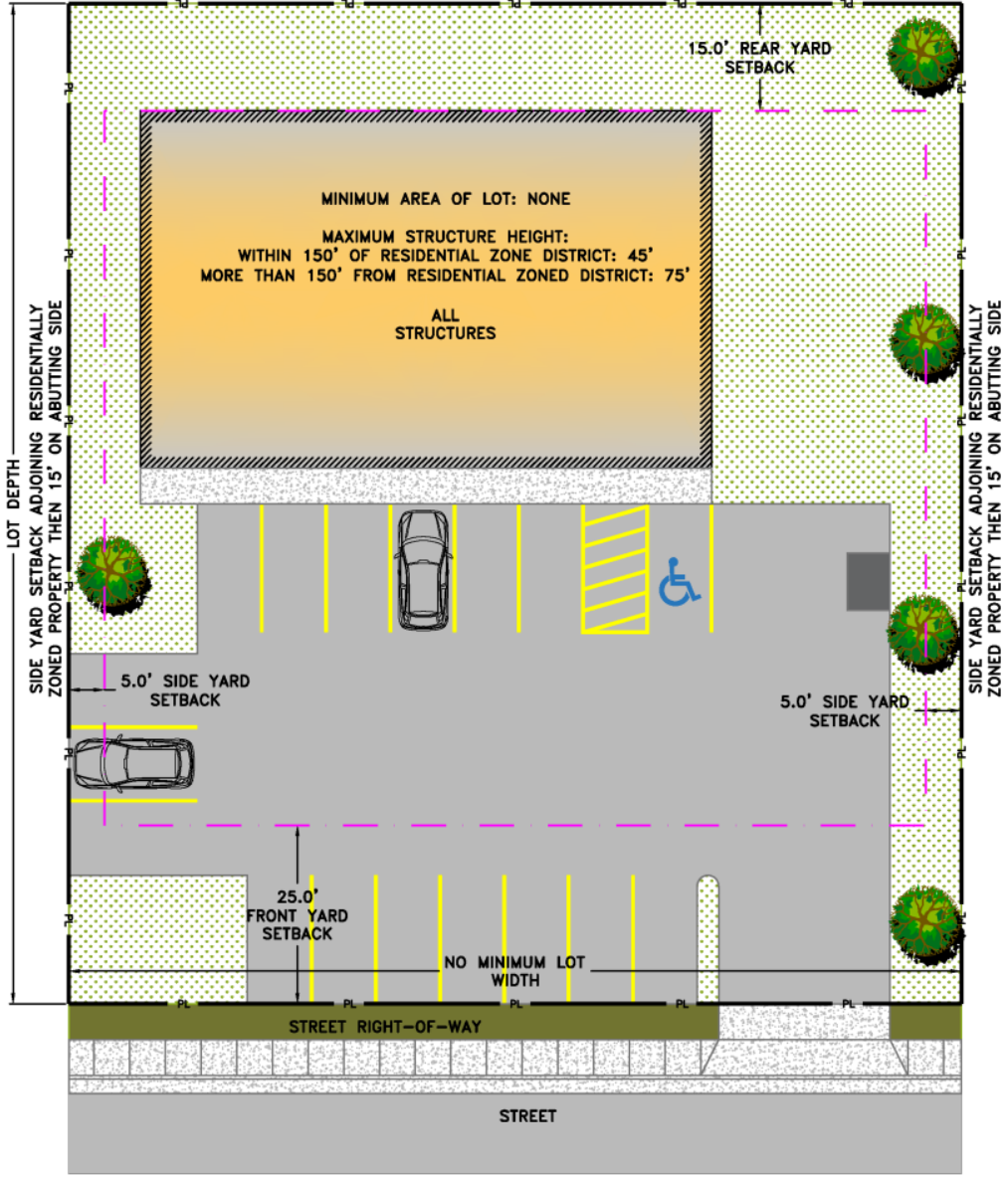
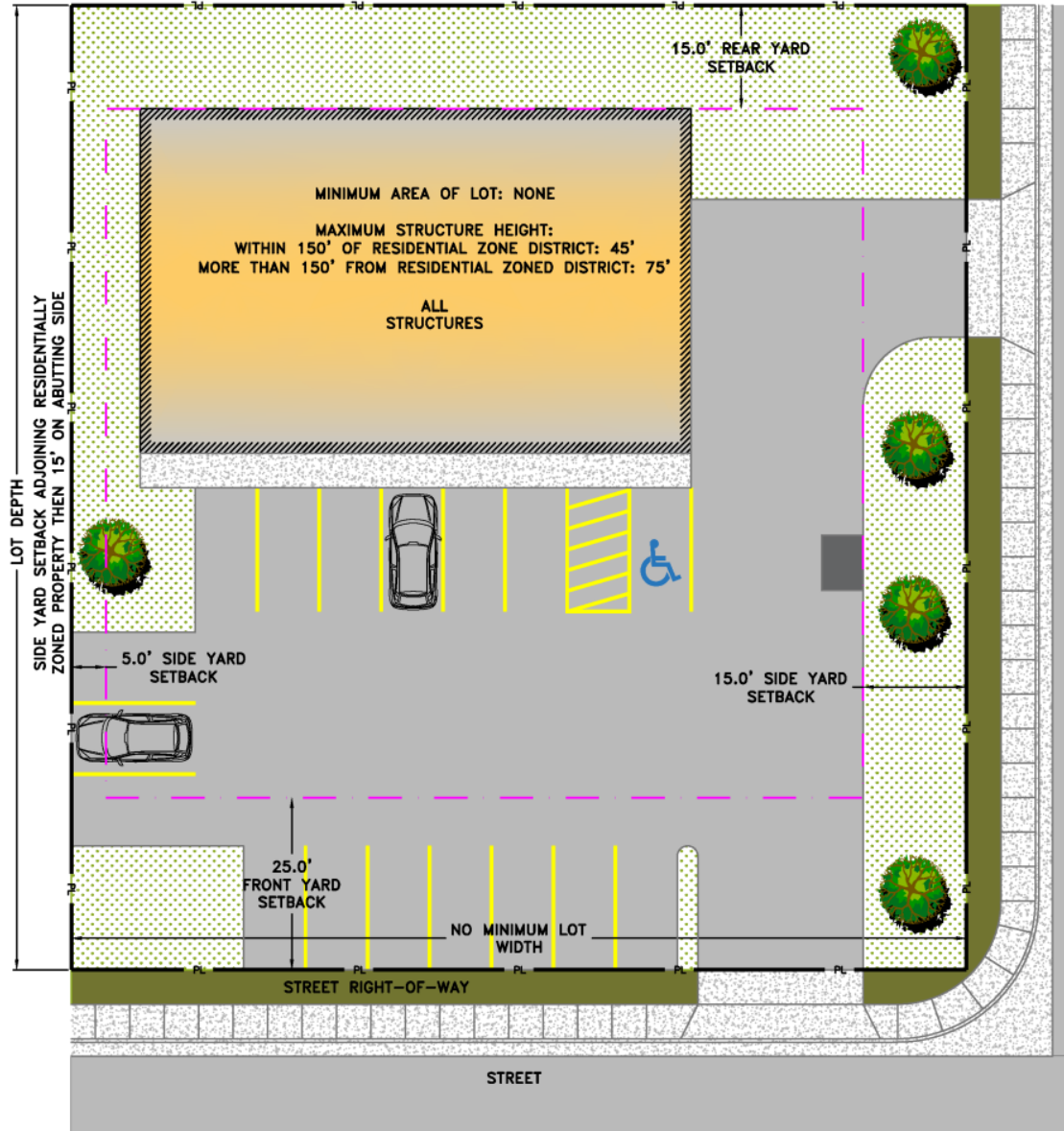




Figure p. B
Light Industrial (I-1) Corner Lot





q. Heavy Industrial (I-2)

This District allows intensive industrial uses not compatible with residential or commercial activity.

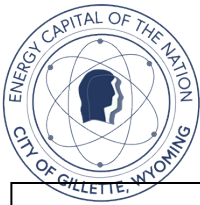
For the purposes of zoning, an existing multi-unit commercial structure can be divided into separate lots and have zero lot line between units, provided the overall structure meets the zoning requirements within the boundaries of the larger zone lot to which it was originally constructed. The subdivision of the structural units must be created through the Condominium Subdivision process.

New multi-unit commercial structures which have separate units which span multiple lots must establish an overall outer boundary to which the zoning requirements of this section apply. The subdivision of the structural units must be created through the Condominium Subdivision process.

1. Junk yards, auto wrecking yards, or salvage yards are subject to the following conditions:
 - a. Must be located on a tract of land at least three hundred (300) feet from a residential zoning district.
 - b. The operation must be conducted wholly within a non-combustible building or within an area completely surrounded on all sides by a solid fence, wall, or hedge at least six (6) feet high. The fence, wall, or hedge must be of uniform height, texture, and color and must be maintained by the proprietor as to ensure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall, or hedge must be installed in such a manner as to retain all scrap, junk, or other material within the yard.
 - c. No junk shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, hedge, fence or wall, or within the public right-of-way.
 - d. Burning of paper, trash, junk, or other waste materials can be permitted only after approval of the Fire Department. Burning, when permitted, will be done during daylight hours only.
2. Outdoor Storage and Waste Disposal
 - a. Fuel and flammable liquids stored above ground and in storage tanks of three hundred (300) gallons or more must be diked to prevent the complete escape of liquid in the event of a rupture of the storage tank; such storage tanks must be at least fifty (50) feet from any building and fifty (50) feet from the boundary lines of the lot.
 - b. No materials or wastes shall be deposited upon the lot in such a manner that they may be carried off the lot by natural forces or causes.
 - c. All materials or wastes which might cause fumes or dust, which constitute a fire hazard, or which might be attractive to rodents or insects, must be stored in closed containers.

Table q. A
Building Placement in Heavy Industrial (I-1)

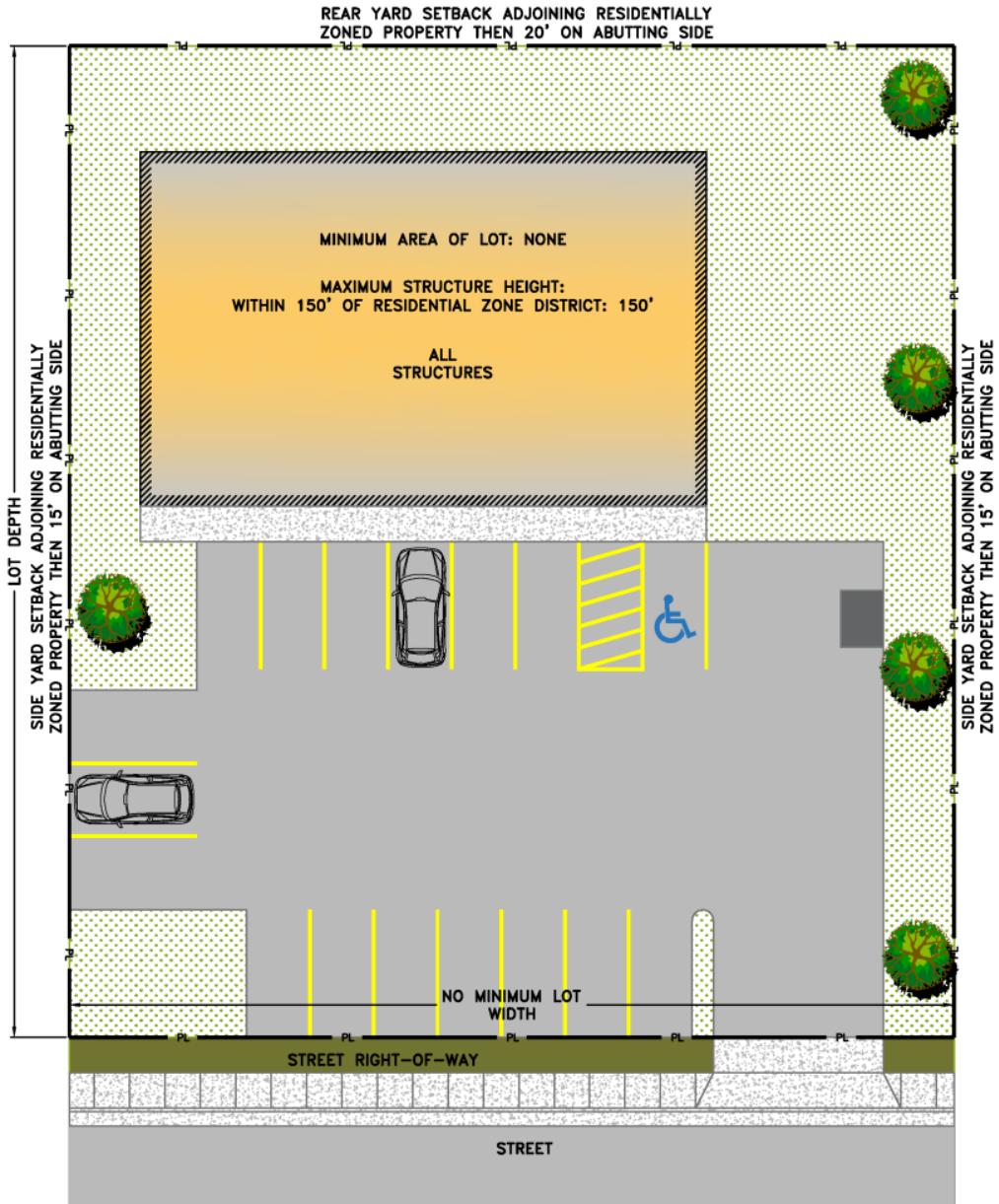
Type	Building
Minimum Area of Lot	---
Minimum Width of Lot	---
Front Yard Setback	--- All sight triangles must be preserved
Side Yard Setback	--- Abuts residential: 15 feet on the abutting side
Rear Yard Setback	--- Abuts residential: 20 feet



Maximum Height*	--- Within 150 feet of a residential zone district: 150 feet
*Permitted exceptions to maximum height: water towers, flagpoles, and antennas may be erected to any safe height not in conflict with other regulations.	



Figure q. A
Heavy Industrial (I-2) Standard Lot



r. Fences, Walls, and Retaining Walls



1. General

- a. Any fence, wall or retaining wall over four (4) feet in height can be erected only after application to and approval of a permit by the Zoning Administrator.
- b. In the case of a fence erected on top of a retaining wall, the maximum height will apply to the total of the combined structure.
- c. Fences, walls, retaining walls, or any other items that may interfere in the operation of a fire hydrant will not be permitted within five (5) feet or less of any fire hydrants.

2. Sight Triangle

- a. Sight triangles must remain clear and unobstructed as per the City of Gillette Engineering Division. Any obstruction may be required to be removed at the request of the Development Services Division.

3. Residential Fencing Requirements: R-R, R-S, R-1, R-2, R-3, R-4, M-H, E-MH and E-MH RS Districts

- a. Fences, walls, and retaining walls may be erected to a maximum height of four (4) feet in the front yard and to a maximum height of six and one-half (6 1/2) feet on the side and rear yards.
- b. Fences, walls, and retaining walls on corner lots can be constructed up to six and one-half (6 1/2) feet in height in the secondary front yard. At the intersection of the secondary front yard setback and front yard setback the fence must be reduced to four (4) feet in height.
- c. Fences can be constructed in the City of Gillette Right-of-Way to within one (1) foot of sidewalk; sight triangles must be maintained. A Right-of-Way Encroachment Agreement is required with the standard fence permit.
- d. Fences can be constructed across and within platted utility easements upon submission of a signed a Utility Easement Encroachment Agreement. Fences can be constructed in a drainage easement upon approval of the City Engineer and the completion of a Utility Easement Encroachment Agreement. Fences constructed in a drainage easement must be constructed to allow surface flow under the fence.
- e. No barbed wire or electrically charged fences will be permitted; except that for essential public facilities, barbed wire will be permitted, provided it at least six (6) feet above ground level.

4. Commercial and Industrial Fencing Requirements: C-P, C-O, C-1, C-2, C-3, I-1, and I-2 Districts

- a. Fences, walls, and retaining walls can be erected to a height of seven (7) feet on any yard, with the following provisions:
 - 1) In sight triangles, only open mesh fences are allowed.
 - 2) In the case of a barbed wire erected on top of a fence or retaining wall, the maximum height will apply to the total of the combined structure.
 - 3) Height requirements for scenery, backdrops, or other solid structures used solely for professional photography must not exceed a maximum of twelve (12) feet in height within any rear yard.
- b. Open mesh fences of any height may be erected on lots containing schools, public parks, playgrounds or other public facilities. Solid fences of no more than ten (10) feet in height may be erected for screening or wind protection purposes at such facilities with specific approval of the Zoning Administrator; such fences must meet all design and construction requirements specified in the Building Codes and sight triangle requirements.



- c. Fences can be constructed in the City of Gillette Right-of-Way to within one (1) foot of sidewalk; sight triangles must be maintained. A Right-of-Way Encroachment Agreement is required with the standard fence permit.
- d. Fences can be constructed across and within platted utility easements upon submission of a signed a Utility Easement Encroachment Agreement. Fences can be constructed in a drainage easement upon approval of the City Engineer and the completion of a Utility Easement Encroachment Agreement. Fences constructed in a drainage easement must be constructed to allow surface flow under the fence.

5. Agricultural District Requirements: Ag District

- a. Fences, walls, and retaining walls can be erected to a height of six and one-half (6 1/2) feet on any yard, with the following provisions:
 - 1) In sight triangles, only open mesh fences are allowed.
 - 2) Barbed wire and electric fences are allowed for the purposes of retaining livestock.

s. Home Occupations

Home Occupations are permitted in all residential districts, provided all of the following conditions are met. Residents must apply for a Home Occupation Permit to utilize their home for their business and must address how each of the following conditions will be met for their particular property in their permit.

- 1. Such use must be conducted entirely within the permitted dwelling unit or legally complying accessory structure(s) and carried out by the inhabitants living there and no others.
- 2. Such use must be clearly incidental and secondary to the use of the property for dwelling purposes and must not change the residential character of the property.
- 3. The total area used for such purposes shall not exceed twenty (20%) percent of the combined gross floor area of a single-family dwelling and legally complying accessory structure(s), or twenty (20%) percent of the gross floor area of the user's dwelling unit in a multiple family dwelling.
- 4. There shall be no exterior storage on the premises of materials or equipment used as part of the home occupation.
- 5. There shall be no nuisance noise, vibration, smoke, dust, odors, heat, glare, or electrical interference noticeable at or beyond the property line.
- 6. A home occupation must provide one (1) additional off-street parking space.
- 7. A sign, no larger than two (2) square feet in size, identifying the home occupation may be permitted, provided the sign is flush mounted to the residence and does not alter the residential character of the home.
- 8. Delivery of products to the home for business purposes shall not occur more frequently than two (2) times a week. Delivery by trucks or vehicles not ordinarily utilized for residential deliveries is prohibited.
- 9. No mechanical equipment other than that ordinarily utilized within a dwelling unit for household or hobby purposes are permitted.
- 10. The operation of the home occupation must not cause or encourage excess vehicular or pedestrian traffic except under the following conditions.
 - a. Public access to the home occupation shall be by invitation only and there can be no more than one (1) vehicle not owned by the occupant(s) on or adjacent to the property for business purposes except that appointments may overlap for a time period of no more than thirty (30) minutes.



11. If the home occupation is the type in which classes are held or instructions given, there can be no more than four (4) students on the premises at any one time.
12. Any occupation requiring a State or Federal License requires a copy of the license be submitted to the Planning Division prior to obtaining a permit.
13. Changes to the use or function of the Home Occupation requires the applicant resubmit for a Home Occupation Permit.
14. If neighborhood complaints are received regarding the Home Occupation, the business will be investigated and the Home Occupation Permit may be revoked.
15. The following businesses shall not be allowed as home occupations:
 - a. Auto body or mechanical repair, to include any modification, assembly, or painting of motor vehicles and repair of internal combustion engines;
 - b. Massage parlors/technician;
 - c. Animal grooming salons and boarding kennels;
 - d. Body piercing/body art/tattoo art;
 - e. Bitcoin mining;
 - f. Commercial ammunition manufacturing.

t. Child Day Cares

The Child Day Care section applies to Family Child Care Homes (FCCH), Family Child Care Center (FCCC), Child Care Centers (CCC), and similar pre-school facilities. This Section also applies to churches who wish to operate a Child Care Center (CCC).

1. All in-home day care activities are secondary to the permitted use of the property, must be licensed by the State of Wyoming, and must have been issued an approved Day Care permit prior to commencing operations. Child Care facilities will not be permitted in any apartment complexes or accessory buildings.
2. If the applicant is renting the residential property where the day care is to be operated, (renting to own, etc.) written permission by the property owner must be obtained before a permit is issued. In the event a property owner rejects his/her permission for the day care, the issued permit will no longer be valid.
3. The following standards must be met to receive and retain a Day Care permit:
 - a. All outside play areas must be fenced in a manner adequate to contain children according to Section r. Fences, Walls, and Retaining Walls.
 - b. The facility must not alter the exterior residential character of the home it occupies.
 - c. Children must not play outside before 8:00 a.m. or after 8:00 p.m., or dark, whichever occurs earliest.
 - d. One additional paved, off-street parking space is required for each staff member who is not a resident of the home. All childcare centers must provide adequate off-street provisions for loading and unloading children.
 - e. No signage will be permitted in residential zoning districts. All childcare facilities located within a commercial zoning district must follow the signage rules and regulations for the specific zoning district as required in [Section 8. Signs](#).
4. Family Child Care Homes, Family Child Care Centers, Child Care Centers, and similar pre-school facilities are not allowed in Agricultural District, C-3, Business/Service District, or Industrial Zoning Districts.
5. Any Child Care Center located within any commercial zoning district (C-P, C-O, C-1, C-2) must be in compliance or come up to compliance with the currently adopted Building Code.



6. Family Child Care Centers and Child Care Centers in residential zoning districts (R-R, R-S, R-1, R-2, R-3, R-4, M-H, E-MH, E-MH RS) must complete the following:
- a. Apply for a Family Child Care Center or Child Care Center permit that includes the following:
 - 1) Name and address of the applicant.
 - 2) A statement which attests that the applicant is the owner of the property or a statement from the property owner giving permission to apply for the permit.
 - 3) Legal description of the property.
 - 4) Number of parking spaces available on the property.
 - 5) Intended hours of operation.
 - 6) Number of employees which the applicant plans to hire.
 - b. The Zoning Administrator will review the application for completeness and will notify by first class mail, all residents living within one hundred and forty (140) feet of the petitioner's property, not counting intervening streets and alleys.
 - c. Notified residents will have fifteen (15) days from the date of receipt of mail to respond in writing with comments to the Zoning Administrator.
 - 1) If the owners of twenty (20%) percent or more of the area of the lots included immediately adjacent within a distance of one hundred forty (140) feet (the rights-of-way not included) respond as opposed, the permit application will go before the Planning Commission and follow standard public hearing notification procedures. If less than 20% of the residents are opposed, the Zoning Administrator will approve the permit.
 - d. In the event of a formal protest to granting the proposed permit signed by twenty (20%) percent of the residents of the properties within one hundred and forty (140) feet of the applicant's property, the Planning Commission shall not grant the approval of the permit except by affirmative vote of three-fourths (3/4) of all members of the Planning Commission.
 - e. An appeal of the Planning Commission decision to the City Council from more than twenty (20%) percent of the surrounding property owners or the applicant will be filed, in writing, within ten (10) days of the Planning Commission Meeting. The Council will review the record of the case within thirty (30) days and uphold, reverse, or modify the decision of the Planning Commission.
 - f. All permits issued under this section, whether administratively or by action of the Planning Commission or City Council shall not be valid until all appeals, and periods in which an appeal may be filed, are final and concluded.
 - g. The City of Gillette reserves the right to review the continuance of any permit issued under this section upon receipt of complaints regarding the facility and its impacts on the surrounding residential neighborhood or a lack of proper licensure through the State.

u. Recreational Vehicle (RV) Park Standards

A commercial site plan approved by the Planning Commission will be required for all new RV parks and for expansions of existing RV Facilities. For expansions, the plan must include the entire proposed site and existing facilities. The following development standards will apply for Recreational Vehicle Parks:

- 1. Minimum Park Size: Three (3) acres
- 2. Minimum Width of Zone Lot: One hundred and fifty (150) feet at the front setback line.



3. Minimum Yards for Structures and Recreational Vehicles: There must be a minimum of twenty (20) feet for the front yard, side yards and rear yard. Buffer yards are required as per SECTION 4. Landscaping and Screening.

4. Unit Spaces:

- a. RV Spaces must meet the following minimum requirements:
 - 1) Minimum must be twenty-five (25) feet;
 - 2) Twenty (20%) percent of the total number of spaces must be a minimum of 1,375 square feet;
 - 3) Ten (10%) percent of the total number of spaces must be a minimum 1,625 square feet;
 - 4) Remaining spaces must be at least nine hundred (900) square feet.
- b. Accessory, commercial uses must not exceed five (5%) percent of gross park area.
- c. Common Recreational Area: An adequate playground or other recreational area must be provided.
- d. Service Building(s): Each park must provide one (1) or more service buildings providing the following:

Table u. A Service Building Requirements					
Number of Unit Spaces	Toilets Men/Women	Urinals Men	Sinks Men/Women	Showers Men/Women	Other Fixtures
1-15	1/2	2	2/2	2/2	Minimum of 1 slop sink
16-30	2/3	3	3/3	2/2	
31-45	3/4	3	4/4	3/4	
46-60	4/5	4	5/5	3/5	
61-80	4/6	4	5/5	5/6	

For parks with more than 80 unit spaces, additional facilities must be provided as follows:
 Men's toilets, urinals, sinks and showers: 1 of each per each 20 additional unit spaces.
 Women's toilets, sinks and showers: 1 of each per each additional 15 unit spaces.

- 4. **Water Supply:** A potable water supply must be available, not farther than one hundred (100) feet from any unit space.
- 5. **Refuse Disposal:** Durable, water-tight refuse containers must be provided at sanitary waste stations, service buildings, and within one hundred and fifty (150) feet of any unit space.
- 6. **Sanitary Waste Stations:** Parks not equipped with individual sewer connections require sanitary waste stations. Parks with 1-100 unit spaces must provide one (1) station. Parks exceeding 100 spaces require one (1) additional station per one hundred (100) unit spaces. A means for washing down the immediate area of the station must be provided.
- 7. **Parking:** A minimum of one (1) parking space must be provided at each unit space. Parking spaces and RV pads must be surfaced with gravel.
- 8. **Streets:** All streets must be constructed with an all-weather surface of asphalt or concrete. The following minimum widths are required.
 - e. One way, with no on-street parking: Twelve (12) feet
 - f. One way, with on-street parking (one side): Twenty (20) feet
 - g. Two way, with no on-street parking: Twenty (20) feet
 - h. Two way, with on-street parking: Twenty-Eight (28) feet



9. **Appeals:** If the developer contends that the conditions of approval attached by the Planning Commission are of such a nature as to make development of the land impractical, or if the developer contends that disapproval of the commercial site plan was a wrongful decision, they may request a hearing before the City Council. The request must be submitted in writing to the Zoning Administrator within thirty (30) days of the action or decision appealed from and must state the specific relief sought. Within thirty (30) days of the receipt of such a request, the City Council will hold a hearing to determine the final outcome. The Council will either affirm or modify the decision of the Commission and note the decision in the record of the hearing. The decision will be binding upon all agencies and administrative personnel of the City of Gillette.
10. Recreational Vehicle Park Commercial Site Plans approved by the Planning Commission shall be binding upon the owner or owners of the land included in the plan, and all permits and certificates will be issued in accordance with the approved plan.

SECTION 4. LANDSCAPING AND SCREENING

Contents:

- a. Purpose
- b. Applicability, Review, and Exemptions
- c. Landscape Requirements
- d. Maintenance Requirements
- e. Installation Financial Security and Agreement
- f. Landscape Plan Requirements

a. Purpose

This Section is intended to improve the appearance and design quality of the City, buffer incompatible land uses, improve the quality of site planning, improve storm water management, increase the value of properties, and improve the quality of life for citizens of Gillette.

b. Applicability, Review, and Exemptions

1. Applicability

- a. This Section applies to new commercial developments, additions, Planned Unit Developments (PUDs), and zoning districts except one or two-family residential developments.
- b. Cumulative additions of fifty (50%) percent or greater of structures and/or impermeable surface must meet the requirements of this Section. Cumulative additions less than fifty (50%) percent of structures and/or impermeable surface, must meet the corresponding percentage of the landscaped area that would otherwise be required for the development.

2. Review

- a. All applications for industrial and commercial building permits must include a Landscape Plan approved by the Planning Division before a permit is issued. Certificates of Occupancy will not be issued unless the proposed landscaping is complete. The installation of landscape may be deferred based on the timing of project completion, if a bond or other appropriate financial security is provided in an amount sufficient to assure installation of landscape and screening, in accordance with Section 4.e.
- b. Application type, review, and approval are set forth in the Table "A" below.



Table b. A		
Application	Review Role	Approval
All building plans, commercial and residential as specified in b.1.	Public Works Director, or their designee	Public Works Director or designee
Any Multi-Family Residential Unit with 10 units within one structure on the same zone lot.	Public Works Director, or their designee, who will make a recommendation to the Planning Commission	Planning Commission
Construction of two or more buildings on the same zone lot and/or commercial development with a gross floor area of 25,000 square feet or greater in one main building on the same zone lot.	Public Works Director, or their designee, who will make a recommendation to the Planning Commission	Planning Commission
Denial of application		Any denial may be appealed to the Board of Adjustment

3. Exceptions to Landscaping Requirements

- a. One or two-family residential development.
- b. A casualty loss reconstruction or replacement of a lawfully existing use or structure.
- c. Remodeling or improvements to existing uses or structures that does not substantially change the location of structures or other site improvements.
- d. Development sites without public water service.
- e. Development that does not have adequate space for landscaping.
- f. Development in the C-2, Central Business District.

c. Landscape Requirements

1. Landscaping and Maintenance of Public Right-of-Way: Public right-of-way include the area located in between the curb or edge of pavement and the property line along public streets.

- a. The adjacent property owner is responsible for landscaping and maintenance of the public right-of-way from the curb to the property line.
- b. The public right-of-way must consist of irrigated grass or ground covers.
- c. Public right-of-way landscaping must comply with all standards and regulations contained in this code.
- d. Public right-of-way landscaping is not included in the required landscaping on private lots.
- e. Public rights-of-way along street frontages require one (1) tree for every fifty (50) lineal feet of street frontage.

2. Landscaping Area of Privately Owned Property

Privately owned property must meet the requirements of Section 4.b. Native undisturbed grasses and soil are not landscape material and is not included in the minimum percentage of land required to be landscaped.

Table c. A	
MINIMUM SITE LANDSCAPING PERCENTAGES	
Size of Property Being Developed	Minimum Percentage of Land to be Landscaped
Multi-Family Sites	10%
Commercial Sites	



Table c. A
MINIMUM SITE LANDSCAPING PERCENTAGES

Size of Property Being Developed	Minimum Percentage of Land to be Landscaped
0 to 19,999 square feet	10%
20,000 square feet to 1 acre	8%
Over 1 acre	6%
Industrial Sites	
0 to 19,999 square feet	6%
20,000 square feet to 1 acre	5%
Over 1 acre	4%

Sites constructed in the I-1, Light Industrial District may request the option to install 50% of required landscaping and pay a fee-in-lieu of the remaining 50% of the cost of the required landscaping or install 100% of the required landscaping. Sites constructed in the I-2, Heavy Industrial District may request the option to pay a 100% fee-in-lieu of the Landscape Requirements required by the code. Requests to pay a fee-in-lieu of landscaping must be made to the Zoning Administrator. Acceptance of the fee-in-lieu will be at the City Staff's discretion.

C. Landscaping of Off-street Parking Lots

- a. Parking Lots, as defined by Section 5, require a minimum landscaped buffer of ten (10) feet along any street property line.
- b. Off-street Parking Lots with more than twenty (20) spaces require interior landscape islands.
 - 1) Parking lot islands must be located at the end of each row of parking. One double island must be located at each end of a double row of parking.
 - 2) Landscape islands must be located every fifteen (15) parking spaces within a row. Landscape islands must be a minimum of six (6) feet wide and eighteen (18) feet long and contain at least two (2) trees or one (1) tree and two (2) shrubs.
- c. Parking facilities within the I-1 and I-2 Zoning Districts are exempt from the parking lot landscape islands requirements.
- d. Licensed automobile dealership display lots are exempt from this Section; the Parking Lots for employees and customers are not exempt from this Section.

D. Buffer Yard Requirements

Table c. B
Buffer Yard and Fencing Requirements Between Zone Districts

Zone District Being Landscaped	Adjacent Zoning	Buffer Yard	Required 6' Fence
Ag, R-R, R-S, R-1, R-2, M-H, E-MH, E-MH RS	C-P, C-O, C-1, C-2, C-3	N/A	
R-3, R-4	C-P, C-O, C-1, C-2, C-3	10'	X
R-3, R-4	Ag, R-R, R-S, R-1, R-2, M-H, E-MH, E-MH RS	10'	X
Ag, R-R, R-S, R-1, R-2, R-3, R-4, M-H, E-MH, E-MH RS	I-1, I-2	N/A	
C-P, C-O, C-1, C-2, C-3	Ag, R-R, R-S, R-1, R-2, R-3, R-4, M-H, E-MH, E-MH RS	10'	X
I-1, I-2	Ag, R-R, R-S, R-1, R-2, R-3, R-4, M-H, E-MH, E-MH RS	30'	X
I-1, I-2	C-P, C-O, C-1, C-2, C-3	20'	X



E. Screening Requirements

- a. Screening, buffer yard landscaping, and fencing is required between adjacent zoning districts or adjacent zoning districts that face a public street when one or more of the following conditions are present
 - 1) Outdoor storage areas or storage tanks;
 - 2) Loading docks, refuse or trash collection points or dumpsters, and other service areas;
 - 3) Major machinery or areas housing a manufacturing process;
 - 4) Major on-site traffic circulations areas or truck and/or trailer parking;
 - 5) Sources of glare, noise, or other environmental effects;
 - 6) Bailing or stockpiling of cardboard or other shipping or packaging materials.
- b. Acceptable screening includes screening of at least six (6) feet in height, including walls, fences, berm or landscaping as follows:
 - 1) A wood, brick, stone, concrete masonry, PVC, stucco, or concrete fence or wall. Fences must have a minimum opacity of seventy-five (75%) percent. Chain link fencing with slats is not acceptable screening.
 - 2) A screen using evergreen or deciduous materials that provides a hedge barrier.
 - 3) A screen consisting of two (2) over story deciduous trees and four evergreen trees per one hundred (100) linear feet of the property line.
 - 4) A screen consisting of an earth berm with a maximum slope of three (3) to one (1), that rises at least six (6) feet above the existing grade of the lot line.
 - 5) Any combination of the above at least six (6) feet in height.
- c. Screening must not impede surface water drainage.
- d. The finished side of any fence or wall providing screening must always face the public street or adjacent district.

F. Planting Area Restrictions

- a. No landscaping over three (3) feet may be planted within a sight triangle.
- b. No landscaping over thirty-six (36) inches may be planted within six (6) feet of a traffic lane.

G. Landscaping Material

- a. Non-Living Landscaping Materials
 - 1) No artificial trees, shrubs, plants, or turf can be used for landscaping.
 - 2) Scoria is not permitted in any required landscape area.
 - 3) Loose rock or other artificial materials must be contained to prevent their encroachment into a parking areas, driveways, sidewalks, streets, or trails.
- b. Trees and Shrubs
 - 1) The latest version of *Trees and Shrubs of Gillette & Campbell County* should be consulted for required trees and shrubs.
 - 2) Deciduous trees must be a minimum of one and one half (1 1/2) inch caliper measured six (6) inches above the ground.
 - 3) Evergreen trees must be a minimum of five (5) feet.
 - 4) Evergreen and deciduous shrubs must be a minimum of twelve (12) inches.
- c. Ground Covers



- 1) Sod and seeding are acceptable ground cover. Sod or hydro turf is required in public rights-of-way on streets designated as arterials or collectors in the City Transportation Master Plan.
 - 2) Grasses must be well maintained and free of weeds and debris.
 - 3) Ground covers listed in *Trees and Shrubs of Gillette & Campbell County* may be utilized. Vines and other plants must not be planted adjacent to sidewalks, paths and trails, or other pedestrian areas.
 - 4) Mulch ground covers may be installed on less than fifty (50%) percent of the required landscaped area. Mulch must be installed on a water-permeable geo-textile fabric with a minimum depth of four (4) inches. Lightweight materials, including but not limited to bark, wood chips and small aggregates, must not be used in high wind areas.
- d. Xeriscape
- 1) Xeriscape areas may be used as an alternate form of landscaping on private property. Xeriscape cannot not be used in the public right-of-way.

d. Maintenance Requirements

1. Maintenance

- a. The property owner of record, their agent, or tenant must maintain plantings in a healthy and attractive manner by the property owner of record, the property owner's agent or tenant, or other association or organization that has assumed responsibility for landscape maintenance. Maintenance must include, but not be limited to: watering, weeding and weed control, fertilizing, cleaning, pruning, spraying and pest control, mowing, and trimming of materials, and replacement of dead materials to remain in conformance with this code and the approved landscaping plan.
- b. Dead plant materials must be removed and replaced by materials that meet the requirements of the approved landscaping plan. Removal and replacement must be completed within one growing season. Failure to remove dead plant material is a violation of this Section subject to the remedies in Section 1 d., [Administration and Enforcement](#).
- c. Non-living landscape materials must be replenished and maintained to achieve full coverage with a minimum depth of four (4) inches.

2. Irrigation

- a. All required landscaped areas, including adjacent public rights-of-way, must have an underground irrigation system.
- b. Irrigation systems require the following:
 - 1) An automatic evapotranspiration controller.
 - 2) Spray and drip irrigation are acceptable.
 - 3) The system must provide coverage to all required landscaped areas
 - 4) The system should minimize spray on sidewalks, streets, parking areas, and trails.
 - 5) All systems require a City-approved backflow prevention device.
 - 6) Irrigation systems that use recycled water may be permitted with appropriate warnings.

e. Installation Financial Security and Agreement



All landscaping must be installed prior to the issuance of a Certificate of Occupancy. The Development Services Director or his designee may issue a Provisional Certificate of Occupancy prior to installation of landscaping subject to the following requirements:

- A. The Owner enters into a Landscape Installation Agreement with the City requiring the landscaping and screening to be installed within twelve (12) months of the effective date of the Provisional Certificate of Occupancy. The Landscape Installation Agreement authorizes the City to enter the property and install the required landscaping and screening if the Owner fails to complete the required landscaping and screening within the allotted time.
- B. In addition, the Owner must provide a performance bond, certificate of deposit, letter of credit, or other security approved by the City in an amount not less than one hundred and fifty (150%) percent of the estimated value to install the landscaping and screening.

f. Landscape Plan Requirements

The Landscape Plan must contain the following information:

- A. Scale drawings no smaller than one (1) inch equal to fifty (50) feet.
- B. North arrow, scale of drawing, street address of the property, adjacent street names, and the name and address of the person preparing the plan.
- C. The area of the entire property, the area required to be landscaped and screened, and a table with required number of trees, shrubs, ground cover, and other materials required in the landscaped area.
- D. An overall site plan, indicating location of structures, parking, public streets and rights-of-way, site amenities.
- E. Existing landscaped areas, including plant materials, location, size, species, and condition and an indication whether existing landscape materials will remain or be removed.
- F. The location of all materials, the size, the scientific and common name of each plant material.
- G. The location and type of all ground covers including non-living materials.
- H. All landscape features and structures.
- I. Location and design of all screening.
- J. A grading plan including berms and landforms with contours shown at no less than two (2) foot intervals.
- K. All stormwater management facilities.

SECTION 5. OFF-STREET PARKING AND LOADING

Contents:

a. General

b. Residential Off-Street Parking

c. Commercial Off-Street Parking

d. Industrial Off-Street Parking

e. Off-Street Loading

f. Mixed-Use Parking, Cross Parking Agreements, and Special Parking Plans



a. General

1. This section describes required off-street parking, loading, and maintenance for permitted uses and expansions.
2. Off-street parking and loading facilities for the permitted use are required in all zoning districts and must be on the same lot and under the same ownership as the permitted use. Exceptions for onsite required parking are as follows:
 - a. The Zoning Administrator may approve an application to permit off-street parking on a separate lot or shared parking on the same lot as per Section 20.05.f Mixed Use Parking, Cross Parking Agreements, and Special Parking Plans.
3. If a structure is built, enlarged, or a permitted use request or change requires additional parking, all off-street parking requirements must meet the requirements described in this section.
4. A temporary certificate of occupancy may not be issued until a temporary parking and access surface has been installed. The minimum temporary parking and access surface must be gravel that meets City specifications and can carry the loads required by emergency service vehicles. Other surfaces may be considered, at the discretion of the Zoning Administrator, provided the surface is passable by pedestrians, will not excessively rut, and the surface is not collected by vehicle tires and subsequently dropped onto public streets.
5. The following uses are exempt from all off-street parking and loading requirements: general agriculture; animal feedlots; cemetery; contractor's yard; golf course; grazing; recreation camp; junk yard; newsstand; oil; gas or mineral explorations, drilling, production, processing, separation or storage; storage of vehicles, public parks, playgrounds, or open recreational facilities; quarry; railway right-of-way; sanitary landfill; transmission lines or towers; essential public utility or public service installation (not including business offices, repair, sales or storage facilities). If parking is provided, it must comply with Sections 20.05.03, 20.05.04, and 20.05.05 of this article

Table a. A Required Parking	
Uses	Parking Spaces Required
Assembly (auditorium, stadium, church, etc.)	1 space per each 5 seats (maximum capacity)
Bed and Breakfasts, Boardinghouse and/or Lodging House	1 space per each 2 bedrooms
Hospitals	2 spaces per each bed
Nursing Home and Assisted Living Facility	1 space per each 5 beds for shared living facilities 1 space per each 3 independent living units Plus 1 space per each employee at maximum employment on a single shift Plus 1 visitor space per every 10 beds or 5 independent living units
Hotels and Motels	1 space per each rental unit plus 1 space for each 2 employees at maximum employment on a single shift Accessory uses (dining, banquet halls) must satisfy their parking requirements separately according to this table
Elementary School, and Junior High School	5 spaces, plus 1 space per each classroom
Senior High School	1 space per each employee, plus 1 space for each 4 students, based on the design capacity of the school
College and Technical Schools	1 space per each 2 students at maximum capacity



**Table a. A
Required Parking**

Uses	Parking Spaces Required
Industrial and Warehousing	1 space per each 2 employees at maximum employment on single shift Plus 1 space per each company vehicle regularly parked on the premises
General Offices	< 50,000 square feet: 1 space per 300 square feet > 50,000 square feet: 1 space per 400 square feet
Medical Offices	1 space per 200 square feet
Residential	2 spaces per dwelling unit
Residential: Accessory Dwelling Unit	1 space per dwelling unit
Day Care	1 additional space per each staff member who is not a resident of the home. Child Care Centers must provide adequate off-street provisions for loading and unloading children.
Retail: General	< 25,000 square feet: 5 spaces per 1,000 square feet 25,000-400,000 square feet: 4 spaces per 1,000 square feet 400,000 - 600,000 square feet: 4.5 spaces per 1,000 square feet > 600,000 square feet 5 spaces per 1,000 square feet
Retail: Large Product Sales (automobiles, RVs, boats, farm implements, appliances, tree nurseries, garden centers, etc.)	1 space per 20,000 square feet
Restaurants	< 2,000 square feet: 5 spaces per 1,000 square feet 2,001 - 5,000 square feet: 10 spaces per 1,000 square feet > 5,000 square feet: 20 spaces per 1,000 square feet Plus 1 space per each 2 employees at maximum employment on a single shift.
Parking Requirements for permitted uses not listed in this table shall be determined by the Zoning Administrator.	

**Table a. B
Commercial/Industrial Accessible Parking**

Total Off Street Spaces	Spaces for Persons with Disabilities
1-25	1
26-50	2
51-75	3
76-99	4
100-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of Total Spaces
1001 and Over	20 + 1.0 for each 100, or fraction thereof

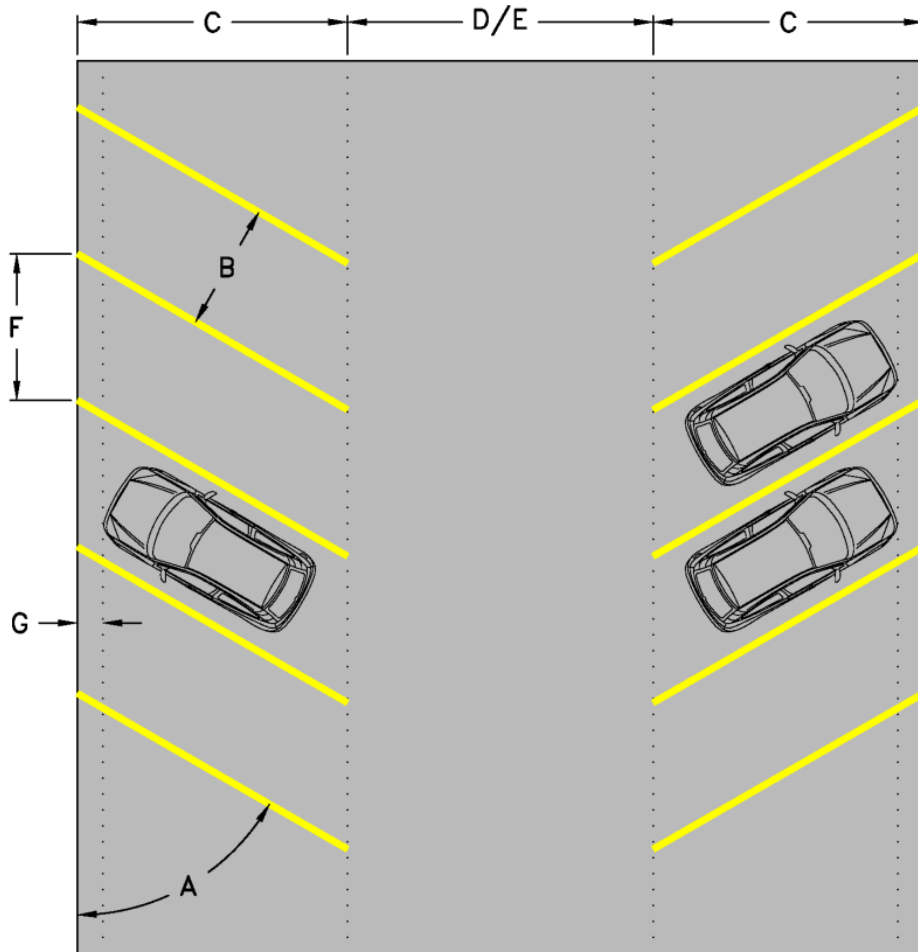


Table a. C
Parking Dimensions

A	B	C	D	E	F	G
Parking Angle	Stall Width	Stall to Curb	Aisle Width 1-Way	Aisle Width 2-Way	Curb Length	Front Over-hang (ft.)
0°	9.0	9.0	12.0	24.0	23.0	0
	9.5	9.5	12.0	24.0	23.0	
	10.0	10.0	12.0	24.0	23.0	
45°	9.0	19.8	12.0	24.0	12.7	1.5
	9.5	20.1	12.0	24.0	13.4	
	10.0	20.5	12.0	24.0	14.1	
60°	9.0	21.0	18.0	24.0	10.4	1.5
	9.50	21.2	18.0	24.0	11.0	
	10.0	21.5	18.0	24.0	11.5	
90°	9.0	18.0	22.0	24.0	9.0	2.0
	9.5	18.0	22.0	24.0	9.5	
	10.0	18.0	22.0	24.0	10.0	



Figure a. A
Parking Dimension Measurements



b. Residential Off-Street Parking

Off-street parking in residential areas will be designed, used, and maintained in accordance with the following specifications:



1. Off-street parking for residential use shall be designed and maintained on the same lot as the Primary Structure. All required entrances, exits, and driveways must be surfaced with an all-weather asphalt or concrete.
2. If any action eliminates any required off-street parking areas, no structure shall be erected or enlarged and no use shall be enlarged.
3. Individual off-street parking spaces must be at least nine (9) feet wide and eighteen (18) feet long.
4. Parking areas must be located at least five (5) feet from the side lot lines.
5. Additional off-street parking areas must be surfaced with Grade J gravel and must meet all design standards as required for any work in the right of way. Scoria is not allowed in residential districts for the purpose of any off-street parking.
6. All multi-family residential parking, except for single-family dwelling or duplex on a single lot, must be designated in accordance with the layout of the approved zoning permit or development plan.
7. Parking spaces must be designated by striping for multi-family housing.
8. Each parking space must be accessible and arranged so that no part of any parked vehicle, trailer, RV, or camper extends beyond the property lines into the street right-of-way, across public sidewalks, or in the sight triangle.
9. Parking spaces shall not be used for the sale, repair, assembly or disassembly, storage or servicing of vehicles or equipment. Unlicensed or inoperable vehicles must not be stored in any required parking or loading space as per city code.
10. Home Occupations conducted in an authorized dwelling unit must provide one (1) parking space for every two hundred (200) square feet, devoted to the home occupation; this required parking is in addition to the parking required for the dwelling unit.

c. Commercial Off-Street Parking

1. **Off-Street Parking:** Off-street parking will be designed, used and maintained in accordance with the following specification.
 - a. The C-2, Central Business District shall be exempt from the requirement of off-street parking and off-street loading; however, when off-street parking and off-street loading are provided in the C-2 District, the design, use, and maintenance standards of [SECTION 5](#). shall apply.
 - b. Off-street parking areas must match the layout approved on the zoning permit or commercial site plan. Parking spaces must be designated with striping.
 - c. Each parking space must be accessible and arranged to avoid any part of a parked vehicle, trailer, RV, or camper extending beyond the property line, the street right-of-way, public sidewalks, or in the sight triangle.
 - d. Designated entrances and exits required for parking shall be located to minimize traffic congestion and avoid interference with public streets, alleys, and walkways. The City of Gillette Design Standards provides the location and spacing of commercial driveways.
 - e. Parking spaces must not be used for the sale, repair, assembly or disassembly, storage, or servicing of vehicles or equipment. Unlicensed or inoperable vehicles must not be stored in any parking or loading space required by this section.
 - f. Off-street parking spaces must conform to the Parking Dimension Standards in [Table c.a.](#)
 - g. Required parking areas must be graded for proper drainage and surfaced with all-weather asphalt or concrete. All entrances, exits, and driveways must be surfaced with an all-weather asphalt or concrete.



concrete. Additional off-street parking or equipment storage areas may be surfaced with Grade J gravel. Scoria is not allowed in commercial districts for the purpose of off-street parking.

- h. Where commercial parking is the primary use of a zone lot, an all-weather surface of asphalt or concrete is required. All entrances, exists, and driveways serving the commercial parking spaces must be surfaced with an all-weather surface of asphalt or concrete.
- i. All vehicle, RV, and trailer sales lots of twenty (20) spaces or more must be surfaced with an all-weather surface of asphalt or concrete. All entrances, exists, and driveways serving the sales lot must be surfaced with an all-weather surface of asphalt or concrete. Lots with 1-19 spaces require a minimum of Grade J gravel. Scoria is not allowed. Driveway access must be paved in asphalt or concrete from paved roadway to property line.
- j. Access and Parking Lot Maintenance Requirements: Parking lots and public access easements must be maintained by the owner of the property to prevent deterioration, including but not limited to: potholes, crumbling asphalt, concrete, weeds, or any other surface covering. Additional vehicle or equipment parking storage areas provided for in this section that are accessible to the public for use as a parking lot must be maintained to prevent deterioration.

2. Drive-Thru and Vehicle Stacking Requirements: Vehicle stacking distance will be measured from the point of service within a designated drive aisle. The required cumulative stacking distance may be distributed between accesses serving the site, provided a minimum stacking distance of twenty (20) feet is provided at each access point.

Table c. A Vehicle Stacking Requirements	
Facility Type	Required Stacking Distance
Automatic Car Wash	200 feet per wash line
Dry Cleaner, Drive-Thru	60 feet per window
Financial Institution, Drive-Thru	100 feet per window
Liquor Store, Drive-Thru	60 feet per window
Pharmacy, Drive-Thru	100 feet per window
Restaurant, Drive-Thru	200 feet per window
Retail Service, Drive Thru	60 feet per window
Self-Service Car Wash	60 feet per wash line
Service Station	50 feet per service space

Vehicle Stacking Requirements for permitted uses not listed in this table shall be determined by the Zoning Administrator.

d. Industrial Off-Street Parking

1. Off-street parking will be designed, used, and maintained in accordance with the following specifications:
 - a. All off-street parking areas must match the layout approved on the zoning permit or commercial site plan. Parking spaces must be designated with striping.
 - b. Each parking space must be readily accessible and arranged so that no part of any parked vehicle, trailer, RV, or camper extends beyond the property lines, into the street right-of-way, across public sidewalks, or in the sight triangle.
 - c. Designated entrances and exits required for parking shall be located to minimize traffic congestion and avoid interference with public streets, alleys, and walkways. The City of Gillette Design Standards provide the location and spacing of industrial driveways.



- d. Parking spaces must not be used for the sale, repair, assembly or disassembly, storage, or servicing of vehicles or equipment. Unlicensed or inoperable vehicles must not be stored in any parking or loading space required by this section.
- e. Individual off-street parking spaces must conform to the Parking Dimension Standards in Section 5.a.
- f. Required parking areas must be graded for proper drainage and must be surfaced with an all-weather surface of asphalt or concrete. All entrances, exits, and driveways serving those parking spaces must be surfaced with an all-weather surface of asphalt or concrete. In a I-1, Light Industrial District, additional off-street parking and storage areas may be surfaced with Grade J gravel. Scoria is not allowed. In a I-2, Heavy Industrial District, additional off-street parking and storage areas beyond what is required in this section may be surfaced with scoria.
- g. Driveways to accessory structures in industrial zones are not required to have an all-weather surface of concrete or asphalt but must meet the minimum bearing capacity for emergency personnel vehicles. Scoria is not acceptable as a driving surface. Paved parking space for ADA requirements must be met as per the Building Division. All required parking for accessory structures must be surfaced with an all-weather surface of asphalt or concrete.
- h. An all-weather surface of asphalt or concrete is required for industrial parking. All entrances, exists, and driveways serving the industrial parking spaces must be surfaced with all-weather asphalt or concrete.
- i. All vehicle, RV, and trailer sales lots of twenty (20) spaces or more must be surfaced with an all-weather surface of asphalt or concrete. All entrances, exists, and driveways serving the sales lot must be surfaced with an all-weather surface of asphalt or concrete. Lots with 1-19 spaces require a minimum of Grade J gravel. Scoria is not allowed.
- j. Access and parking lot maintenance requirements: parking lots and public access easements must be maintained by the owner of the property to prevent deterioration, including but not limited to: potholes, crumbling asphalt, concrete, weeds, or any other surface covering. Additional vehicle or equipment parking storage areas provided for in this section that are accessible to the public for use as a parking lot, must be maintained to prevent deterioration.

e. Off-Street Loading

For every commercial or industrial use in connection with every building having a gross floor area of 10,000 square feet or more, at least one (1) off-street loading space must be provided on site. One (1) additional off-street loading space must be provided for each additional 20,000 square feet. All loading areas must conform to the following standards.

1. Commercial Zones

- a. Individual off-street loading zones must be located in the side or rear yards on the zoned lot for the permitted use.
- b. Loading zones must be twelve (12) feet wide, fifty (50) feet long, and have a minimum height clearance of fourteen (14) feet.
- c. Loading zones must not block or interfere with the use of the required parking spaces, entrances or exists, or driveways, and must not encroach into a required sight triangle. Loading zones must be arranged so that no part of any parked vehicle extends beyond the property lines.
- d. Loading zones must not be used for the sale, repair, assembly or disassembly, storage, or services of vehicles or equipment. Unlicensed or inoperable vehicles must not be stored in any required loading zone.



- e. Loading zones must be graded for proper drainage and must have an all-weather surface of asphalt or concrete.
- f. Commercial properties within the C-2, Central Business District as provided by this code are exempt from loading zone requirements; when a loading zone is provided it must meet the requirements as listed.

2. Industrial Zones

- a. Individual off-street loading zones in industrial zones may be located in any setback yard on the property for the permitted use.
- b. Loading zones must be twelve (12) feet wide, fifty (50) feet long, and have a minimum height clearance of fourteen (14) feet.
- c. Loading zones must not block or interfere with the use of the required parking spaces, entrances or exist or driveways. Loading zones must be arranged so that no part of any parked vehicle extends beyond the property lines.
- d. Loading zones must not be used for the sale, repair, assembly or disassembly, storage or services of vehicles or equipment. Unlicensed or inoperable vehicles must not be stored in any required loading zone.
- e. Loading zones must be graded for proper drainage and must have an all-weather surface of asphalt or concrete.

f. Mixed-Use Parking, Cross Parking Agreements and Special Parking Plans

1. Mixed-Use Parking

- a. There may be a mutual use of parking areas for mixed occupancies or uses, provided the required off-street parking spaces are utilized by mixed uses or occupancies with differing peak hours of business. When appropriate, the Zoning Administrator may reduce the total number of required parking spaces by a maximum of fifteen (15%) percent.
- b. Mixed-use developments in the C-2, Central Business District area are required to provide parking only in support of the residential portion of a mixed-use development and must comply with the provisions in this section. All mixed-use developments must include a parking plan as part of the required commercial site plan submittal and approval process. The commercial aspects of all mixed-use development projects in the C-P, C-O, C-1, and C-2 Districts must comply with all loading requirements.

2. Cross Parking Agreements and Special Parking Plans

- a. Under the provisions of this section, off-street parking and loading is required to be located on the same lot and operated under the same ownership as the permitted use. Under the following conditions, required off-street parking may be provided on a lot separate than that containing the permitted use but must be adjacent and must be within a zoning district that allows off-street parking as a Permitted Use.
 - 1) Applications for approval of a special parking plan must be filed with the Zoning Administrator and must include the following details:
 - a) A statement by the owner or owners of the entire land area to be included within the special plan, and the owner or owners of all structures on the designated land area agreeing to all of the provisions of the plan.
 - b) A site plan indicating all buildings, accesses, and current and existing parking.



- 2) In meeting the requirements of Table f.A, adjacent land uses, lots or sites may share parking under the following conditions and standards: each use should provide a percentage of parking as outlined in this section; whichever time period requires the highest level of parking spaces among the uses corresponding with Table f.A should be the amount of parking provided subject to the cross-parking agreement.
 - 3) All landowners participating in the shared parking shall execute the necessary cross-access or cross parking agreements to facilitate shared parking for approval with the Zoning Administrator and later filing.
 - 4) All shared parking spaces must be within a reasonable proximity of the main entrance of any building sharing parking and provide direct pedestrian access to an entrance either by way of pedestrian alleys and passages, or by way of public sidewalks in the streetscape. Parking spaces greater than three hundred (300) feet from the main entrance of any business or building will not be considered to be in reasonable proximity.
 - 5) Shared parking must be located within a zoning district where parking of vehicles is a permitted use.
- b. The Zoning Administrator shall review and approve or deny every application. The Zoning Administrator may establish necessary conditions and limitations for approval.
 - c. Once approved by the Zoning Administrator, an approved special parking plan must be filed among the records of the Zoning Administrator and with the County Clerk together with any cross-parking agreement utilized to meet the required parking.
 - d. All special parking plans which have been approved and recorded are binding upon the owners of the land area and structures included in the special parking plan and their successors and assigns and shall control all zoning permits and certificates and the use and operation of the designated structures and land area.
 - e. Special parking plans may be amended or withdrawn through the same process by which they first gained approval. All approved documents must be filed with the County Clerk; a filed copy must be provided to the Zoning Administrator.

**Table f. A
Shared Parking Requirements**

Permitted Use	Percentage of Required Parking Spaces for Each Time Interval				
	Weekday Day & Evening		Weekend Day & Evening		Nighttime
	6 AM to 5 PM	5 PM to 1 AM	6 AM to 5 PM	5 PM to 1 AM	1 AM to 6 AM
Employment	100%	10%	5%	5%	5%
Retail or Service	75%	75%	100%	90%	5%
Restaurant	50%	100%	75%	100%	25%
Entertainment & Recreation	30%	100%	75%	100%	5%
Church	5%	25%	100%	50%	5%
School	100%	10%	10%	10%	5%
Dwellings	25%	90%	50%	90%	100%
Lodging	50%	90%	75%	100%	100%

SECTION 6. TEMPORARY USES

Contents:



a. Temporary Use Regulations

a. Temporary Use Regulations

1. Uses by Temporary Permit

Applications for Temporary Use Permits may be found online at [EnerGov Self Service](#). The following uses may be operated as uses by temporary permit:

- a. Non-commercial Asphalt or Concrete Mixing Plant, Necessary for Construction in the Immediately Surrounding Area: Each permit will specify the relationship of the plant location to the construction activity; each permit shall be valid for a period of six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.
- b. Christmas Tree Sales: No permit will be issued prior to the 15th day of November each year, and each permit shall be valid for a forty-five (45) day period. Christmas tree sales are only allowed in commercial and industrial zones.
- c. Parking Lot for a Special Event: Each permit will be valid for the duration of the designated special event and shall be operated and occupied only during the times designated time of the special event.
- d. Produce Stand: Only authorized in commercial districts; each permit is valid for ninety (90) days and may be renewed for an additional thirty (30) days.
- e. Public Gathering for a Single Purpose Event: the temporary permit is only valid up to five (5) days, at least ninety (90) days must elapse between single purpose events at the same location.
- f. Temporary Building or Yard for Construction Materials and Equipment, Necessary for Current Construction in the Immediately Surrounding Area: Each permit will specify the location of the building or yard and its relationship to the construction activity; each permit shall be valid for six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.
- g. Temporary Office, Necessary for the Sale or Rental of Property in the Immediate Surrounding Area: Each permit will specify the location of the office and its relationship to the properties rented or sold; each permit shall be valid for six (6) months and shall not be renewed for more than 4 successive periods at the same location.
- h. Temporary Housing for Construction Workers: In commercial and industrial districts, a temporary permit may authorize up to ten (10) temporary housing units located on a construction site in a commercial district as follows:
 - 1) The occupants of the housing units must be employed at the construction site.
 - 2) All temporary housing units must be licensed by the state of Wyoming as a motor home or house trailer, as defined by Wyoming Statute § 31-1-101.
 - 3) The units must be connected to the City electric, water, and sewer utilities; approved and permitted by the City Building Division.
 - 4) The utility service account must be in the name of the landowner who is responsible for the monthly payment.
 - 5) No temporary housing unit may be more than three hundred (300) feet, calculated in driving distance, from a fire hydrant.



- 6) Each temporary permit is valid for six (6) months and may be renewed for two (2) successive periods on the same construction site; every request for a renewal will be viewed as a separate application and must comply with all requirements of this section.
- 7) The landowner is responsible for ensuring that all temporary housing units are maintained and operated in a safe manner.
- 8) No gray or wastewater may be spilled or discharged onto the land.
- 9) The landowner is responsible for the actions of the persons occupying the units regarding violations of the Zoning Code.
- 10) Violations of City Code or noncompliance with the requirements of this section may result in revocation of the temporary permit and/or denial of requests to renew.

4. Temporary Uses Not Subject to a Permit

- a. Snow fences which are designed and used to control snow from drifting over certain areas of a parcel or ground may be erected, subject to the requirements listed below:
 - 1) Snow fences may be erected on or after October 15th and must be removed on or before the following April 15th.
 - 2) Snow fences must not exceed four and one half (4 1/2) feet in height.
 - 3) Snow fences must not cause drifting of snow onto neighboring properties.
 - 4) Snow fences in violation of this section will be considered in violation of the Zoning Code and dealt with in the same manner as other violations of the Zoning Code.

SECTION 7. NON-CONFORMING USES AND STRUCTURES

Contents:

a. Nonconforming Uses

b. Nonconforming Structures

a. Nonconforming Uses

1. Regulations

- a. A nonconforming use that was legal before the existence of the ordinance that made the use nonconforming, may be continued on the same lot so long as it is contained within the existing structure and is not enlarged or extended.
- b. A permitted use that does not currently comply with off-street parking requirements or sign regulations, but did comply with existing ordinances when established, is considered a legal nonconforming use and is permitted to operate.
- c. A nonconforming use associated with off-street parking and loading space must be maintained in accordance with Section 5 of the Zoning Code.
- d. If a nonconforming use is discontinued for twelve (12) consecutive months, then the structure or lot associated with the nonconforming use must be made to comply with the regulations of the zoning district it is within.
- e. If a nonconforming structure is damaged or destroyed and the estimated costs of repairing the damage exceeds sixty (60%) percent of the replacement costs, then the nonconforming use or structure will terminate. The percentage of damage and value of the property shall be determined by a method chosen by the City Chief Building Official, based on the records of the County Assessor. If



the owner disputes the percentage of damage or value of property, the owner may request the property be appraised by three (3) independent appraisers, at their expense. The City and the owner will each select an appraiser, and the third is chosen by the two appraisers already chosen; the decision of the majority of appraisers is binding.

- 2. Exemptions:** When a mobile/manufactured home becomes a legal nonconforming use upon adoption of this ordinance, the legal nonconforming use status will be held valid, provided:
 - a. If a mobile/manufactured home is removed from a lot, it must be replaced within six (6) consecutive months with a similar unit. A nonconforming replacement mobile/manufactured home may be larger than the mobile/manufactured home it replaces if setbacks, open space, and other requirements of the zoning district are met.
 - b. If a mobile/manufactured home is damaged or destroyed by fire or natural disaster and the estimated costs of repairing the damage exceeds 60% of the replacement costs, it must be replaced within six (6) consecutive months with a similar unit.

b. Nonconforming Structures

1. Regulations

- a. A nonconforming structure may be altered or repaired provided its degree of nonconformity is not increased.
- b. A nonconforming structure, found to be unsafe by the City Chief Building Official, may be restored to a safe condition.
- c. The right to operate and maintain a non-conforming structure will terminate if the structure is damaged or destroyed, and the cost of repairing the damage exceeds sixty (60%) percent of the replacement cost of the structure on the date of the damage. The percentage of damage and value of the property shall be determined by a method chosen by the City Chief Building Official, based on the records of the County Assessor. If the owner disputes the percentage of damage or value of property, the owner may request the property be appraised by three (3) independent appraisers, at their expense. The City and the owner will each select an appraiser, and the third is chosen by the two appraisers already chosen; the decision of the majority of appraisers is binding.

SECTION 8. SIGNS

Contents:

- a. General**
- b. Billboards**
- c. Building Signs**
- d. Free-Standing Signs**
- e. Center Identification Signs**
- f. Residential Development Signs**
- g. Bulletin Signs**
- h. For Sale/Rent Signs**
- i. Temporary Business Signs**
- j. Temporary Construction Signs**



k. Off-Premises Signs

l. Inflatable Signs

m. Political Signs

n. Event Signs

o. Sign Area Measurement

a. General

1. Purpose

This Section is intended to permit signs that support and complement land use Zoning Code objectives while maintaining public health, welfare, and safety. This Section applies to signs erected, altered, and maintained for all permitted uses. Signs are required to comply with all federal, state, and local regulations, as well as this Section. If any federal, state, or local regulations conflict with this Section, the more restrictive regulation must be applied.

2. General Requirements

- a. All signs within the corporate limits of the City of Gillette must be approved by the Zoning Administrator.
 - 1) A sign application must contain a scaled drawing of the proposed sign including the height, width, total square footage, and location of the sign on the property.
 - 2) Sign permits can be found at [EnerGov Self Service](#).
- b. Signs must be maintained and in a good state of repair, which will be determined by the Zoning Administrator. Broken or deteriorated signs must be repaired or removed within thirty (30) days of damage. Buildings that are vacant must remove all signage within thirty (30) days of vacancy. In all cases, the Zoning Administrator may order sign removal within thirty (30) days or on an alternative schedule due to noncompliance.
- c. Proposed signs not specifically listed in Table a.A of this Section may be approved by the Zoning Administrator, provided that the proposed sign is compatible with the purpose and scope of this code and complies with all other applicable provisions of this code.

3. Exceptions

The following signs do not require a permit:

- a. Signs required by federal, state, or local law;
- b. One sign showing only the name and/or address of the occupant, not exceeding two (2) square feet and mounted flat against the wall;
- c. Cornerstones, crossbars on driveways, personalized stone plaques or decorative identification signs on residential lots, or historical markers;
- d. Window displays of actual merchandise;
- e. Informational or directional signs;
- f. Danger or warning signs of a cautionary nature;
- g. Traffic signs;
- h. Identifying signs and lettering on business doors; exterior or interior and window signs in commercial and industrial zoning districts;



1. Temporary Signs:

- 1) Temporary signs are not allowed in the public right-of-way, publicly owned properties, parks, drainage ways, or utility poles; signs must not obstruct a sight triangle.
- 2) Temporary signs must be placed on private property.
 - a) Temporary signs in residential districts must not exceed six (6) square feet; signs must not be illuminated.
 - b) Temporary signs in commercial and industrial districts must not exceed ten (10) feet in height and sixty-four (64) square feet.
- 3) All temporary signs must be removed within ten (10) days of the advertised event.

4. Prohibited Signs

- a. Revolving beacon, fountain, or flashing signs that in the discretion of the Zoning Administrator could distract motorists' vision.
- b. Signs that interfere with the purpose or operation of devices controlling traffic.
- c. Overhanging or free-standing signs are not permitted to extend over a public right-of-way except for traffic control and directional devices erected and approved by a public agency that has jurisdiction.
- d. Signs, banners, or advertisements of any kind placed in public right-of-way, except those required by law or authorized for public purpose.
- e. Signs or advertising device attached to a vehicle or trailer in the public right-of-way or on public or private property for the purpose of providing advertisement of products or providing directions to a business or activity.

5. Permitted Signs

The following signs are allowed by permit in the appropriate zoning districts:

Table a. A Permitted Signs (P) Permitted (X) Prohibited				
Type of Sign	Ag	Residential Districts	Commercial Districts	Industrial Districts
Billboards ¹	(P)	(X)	(P) ¹	(P)
Building Sign	(P)	(X)	(P)	(P)
Free-Standing (Ground and Pole)	(P)	(X)	(P)	(P)
Center Identification	(X)	(X)	(P)	(P)
Sandwich Board Sign	(X)	(X)	(P)	(X)
Projecting	(X)	(X)	(P)	(X)
Residential Development	(X)	(P)	(X)	(X)
Bulletin	(P)	(X) ³	(P)	(P)
Off-Premises	(P)	(X)	(P)	(P)
Inflatable	(X)	(X)	(P)	(X)
Illuminated	(P)	(X)	(P)	(P)
Flashing ²	(X)	(X)	(P)	(P)

¹In commercial zoning districts billboards are only permitted within two hundred and fifty (250) feet of the I-90 right-of-way.
²The Zoning Administrator may approve flashing signs at their discretion that do not create confusion with traffic lights or lights on emergency vehicles; the sign must not be directed at any residentially zoned district.
³501c3's are permitted to have signs in residential areas.



b. Billboards

1. Billboards

<p align="center">Table b. A. Billboard Heights, Sizes, and Location</p>						
	Location in District	Faces	Location Compared to Other Billboards	Location Compared to Buildings	Size	Height
Billboards Overall	Not within 250' of boundary of any residential area.					
Static Billboards (Double Face)	Not within 250' of boundary of any residential area. In Commercial Districts only within 250' of I-90 Right-of-Way	1 or 2 faces back-to-back (both static)	No closer than 150' on same side of street.	Greater than 5' from building unless attached to building.	680 s.f. maximum on single face.	30' maximum
Static Billboards ("V" Face)	Not within 250' of boundary of any residential area. In Commercial Districts only within 250' of I-90 Right-of-Way	2 faces (both static)	No closer than 150' on same side of street.	Greater than 5' from building unless attached to building.	680 s.f. maximum combined total of 2 faces.	30' maximum
Electronic Billboards	Not within 500' of boundary of any residential area nor within 50' of any signalized intersection. The 50' buffer must be measured in a straight line from the nearest point of driving surface on the signalized intersection.	1 or 2 faces (both digital)	No closer than 150' on same side of street. At least 2,000' from other Electronic Billboards regardless of jurisdictional boundaries.	Greater than 5' from building unless attached to building.	340 s.f. individually or 340 s.f. per side if installed back-to-back.	30' maximum
Tri-Face Billboards See Sec.20.08.15 Sign Area Measurement for Tri-Face Billboard measurement limits and further billboard measurement guidance.	Not within 250' of boundary of any residential area nor within 50' of any signalized intersection. The 50' buffer must be measured in a straight line from the nearest point of driving surface on the signalized intersection.	3 faces (all digital, all static, or combination of both)	No closer than 150' on same side of street. At least 2,000' from other Tri-Face Billboards and Electronic Billboards regardless of jurisdictional boundaries.	Greater than 5' from building unless attached to building.	Total of all faces 900 s.f. maximum.	30' maximum

a. It is unlawful to construct or maintain any billboard that:



- 1) Obstruct the view of street crossings or railroad crossings;
 - 2) Is unable to stand a pressure of at least thirty pounds per square foot of advertising surface;
 - 3) Is dangerous to the public by falling or blowing down;
 - 4) Increases the danger of loss by fire or to increase fire insurance rates.
- b. Billboards supported by the ground must have all posts set in concrete.
 - c. Owners of each individual billboard are responsible for maintenance of the billboard and the surrounding area.
 - d. No billboard may be constructed, altered, or relocated prior to submission of an application with associated plans and approved by the Zoning Administrator.
 - e. No billboard may be constructed, altered, or relocated prior to the City Building Division issuing all building permits required for billboard structures. Billboard structures must be designed and certified by a licensed Wyoming Professional Engineer; ensuring the foundation, structure, sign face(s), and other connections meet minimum design loads and all other aspects of the building codes.
 - f. Owners must place a nameplate on all billboards that includes the owner's emergency phone number.

3. Electronic Billboards

For purposes of this ordinance only, electronic billboard means billboards with electronic graphic displays.

- a. Message Display:
 - 1) Must not utilize colors or displays that create confusion with traffic lights or emergency vehicles.
 - 2) Multi-frame messages or effects of movement, blinking, animation, scrolling, flashing, or similar effects in individual images are prohibited.
 - 3) Animated transitions between messages are prohibited.
- b. Dwell Time:
 - 1) All electronic graphic display signs must be programmed so that the message or image on the sign changes no more than once every 6 seconds.
- c. Brightness: All electronic graphic display signs must utilize technologies that automatically reduce light levels at night and under cloudy or other darkened conditions. Electronic graphic display signs must not display light of such intensity or brilliance to cause glare or otherwise impair the vision of a driver, or result in a nuisance to the driver. Electronic graphic display signs must not increase the amount of ambient lighting by more than 0.3 candles when measured by a foot candle meter at one hundred (100) feet.
- d. Audio: No audio speakers in any form are authorized on billboards with electronic graphic display signs.
- e. Malfunction: All electronic graphic display signs must contain a default design that will freeze the device and message in one position if a malfunction occurs. Any electronic graphic display sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner must be restored to its normal operation within twenty-four (24) hours or set to a blank or static display until repairs can be accomplished.
- f. Replacement: Traditional billboards utilizing painted faces or posters on existing faces can be replaced with an electronic graphic display sign, provided all requirements of this code are met. Traditional billboard structures replaced with electronic graphic display signs must be evaluated and certified by a Wyoming Professional Engineer to ensure the foundation, structure, and other



connections are capable of handling the increased loads and meet all aspects of the City's adopted building codes.

- g. Building Permit Required:** All relevant building permits, issued by the City of Gillette Building Division, are required for all billboards with electronic graphic display signs.
- h. Electrical Service:** Electrical services to all electronic graphic display signs must be provided by an underground service lateral. In no cases shall overhead wires be attached. The applicant agrees to accept electrical service from the city's electrical system for all electronic graphic display signs.
- i. Application Fee and Annual License Fee:** All electronic graphic display signs require an application fee of \$2,500 and an annual license fee of \$250, which will expire on December 31st of each year. Nonpayment will result in disconnection from the city's electrical supply.
- j. Emergency Notification:** As a requirement of approval for electronic graphic display signs, all applicants will enter into a separate agreement with the City to provide access for local emergency dispatch agencies to utilize electronic graphic display sign(s) to broadcast emergency notifications and other critical public service warning messages. Per this agreement, the applicant will provide access to display emergency notifications, critical public service warning messages, and other public notices within a reasonable time upon notice from the city and its local emergency dispatch agencies. The applicant agrees to provide access for this public service free of charge to the city and its local dispatch agencies and must reserve a minimum of eight (8%) percent of its annual sign lease time for this service.

c. Building Signs

- 1. Flush or Painted Wall Signs and Canopy Signs:** A single business or profession is allowed to display a total of two hundred and fifty (250) square feet of building signage. Up to fifty (50%) percent of a building sign may be manual changeable copy. The following are permitted building signs:
 - a. Under-Canopy Signs:** The sign cannot exceed the width of the canopy. The bottom edge of the sign must be at least eight (8) feet above any pedestrian way.
- 2. Roof Signs:** Businesses may display on its roof not more than two hundred and fifty (250) square feet of signage. Roof signage may not project above the peak of the roof or ten (10) feet above a flat roof. The signage and the roof combined may not exceed the maximum height authorized in that zoning district. The City Building Division must approve all roof signs and may require the construction and installation of the roof sign to be certified by a Wyoming Professional Engineer.

d. Free-Standing Signs

- 1. Free-Standing Pole Signs:** Up to fifty (50) feet in height, thirty (30) feet in width, and three hundred and fifty (350) square feet in surface area; up to fifty (50%) percent of its area can be manual or electronic changeable copy.
 - a.** One free-standing pole sign for an individual business is allowed per property.
- 2. Monument Signs:** Up to one hundred (100) square feet in surface area and no taller than ten (10) feet in height. These signs must be set back five (5) feet from the property line and not in any sight triangles.
 - a.** Properties with two hundred (200) lineal feet or more of street frontage are allowed to have one (1) monument sign in addition to the one (1) free standing pole sign.

e. Center Identification Signs



One (1) center identification sign is allowed per commercial, professional, or industrial complex. Each business within the complex is allowed one building sign per business.

1. **Center Identification Sign:** Up to fifty (50) feet in height, thirty (30) feet in width, and 350 square feet in area; must be ten (10) feet in height measured from the ground to the bottom of the sign; must contain the name and address of the complex.

f. Residential Development Signs

Subdivisions, manufactured home developments, or residential building complexes may have up to two (2) signs to identify the development.

1. **Residential Development Signs:** Individual signage cannot exceed one hundred (100) square feet in area, ten (10) in height, and must be set back at least five (5) feet from the property line. Signs must not obstruct sight triangles.
 - a. Residential Developments Signs must have a separation distance of at least two hundred (200) lineal feet.

g. Bulletin Signs

Businesses located in commercial and industrial districts may have one (1) bulletin sign.

1. **Bulletin Signs:** Up to ten (10) feet in height, twenty-four (24) square feet in area, and anchored to the ground; must be set back at least five (5) feet from the property line and must not obstruct any sight triangles.
 - a. Illuminated signs must be directed away from residential uses.

h. For Sale/Rent Signs

For sale/rent signs not prohibited by other rules within this code must meet the following requirements:

1. Residential: may reach a maximum of sixteen (16) square feet.
2. Commercial: may reach a maximum of sixty-four (64) square feet.

i. Temporary Business Signs

One temporary business sign is allowed per business on a single property in commercial and industrial zoning districts.

1. **Temporary Business Signs:** Up to a maximum of thirty-two (32) square feet and must not be located in a sight triangle or in the public right-of-way.
 - a. Signs may be illuminated but must be directed away from any adjoining residential uses.

j. Temporary Construction Signs

Any lot where construction or development is taking place may have up to two (2) temporary construction signs on the lot where the construction or development is taking place.

1. **Temporary Construction Signs:** Up to ten (10) feet in height and sixty-four (64) square feet in area. Signs must not be located in a sight triangle or in the public right-of-way (unless work is being done in the right-of-way).



- a. Signs may be illuminated but not flashing, animated, or have moving parts.
- b. Signs must be removed within thirty (30) days of completion of construction.

k. Off-Premises Signs

Off-premises signs are authorized under the following conditions:

1. The applicant must demonstrate to the Zoning Administrator that due to a hardship on the land, the location of their business prohibits a pole sign.
2. The applicant must relinquish their rights to have a pole sign on their property in favor of having a pole sign off-premise; this must be done in writing and submitted to the Planning Division along with the application for the erection of the proposed off-premises pole sign.
 - a. If the property owner is different from the sign owner, then a permission letter from the property owner is required in the application for the proposed off-premises pole sign; the pole sign must be used as a substitute for the allowed pole sign on the site where it is being located.
3. Off-premises pole signs must be approved by the Planning Commission.

l. Inflatable Signs

Inflatable signs are allowed within commercial zoning districts.

1. **Inflatable Signs:** Up to thirty (30) feet in height and 350 square feet in area; must be set back at least five (5) feet from the property line and anchored to the ground. Signs must not be in a sight triangle.
 - a. Signs may be illuminated but must be directed away from residential uses.
 - b. Signs must not encroach on any public or private property.

m. Political Signs

Political signs are only allowed on private property.

1. Political signs are not allowed in the public right-of-way, publicly owned properties such as parks, drainage ways, or on utility poles.
2. Permission from the property owner must be given before political signs are placed on private property.
3. Political signs must not be placed in a sight triangle where it will obstruct the view of traffic.
4. After the election or special election has taken place, all political signs must be removed within twenty (20) calendar days of the official election date.

n. Event Signs

Event signs are only allowed on private property.

1. Signs must not be located in a sight triangle, the public right-of-way, publicly owned properties such as parks, or drainage ways.
2. Event signs may be on display for up to two (2) weeks prior to the event advertised and three (3) days following.
3. If the property owner is different from the sign owner, then a permission letter from the property owner is required before a sign can be placed on the property. This letter must accompany the corresponding sign permit.



4. Event signs must be anchored to the ground.
5. Event signs placed without a permit or within public rights-of-way are subject to removal and disposal by the City Zoning Administrator or City Engineer.

o. Sign Area Measurement

1. The structure or bracing of any sign shall be omitted from measurement, unless such structure or bracing has been made an integral part of the message.
2. Where a sign has two (2) or more display faces, the area of all faces must be measured, unless such faces join back-to-back, are parallel to each other, and are no more than twenty-four (24) inches apart.
3. The area of any backing or background material that is a part of the sign display must be included in the sign area to be measured.
4. The area of any sign shall be measured by determining the sum of the area of each square, rectangle, triangle, circle, or portion or combination thereof that encompasses the outer limits of all portions of the sign, message or display.
5. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters or irregular dimension.



Figure o. A
Sign Area Measurement

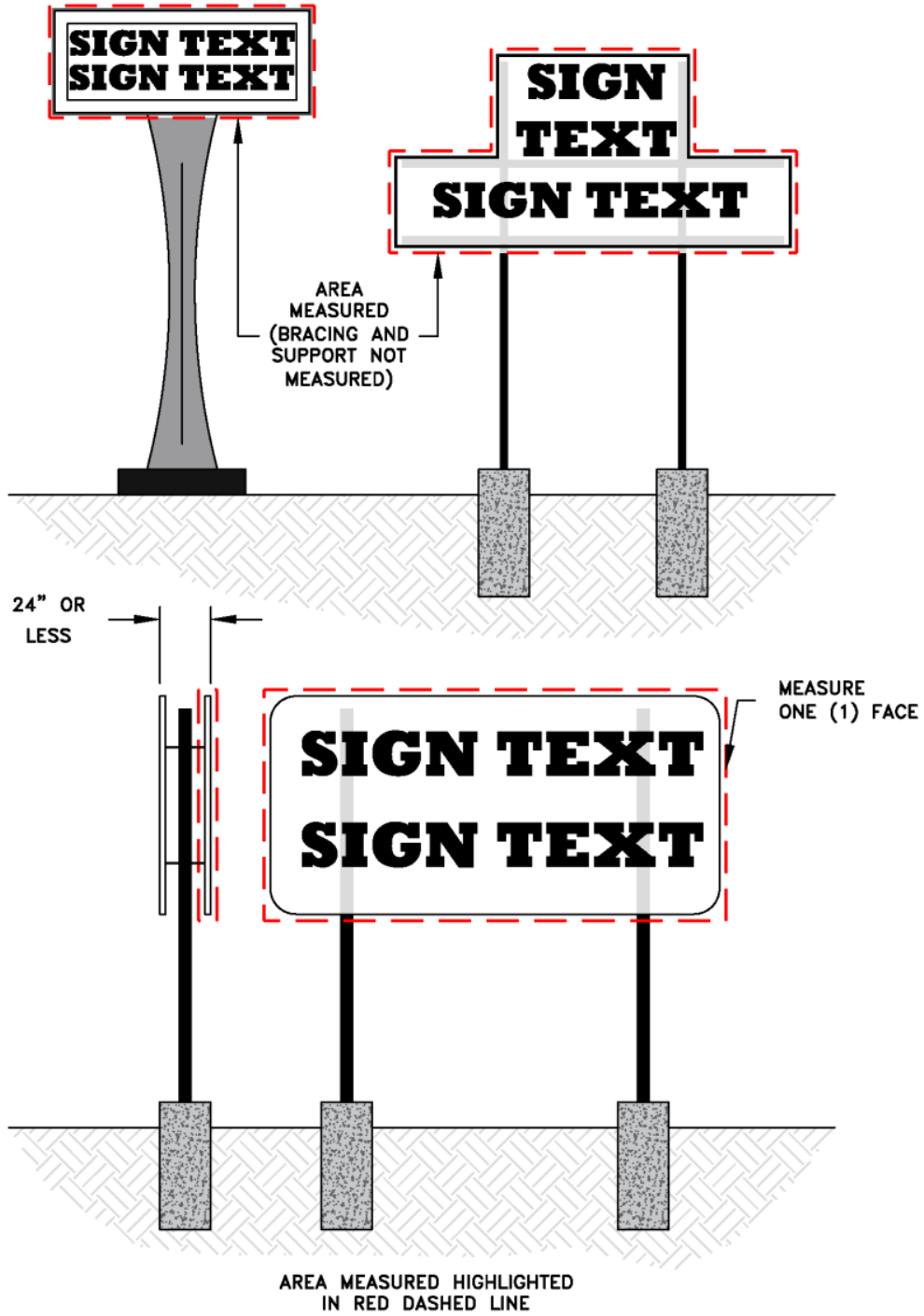


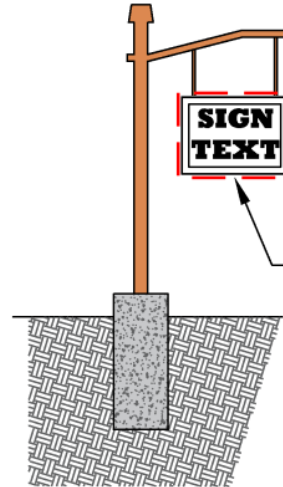


Figure o. B
Sign Area Measurement

MEASURE BACKGROUND
AREA WHEN MADE AN
INTEGRAL PART OF SIGN

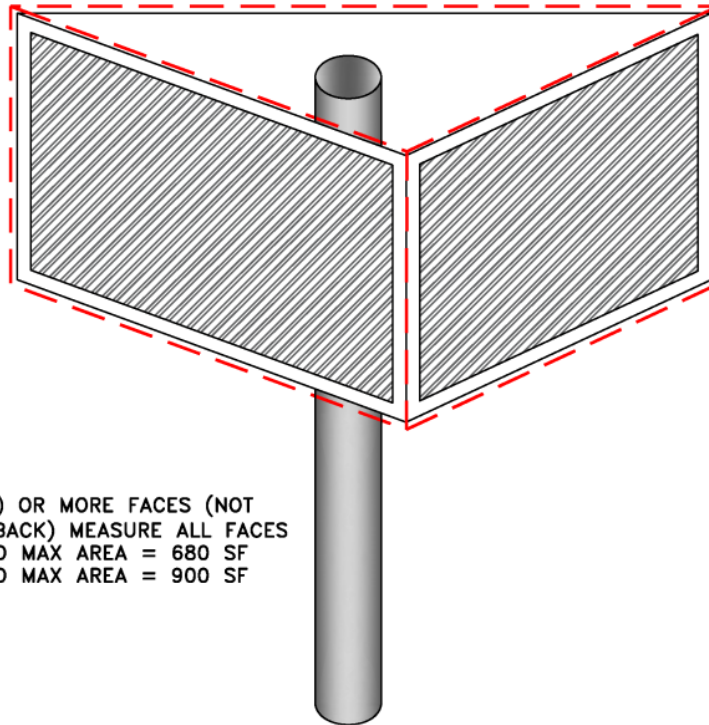


INDIVIDUAL LETTER OR
ODD SHAPED SIGNS,
MEASURE SMALLEST
REGULAR AREA THAT
WILL ENCOMPASS ALL
PARTS OF THE SIGN



AREA
MEASURED
(BRACING AND
SUPPORT NOT
MEASURED)

AREA MEASURED HIGHLIGHTED
IN RED DASHED LINE



TWO (2) OR MORE FACES (NOT
BACK-TO-BACK) MEASURE ALL FACES
2 SIDED MAX AREA = 680 SF
3 SIDED MAX AREA = 900 SF

SECTION 9. WIRELESS COMMUNICATION FACILITIES



Contents:

- a. Purpose**
- b. Applicability**
- c. Fees**
- d. Sharing of Towers and Collocation Facilities**
- e. Tower Locations**
- f. General Requirements**
- g. Tolling Timeframe**
- h. Compliance, Indemnification, Certificate of Occupancy**
- i. Abandoned or Unused Towers**
- j. Emergency Action**

a. Purpose

1. Purpose

The purpose of this Section is to establish guidelines for the placement of towers and antennas. To accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community. The purpose of this ordinance is as follows:

- a. Facilitate the provision of wireless communication services to the residents and businesses of the City.
- b. Minimize adverse visual effects of towers through careful design and siting standards.
- c. Avoid potential damage to adjacent properties from tower failure through structural standards.
- d. Maximize the use of existing and approved towers, buildings, and structures to accommodate new wireless communication antennas in order to reduce the number of towers needed to serve the community.
- e. Protect the community's visual quality and safety while facilitating the reasonable and balanced provision of wireless communication services; specifically minimizing the visual impact of wireless communication facilities in and near residential zones.
- f. Promote and protect the public health, safety and welfare, preserve the aesthetic character of the Gillette community, and reasonably regulate the development and operation of wireless communication facilities within the city to the extent permitted under state and federal law.
- g. Minimize the visual impact of wireless communication facilities by establishing standards for siting, design, and screening.
- h. Preserve the opportunity for continued growth and service from wireless industries.
- i. Accommodate the need and demand for wireless communication services.
- j. To establish guidelines, standards, and processes to review and facilitate the deployment of wireless transmission equipment for the purpose of providing advanced communication services to the City, residents, and businesses.
- k. Ensure the City Zoning Ordinance is consistent with federal and state telecommunications laws, rules, regulations, and applicable case law.
- l. Avoid regulations that:



- 1) prohibit or effectively prohibit the provision of wireless services;
- 2) unreasonably discriminate among functionally equivalent service providers; or
- 3) ensure the compliance of wireless communication facilities and transmission equipment with radio frequency emissions standards established by the Federal Communications Commission.

2. Laws, Rules, and Regulations

This Section shall be subject to all applicable laws, rules, and regulations and its terms and provisions shall be deemed to comport with any subsequent changes in applicable federal law.

3. Conflicts

These Wireless Communication Facilities regulations are in addition to other regulations in the Zoning Code. In the case of a conflict between the regulations in this ordinance and other regulations, the most restrictive shall apply.

Applicability

1. **New WCFs, Towers, Antennas, DAS, and Small Cells Permits.** All new wireless communications facilities (WCF), towers, antennas, distributed antenna system (DAS), and small cells in the City will be subject to these regulations. In any newly annexed area, tower owners must obtain proper permits for existing towers to the extent required under applicable law.
 - a. New towers, base stations, DAS, and small cells in all zones require a zoning permit, right-of-way permit, and any other applicable permits.
 - b. New antenna arrays meeting the requirements of Section 9.f. are permitted with a building permit.
 - c. DAS and Small Cells in the public right-of-way with poles less than forty-five feet (45) feet in height are permitted pursuant to Section 9.d. If a pole in the public right-of-way exceeds forty-five feet (45) feet in height, then the applicant must seek an exception from the City Engineer.
 - d. Unless otherwise approved by the Zoning Administrator, new poles must be designed to match the existing light fixtures and other poles, and serve a dual purpose (for example, a new light fixture, flagpole, or banner clips).
2. **Antennas Mounted on Roofs and Walls.** Antennas must meet the requirements of this section to be placed on roofs and walls. The applicant must submit a report prepared by a Wyoming-licensed professional engineer indicating whether the structure is suitable to safely accept the antennas at the same time as the final site and building plan.
3. **Exempt Facilities** are listed below.
 - a. Federal Communications Commission (FCC) licensed amateur radio facilities (HAM) are regarded as an accessory use and may extend to a maximum height of seventy-five (75) feet, provided that the tower is equipped with a lowering device (motorized and/or mechanical) capable of lowering the antenna to the maximum permitted height in the zoning district or area when not in operation; provided, however, the HAM radio operator must notify the city in writing of its amateur radio facilities.
 - b. Satellite earth stations, dishes, and/or antennas used for private television reception not exceeding one (1) meter in diameter.
 - c. A Cell On Wheels (COW) deployed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the city; except that such facility must comply with all federal and state requirements. The COW will only be exempt from this section during the declaration of a state emergency, and up to 30 days after the end of the emergency has been determined, or as otherwise declared as necessary by the City Administrator.



- d. City-owned facilities not in a state of emergency, Emergency Warning Systems, Airport Guidance Systems, City SCADA, and Mobile Tech Systems.
- e. A temporary, commercial WCF installed for providing coverage of a special event such as news coverage or sporting event. The WCF shall be exempt from the provisions of this Section for up to three (3) weeks before and one (1) week after the duration of the special event.
- f. Other temporary commercial WCFs installed for a period of up to ninety (90) days, subject to the City’s discretion; provided that such temporary WCF will comply with applicable zoning, setbacks, and height requirements.
- g. Antennas attached to existing structures (such as commercial buildings, houses, or apartments) for internet purposes and uses solely for occupants of the building for which the antennas are attached as long as the height limitations of the zoning district are not exceeded and the antenna design is satisfactory to the City.
- h. Routine maintenance and repair of antennas and other WCFs.

c. Fees

1. Fees

- a. The following fees must be paid at the time of application or renewal:

Table c. A Type of Fee and Associated Cost					
Application Type	Planning Application Fee	Initial Registration Fee	Building Permit Fee	Annual Registration Fee if not in the Right-of-Way	Annual Right-of-Way Lease Fee
New Macrocell Tower, Collocation - Substantial Change	As per Section 5 of the Zoning Ordinance	\$500	As per current Building Permit Fee Schedule	\$250	As per Right-of-Way Lease Agreement
Collocation - Eligible Facilities Request, Distributed Antenna System (DAS), Small Cell, Antenna Array	\$0	\$100	As per current Building Permit Fee Schedule	\$50	As per Right-of-Way Lease Agreement

- b. Additional fees may be required depending on the circumstances of a particular project and may include:
 - 1) A fee for use of City property
 - 2) Agreement fee

2. Independent Consultant and RT Technical Review: The City may retain an independent consultant and/or an RF expert to evaluate permit applications for WCFs subject to zoning permits or administrative review. The review may include but is not limited to: (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed WCF complies with the applicable approval criteria set forth in this section. The applicant will pay the cost for independent consultant fees through a deposit, estimated by the City, to be paid within ten (10) days of the City’s request. The application will be deemed incomplete for purposes of application processing timelines until the deposit is received. If the cost does not exceed the deposit amount, the City shall refund any unused portion within thirty (30) days after the final permit is issued. If the permit application is withdrawn or the application is not permitted, the City shall refund any unused portion within thirty (30) days after the



City receives a written request from the applicant. If the costs and fees exceed the deposit amount, the applicant will pay the difference to the City within thirty (30) days of an invoice and before the permit is issued.

d. Sharing of Towers and Collocation Facilities

1. It is policy of the City to minimize the number of towers and to encourage the collocation of antenna arrays.
2. No new macrocell tower may be constructed within ½ mile of an existing tower, unless the Planning Commission finds that the existing tower is not available or feasible for collocation of an additional wireless communication facility, or that its specific location does not satisfy the operational requirements of the applicant. The Planning Commission will consider the factors in Subsection 3 of this Section to determine whether the applicant has met its burden. This separation requirement does not apply to new poles constructed to support small cells if the new poles do not exceed the height limitation of the applicable zoning district.
3. **Factors Considered by the Planning Commission in Granting Zoning Permits for Towers:** In addition to any standards for zoning permit applications, the Planning Commission will make a determination whether a tower exceeds the maximum height limitation of the affected zoning district. The Planning Commission will consider the following factors when determining whether to issue a zoning permit.
 - a. Towers exceeding a height of 50 feet must be able to accommodate collocation of one (1) additional provider. Additional height to accommodate additional collocation may be approved if the applicant certifies the tower has capacity for at least two (2) additional providers. The applicant must provide a letter indicating their good faith intent to encourage collocation on the tower.
 - b. Nature of uses on adjacent and nearby properties.
 - c. Surrounding topography.
 - d. Surrounding tree coverage and foliage.
 - e. Whether existing structures are located within the geographic area that meet the applicant's engineering requirements.
 - f. Whether existing towers or structures have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - g. Whether the fees, costs, or contractual provisions required to share an existing tower or structure are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - h. Other limiting factors that render existing towers and structures unsuitable.
4. **Zoning District Regulations.** The following zoning district regulations shall apply in conjunction with the underlying zoning district regulations within the City's Zoning Code.
 - a. R-S, R-R, R-1, R-2, R-3, R-4, M-H, E-MH, E-MH RS, Residential Zoning Districts.
 - 1) Towers and antennas are allowed as an accessory use only.
 - 2) Towers and antennas may be attached to any existing structure if the tower and the antenna does not extend above the highest point of the existing structure; and the tower, antenna, and support equipment are designed to blend into the surrounding environment as a stealth design.
 - 3) Antennas and towers may be located on City property if authorized by a revocable City lease.
 - 4) There must be sufficient spacing between towers on the property or on adjacent property to ensure fall zone safety. Fall zone safety must be determined by a Wyoming licensed professional engineer and approved by the Zoning Administrator.
 - b. C-P, C-O, C-1, C-2, and C-3 Commercial Zoning Districts.



- 1) Towers and antennas are allowed as an accessory use only.
 - 2) Towers and antennas may be attached to any existing structure if the tower and the antenna does not extend more than thirty (30) feet above the highest point of the existing structure and the tower, antenna, and support equipment are designed to blend into the surrounding environment.
 - 3) Antennas and towers may be located on City property if authorized by a revocable City lease.
 - 4) There must sufficient spacing between towers on the property or adjacent property to ensure fall zone safety. Fall zone safety must be determined by a Wyoming licensed professional engineer and approved by the Zoning Administrator.
- c. A, Agricultural Zoning District, I-1 and I-2 Industrial Zoning Districts.
- 1) Towers and antennas are allowed as a permitted use or as an accessory use.
 - 2) Towers and antennas may be attached to any existing structure if the tower and antenna does not extend more than fifteen (15) feet above the highest point of the existing structure and the tower and antenna are designed to blend into the surrounding environment.
 - 3) Antennas and towers may be located on City property if authorized by a revocable City lease.
 - 4) A tower may be located as an accessory use on a lot utilized for other permitted uses.
 - 5) A tower may be located as a permitted use on a parcel of land smaller than the minimum lot size required in the zoning district. The parcel of land is considered the "tower site". Only the tower site, is subject to all the requirements of this section.
- d. Setbacks
- 1) Towers up to one hundred (100) feet in height must be setback on all sides a distance to the underlying front yard setback requirement in the applicable zoning district for structures, or one (1) foot for every foot of tower height (whichever is greater); towers in excess of one hundred (100) feet in height must be setback one (1) additional foot per foot of tower height in excess of one hundred (100) feet; and,
 - 2) Setback requirements for towers must be measured from the base of the tower to the property line of the adjacent parcel.
 - 3) If the tower has been constructed using breakpoint design technology, the minimum setback distance must be equal to one hundred ten (110%) percent of the distance from the top of the structure to the breakpoint level of the structure, or the applicable zone's minimum side setback requirements, whichever is greater. For example, on a one hundred (100) foot tall monopole with a breakpoint at eighty (80) feet, the minimum setback distance would be twenty-two (22) feet, (110% of 20 feet, the distance from the top of the monopole to the breakpoint) or the minimum side yard setback requirements for that zone, whichever is greater. If an applicant proposes to use breakpoint design technology, the building permit for the tower shall be conditioned upon approval of the tower design by a Wyoming-licensed professional engineer.
5. **New Towers.** Except in the case of City-owned property or small cells in the right-of-way whose towers do not exceed the maximum height for the applicable zoning district, all requests for the construction of a new tower must be approved by the Planning Commission. The Planning Commission may approve an application if it finds that the proposed site is necessary and the proposed facility cannot be accommodated on an existing tower or structure within one half (1/2) mile of the proposed site. New towers are subject to the following height and usage criteria:



a. I-1 and I-2 Industrial Zoning Districts. All new towers must be designed and constructed to accommodate at least two (2) communication providers and are subject to the following height and usage criteria:

- 1) All new towers must be a monopole, unless otherwise approved by the Zoning Administrator and the Planning Commission.
- 2) For two (2) users, up to one hundred (100) feet in height.
- 3) For three (3) or more users, up to one hundred and twenty (120) feet in height.

The Planning Commission may approve the construction of towers that are taller than the limits set forth in the preceding section, only if the applicant demonstrates that its use cannot be accommodated on a complying tower, and that no other location exists on which a complying tower or antenna could be located.

b. C-P, C-O, C-1, C-2, and C-3 Commercial Zoning Districts.

- 1) All new towers must be a monopole, unless otherwise approved by the Zoning Administrator and the Planning Commission.
- 2) For a single user, up to forty (40) feet in height.
- 3) For two (2) users, up to eighty (80) feet in height.
- 4) For three (3) or more users, up to one hundred (100) feet in height.

The Planning Commission may approve the construction of towers that are taller than the limits set forth in the preceding section, only if the applicant demonstrates that its use cannot be accommodated on a complying tower, and that no other location exists on which a complying tower or antenna could be located.

c. R-S, R-R, R-1, R-2, R-3, R-4, M-H, E-MH, E-MH RS, Residential Zoning Districts.

- 1) All new towers must be a monopole, unless otherwise approved by the Zoning Administrator and Planning Commission.
- 2) For a single user, up to forty (40) feet in height.
- 3) For two (2) users, up to sixty (60) feet in height.
- 4) For three (3) or more users, up to eighty (80) feet in height.

The Planning Commission may approve the construction of towers that are taller than the limits set forth in the preceding section, only if the applicant demonstrates that its use cannot be accommodated on a complying tower, and that no other location exists on which a complying tower or antenna could be located.

e. Tower Locations

1. Preferred Tower Locations

- a. All new macrocell towers in the City will be permitted in the following order:
- b. Privately owned land in industrial zones;
- c. Privately owned land in commercial zones;
- d. Privately owned land in agricultural zones;
- e. City-owned or operated property and facilities where a tower use is in line with the City's Comprehensive Plan or as otherwise allowed in the underlying zoning district per the City's Zoning Code;



- f. Parcels of land in residential zones;
- g. All other property and facilities where a tower use is in line with the City's Comprehensive Plan or as otherwise allowed in the underlying zoning district per the City's Zoning Code;
- h. City rights-of-way, with required annual lease payments.
 - 1) The applicant for a macrocell tower in City rights-of-way or on other property must address the above preferences in an alternative sites analysis pursuant to this section.

2. Alternative Sites Analysis

a. Alternative Sites Analysis

- 1) For macrocell towers, the applicant must address the City's preferred tower locations by explaining why a site of higher priority was not selected. The City's tower location preferences must be addressed in a written alternative sites analysis demonstrating at least three (3) higher ranked alternative sites considered in the geographic range of the service coverage objectives of the applicant, and a meaningful comparative analysis between each alternative candidate and the proposed site explaining the reasons why the applicant rejected the alternative candidate.
- 2) A complete alternative sites analysis may include less than three (3) alternative sites if the applicant provides a detailed written explanation why it could not identify at least three (3) potentially available higher ranked alternative sites.
- 3) To disqualify potential collocations or alternative sites for failure to meet the applicant's service coverage objectives, the applicant must provide:
 - a) a description of its objective, whether to close a gap or address a deficiency in coverage, capacity, frequency or technology;
 - b) technical maps or other exhibits with RF data to illustrate that the objective is not met using the alternative;
 - c) a description of why the alternative does not meet the objective.
- b. Collocation Consent. A written statement must be signed by a person with authority to bind the applicant and the project owner indicating whether the applicant is willing to allow other transmission equipment to collocate with the proposed wireless communication facility.
- c. Review of the City Engineer. The City Engineer shall review all Alternative Sites Analyses regarding the location of towers in the City's rights-of-way. The approval and permitting of towers in the City's rights-of-way shall follow the guidelines of the City Engineer and the requirements of this Code.

3. Use of City-Owned Property

- a. Priority to locate antennas and towers on City-owned land and facilities will be given as follows:
 - 1) City;
 - 2) Public safety agencies, including law enforcement, fire, and ambulance services, and private entities with a public safety agreement with the City;
 - 3) Other governmental agencies, for uses not related to public safety; and,
 - 4) Entities providing wireless services.
- b. The placement of antennas or towers for the provision of communication services on City-owned property must comply with the following minimum requirements:
 - 1) The antennas or tower will not interfere with the purpose for which the City-owned property is intended;



- 2) The applicant must furnish adequate liability insurance and execute a revocable lease agreement that compensates the City for the use of public land and other necessary provisions and safeguards. The fees shall be established by the City after considering comparable rates in other cities, potential expenses, risks to the City, or other factors affecting the value of the site;
 - 3) The applicant must submit a letter of credit, performance bond, or other security acceptable to the City to cover the costs of the antenna or tower's removal;
 - 4) The antennas or tower cannot interfere with other users with higher priority;
 - 5) The antennas or tower may be required to be removed at the user's expense upon reasonable notice;
 - 6) The applicant shall reimburse the City for any costs which the City incurs due to the presence of the applicant's antennas or tower; and
 - 7) The applicant must submit and obtain all necessary application approvals. Requests for the use of City property will be determined at the discretion of the City Council.
- c. The use of City-owned water tower sites and parks for antennas or towers is subject to additional requirements. The placement of antennas or towers on these City-owned sites will be allowed only when the following special requirements are met.
- 1) Water Tower Sites: The placement of antennas or towers on a water tower will be allowed only when the City, at its discretion, is satisfied that the following requirements are met:
 - a) The applicant's access to the facility will not increase the risks of contamination to the City's water supply;
 - b) There is sufficient room on the structure and on the grounds to accommodate the applicant's facility;
 - c) The presence of the facility will not increase the water tower maintenance costs to the City and will not exceed the structural integrity of the water tower or other associated structures;
 - d) The presence of the facility will not be harmful to the health or safety of workers maintaining the water tower; and,
 - e) The presence and operation of the facility will not adversely affect any other interest of the City.
 - 2) Parks: Because the presence of antennas or towers may conflict with park uses, antennas or towers will be determined on a case-by-case basis at the City's discretion.
- d. Applicants requesting to locate antennas or towers on City-owned property must submit a complete application and detailed plan that complies with the requirements of this section and any other information requested by the City.
- e. The City Council may terminate any revocable lease if it is determined, in its discretion, that any of the following conditions exists:
- 1) A potential user with a higher priority cannot find another adequate location and the potential use would be incompatible with the existing use; or
 - 2) A user violates any of the standards of this Section or the conditions of the revocable lease.

Except for emergency situations, at the City's discretion, the City will provide notice to the user of the intended termination and provide an opportunity for the user to address the City Council regarding the proposed action.



- f. The decision of the City Council to approve, deny, or revoke any request for a lease to use City property is final unless appealed to the District Court.

f. General Requirements

1. **Permit.** Applicants requesting to construct, modify, collocate, or relocate any tower or antenna within the City must submit an application to operate; apply for a building and zoning permit as applicable, and pay associated fees and applicable franchise, revocable license, and removal security fee; and provide proof of insurance and bonding. No activity to construct, modify, or relocate a tower or antenna shall begin until all application and permits have been obtained and fees submitted.
2. **District Regulations.** Towers, antennas, and associated equipment and storage facilities are allowed in every zoning district in the City, subject to the particular provisions of each district. Towers may be permitted on a case-by-case basis as a special exception and in accordance with the City's Comprehensive Plan. Construction, modification, or relocation of towers, antennas, and storage and facility structures are subject to the limitations and criteria outlined for the applicable zoning districts.
3. **State or Federal Requirements.** All towers and antennas must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the FCC, and any other agencies of the state or federal government with the authority to regulate towers and antennas.
4. **Visual Impact.** All wireless communication facilities (WCFs) must be sited and designed to minimize adverse visual impacts on surrounding properties and the public to the greatest extent reasonably possible, consistent with the proper functioning of the WCF. WCFs and equipment enclosures must be integrated through location and design to blend in with the existing characteristics of the site. WCFs must be designed to resemble the surrounding landscape and other natural features or be compatible with the built environment through matching and complimentary existing structures and specific design considerations such as architectural designs, height, scale, color, and texture.
5. **Use of Stealth Design.** Stealth design is required in all zones, and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design must be designed and constructed to substantially conform to surrounding building designs or natural settings. Stealth design that relies on screening wireless communication facilities to reduce visual impact must screen all substantial portions of the facility from view. Stealth and concealment techniques do not include incorporating faux-tree designs of a kind that are not native to the state. All stealth design is subject to the approval of the Zoning Administrator. The applicant must provide justification as to why it is not employing stealth design.
6. **WCFs in the Public Rights-of-Way.**
 - a. All pole-mounted transmission equipment must be mounted as close as possible to the pole to reduce the overall visual profile.
 - b. WCFs located in public rights-of-way must comply with the regulations and requirements for zoning. If a WCF is next to different zones the more restrictive zoning regulations shall apply.
 - c. For all WCFs to be located within the right-of-way, prior to submitting for a permit application, the applicant must have a valid municipal agreement, license, franchise agreement, right-of-way lease agreement, encroachment permit, or exemption granted by applicable law.
7. **Accessory Uses for WCFs.**
 - a. Accessory uses are limited to structures and equipment that are necessary for transmission or reception functions. Accessory uses do not include broadcast studios, offices, vehicle or equipment storage, or other uses not essential to the transmission or reception functions.



- b. All accessory buildings must be constructed of building materials equal to or better than those of the primary building on the site and are subject to the applicable building or site plan approval processes.
- c. No equipment shall be stored or vehicles parked on the site of the tower, unless used in direct support of the tower or antenna being repaired.
- d. The Development Services Department shall review the following:
 - 1) All structures must be constructed and installed to manufacturer's specifications and required setback provisions for the zoning districts.
 - 2) Structures must be permitted and constructed to meet current building code requirements.
 - 3) All structures shall conform to FCC and FAA regulations, if applicable.
 - 4) If any setback requires a greater distance than required of this Article, the greater distance will apply.
 - 5) In all zoning districts, the following additional landscaping is required in addition to what is required in the City Zoning Code:
 - a) Equipment shelters and cabinets and other on the ground ancillary equipment must be screened with landscaping as required for the zone in which they are located.
 - b) A fence no less than six (6) feet in height as measured from the finished grade must be constructed around each tower and related support or guy anchors. Access shall only be through a locked gate. Any fence must comply with the guidelines of the code.
 - 6) All other information or materials that the City may reasonably require will be made available.

8. Exceptions

- a. Applicability. No WCF shall be used or developed contrary to any applicable development standard unless an exception has been granted by the Planning Commission. These exceptions apply exclusively to WCFs. This subsection is not an exception to the Zoning Code's visual impact and stealth design requirements.
- b. Procedure Type. A WCF's exception is subject to approval by the Planning Commission.
- c. Submittal Requirements An application for a wireless communication facility exception must include:
 - 1) A written statement demonstrating how the exception would meet the criteria.
 - 2) A site plan including:
 - a) A description of the proposed facility's design and dimensions with and without the exception.
 - b) Elevation drawings demonstrating the components of the wireless communication facility with and without the exception.
 - c) Color simulations of the wireless communication facility after construction demonstrating compatibility with the vicinity with and without the exception.
- d. Criteria. An application for a wireless communication facility exception shall be granted if the following criteria are met:
 - 1) The exception is consistent with the purpose of the development standard.
 - 2) The design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.
 - 3) The applicant demonstrates:
 - a) A significant gap in the coverage, capacity, or technologies of the service network exists and users are regularly unable to connect to the service network, or are regularly unable



to maintain a connection, or are unable to achieve reliable wireless coverage within a building;

- b) The service gap can only be filled through an exception to one (1) or more of the standards of this section; and
- c) The exception is narrowly tailored to fill the service gap and allow the wireless communication facility, to the greatest extent possible, to conform to this section's standards.

9. New Tower and Eligible Facilities Request - Substantial Change Applications

- a. All towers must be covered by a general liability insurance policy in an amount not less than one million (\$1,000,000) dollars per occurrence.
- b. Owners and operators of towers and communications facilities must certify that all licenses and agreements required by law for the construction and operation of a wireless communications system in the City have been obtained and file documentation of the licenses and agreements with the City. An owner and operator of a tower or communications facility must notify the City in writing within forty-eight (48) hours of any revocation or failure to renew any license or agreement. If the use of a tower or communications facility is discontinued, the owner and operator must provide written notice to the City of its intent to discontinue use and the date when the use will be discontinued.
- c. All towers, antennas, support structures, wiring, and accessory buildings constructed, modified, or located within the City, must comply with the following requirements:
 - 1) Towers must be certified by a Wyoming-licensed professional engineer to conform to the latest structural standards and wind loading requirements of the current Building and Electrical Code as adopted by the City.
 - 2) Every tower must be equipped with adequate danger warning signage to discourage climbing of the tower.
- d. For support towers, only lighting that is necessary to satisfy FAA requirements is permitted. Towers must not be illuminated by artificial means and cannot not display strobe lights unless such lighting is specifically required by the FFA or other federal or state agency. Light fixtures used to illuminate fields, parking lots, or similar areas may be attached to the tower when incorporated into the approved design of the tower. Security lighting for the equipment shelters or cabinets and other on the ground ancillary equipment is also permitted, if it is appropriately down shielded to keep light within the boundaries of the site.
- e. The owner of a tower must ensure that it is maintained in compliance with standards contained in applicable state and local building codes and the applicable industry standards for towers, as amended from time to time. Compliance with this section is subject to the City's building code enforcement procedures. If, after inspection, the City determines that a tower fails to comply with City Zoning Code and constitutes a danger to persons or property, the owner will have thirty (30) days to bring the tower into compliance with the code. Failure to bring a tower into compliance within thirty (30) days will constitute grounds for the removal of the tower at the owner's expense.
- f. For purposes of this section, all zoning permits require notice to abutting property owners, in addition to any other notice required by the City Zoning Code.
- g. The use of any portion of a tower for signs other than warning or equipment information is prohibited.
- h. All utility buildings accessory to a tower must be designed to blend in with the surrounding environment and shall must the minimum structure setback requirements of the underlying zoning district. Ground mounted equipment must be screened from view by suitable vegetation, except



where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood or as otherwise provided for in **SECTION 4. Landscaping and Screening**.

- i. All accessory equipment located at the base of a WCF must be located in an existing building, underground, or in an equipment shelter or cabinet that is:
 - 1) designed to blend in with existing surroundings, using architecturally compatible construction and colors; and
 - 2) located to be as unobtrusive as possible consistent with the proper functioning of the WCF.
- j. After approval of a request to build a new tower or to locate facilities on an existing tower, the applicant must commence construction within six (6) months of the date the application received its final approval. An applicant can petition the Development Services Department for an additional period of six (6) months, when it is demonstrated that construction has been delayed by circumstances beyond the control or responsibility of the applicant.

1) Application Requirements:

- a) The required fees established by City Council and referenced in Subsection c.
- b) Copies of all licenses and agreements required by law for the construction and operation of the WCF.
- c) For new towers, a legal description and physical address of both the property and tower site (if applicable).
- d) A scaled site plan clearly indicating the tower/antenna location, type and height of the proposed WCF facility, the location of the accessory building, on-site land uses and zoning, adjacent land uses and zoning, proposed means of access, distances from property lines, and elevation drawings of the proposed tower or antenna support structure.
- e) A certification that the applicant will comply with all applicable federal, state, and local laws.
- f) A certification that the site described in the application is located on an existing tower or structure and that the owner/operator agrees to the collocation on its facility (if applicable).
- g) All applications must include a certificate from a Wyoming-licensed professional engineer that the tower and facilities comply with all applicable safety and building codes. In cases where existing structures are utilized, the certification must include verification that the existing structure has been inspected and installation of WCFs will not impair the structural integrity upon which the WCF is installed.
- h) A landscaping plan showing specific landscape material, method of fencing, finished color, other stealth applications, and aesthetic mitigation measures for towers, antennas, and equipment buildings.
- i) A scaled site plan clearly indicating the location, type, height, and width of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to roadways), photo simulations, a depiction of all proposed transmission equipment, proposed means of access, setbacks from property lines, elevation drawings or renderings of the proposed tower and any other structures, contours, parking, utility runs, and other information deemed by the Development Services Director to be necessary to assess compliance with this Article.



- j) Legal description of the parent tract and leased parcel (if applicable).
- k) The setback distance between the proposed tower and the nearest residential unit and the nearest residentially zoned property.
- l) The separation distance from other towers

k. Registration and Reporting:

- 1) When the work on the facility or tower is completed, and before operation begins, the owner/operator of the tower must submit the following documentation to the Planning Division:
 - a) Certification in writing by a Wyoming-licensed professional engineer that the tower is structurally sound and conforms to the requirements of the City's building codes and all other construction standards. The tower owner may be required to submit more frequent certifications if the City Engineer determines that the structural or electrical integrity of the tower may be jeopardized. The Engineering Certification must include an on-site inspection.
 - b) The name of providers located on the tower; the name, address, and telephone number of the tower owner(s).
 - c) A registration fee, in addition to any other fee paid by the owner or operator of the tower or facility, must be paid to the City for all towers or facilities located within the City, and must be submitted to the City Clerk at the time of permitting.
 - d) An annual renewal registration fee shall be payable in accordance with Subsection c. to the City Clerk.
 - e) The City reserves the right upon reasonable notice to the owner/operator of the tower to conduct inspections to determine whether the tower, equipment, and/or related buildings comply with the provisions of this code, applicable building codes, and local, state, and federal law.

10. DAS and Small Cells

- a. All transmission must be concealed within existing architectural features to the maximum extent feasible. Any new architectural features proposed to conceal the transmission equipment must be designed to mimic the existing underlying structure, be proportional to the existing underlying structure or conform to the underlying use, and must use materials in similar quality, finish, color, and texture as the existing underlying structure.
- b. All roof-mounted transmission equipment must be set back from all roof edges to the maximum extent feasible consistent with the need for "line-of-sight" transmission and reception of signals.

11. Antenna Arrays and Eligible Facilities Request - Collocation

- a. Antenna arrays and supporting transmission equipment must be installed to camouflage, disguise, or conceal them to make them closely compatible with and blend into the setting or host structure.
- b. Antenna Arrays. Wireless communication antenna arrays are permitted in any zone as long as they are located upon an existing structure, excluding single-family houses or signage, or a building less than sixty (60) feet in height, that provides sufficient elevation for the array's operation without the necessity of constructing a tower or other apparatus to extend the antenna array is no more than fifteen (15) feet above the existing structure. Installation on City property requires the execution of necessary agreements.

g. Tolling and Timeframe



1. New Sites or Tower Applications

- a. **Purpose.** This Section implements, in part, 47 U.S.C. Section 332(c)(7) of the Federal Communications Act of 1934, as amended, as interpreted by the FCC in its Report and Order No. 14-153, for new sites or towers.
- b. **Application Review.**
 - 1) **Application.** The City will make available an application form limited to the information necessary for the City to consider whether an application is a request for a new site or tower.
 - 2) **Review.** Upon receipt of an application for a request for a new site or tower pursuant to this section, the City will review such application, make its final decision, and advise the applicant in writing.
 - 3) **Timeframe for Review.** Within one hundred and fifty (150) days of the date of an application under this section, the City will review and act upon the application.
 - 4) **Tolling of the Timeframe for Review.** The one hundred and fifty (150) day review period begins to run when the application is filed and may be tolled only by mutual agreement between the City and the applicant, or if the City determines that the application is incomplete.
 - a) The City must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application to toll the timeframe.
 - b) The timeframe for review continues when the applicant makes a supplemental submission in response to the City's notice of an incomplete application.
 - c) If the supplemental submission is insufficient to address missing documentation or information, the City has ten (10) days to notify the applicant that the supplemental submission did not provide the information identified in the original notice. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
 - 5) **Failure to Act.** In the event the City fails to act on a complete application under this section within the timeframe for review, the applicant is entitled to pursue all remedies under applicable law.

2. DAS and Small Cells

- a. Distributed Antenna Systems (DAS) and small cells are allowed in all zones, regardless of the siting preferences listed in e. The applicant must comply with the height limitations of the affected zoning district and all federal, state, and local laws and requirements.
- b. DAS and small cells are subject to permitting and approval by administrative review. If DAS and small cells are in the right-of-way, a right-of-way permit and a zoning permit may be required if the installation requires the construction of a pole greater than the maximum allowed height. A zoning permit is not required for replacement utility support structures if the replacement utility support structure is similar in height and design.
- c. A single permit application may be used for multiple DAS that are part of a larger overall DAS network. A single permit application may also be used for multiple small cells. A single license agreement may be used for multiple node locations in DAS and/or small cell networks.

3. Eligible Facilities Request - Substantial Change

This Section implements, in part 47 U.S.C. Section 332(c)(7) of the Federal Communications Act of 1934, as amended, as interpreted by the FCC in its Report and Order



no. 14-153. The following timeframes apply to collocations unless a shorter timeframe is required under applicable law.

a. Application Review:

- 1) The City will make available an application form limited to the information necessary for the City to consider whether an application is a collocation request.
- 2) Upon receipt of an application for a collocation request pursuant to this Section, the City will review such application, make its final decision, and advise the applicant in writing.
- 3) Within ninety (90) days of the date of an application, the City will review and act upon the application.
- 4) The ninety (90) day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the City and the applicant, or if the City determines that the application is incomplete.
 - a) The City must provide written notice to the applicant within thirty (30) days of receipt of the application specifically delineating all missing documents or information required in the application to toll the timeframe.
 - b) The timeframe for review continues when the applicant makes a supplemental submission in response to the City's notice of an incomplete application.
 - c) If the supplemental submission is insufficient to address missing documentation or information, the City has ten (10) days to notify the applicant that the supplemental submission did not provide the information identified in the original notice. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- 5) Failure to Act. In the event the City fails to act on a complete application within the timeframe for review the applicant is entitled to pursue all remedies under applicable law.

4. Eligible Facilities Request - Collocation

- a. Purpose. This Section implements Section 6409(a) of the Spectrum Act (47 U.S.C. Section 1455(a)), as interpreted by the FCC in its Report and Order No. 14-153 and regulated by 47 C.F.R. § 1.40001, which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.
- b. Application Review.
 - 1) Application. The City will prepare and make publicly available an application form; the form will be limited to the information necessary for the City to consider whether an application is an "Eligible Facilities Request". The City may not require an applicant to submit other documentation intended to illustrate the need for any such wireless facilities or to justify the business decision to modify such wireless facilities.
 - 2) Review. The City will review an application for an Eligible Facilities Request, approve or deny the application, and advise the applicant in writing.
 - 3) Timeframe for Review. Within sixty (60) days of the date of the application for an Eligible Facilities Request under this Section, the City will review and act upon the application, subject to the tolling provisions below.



- 4) **Tolling of the Timeframe for Review.** The sixty (60) day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the City and the applicant, or if the City determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
- a) To toll the timeframe for incompleteness, the City must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - b) The timeframe for review continues when the applicant makes a supplemental submission in response to the City's notice of an incomplete application.
 - c) If the supplemental submission is insufficient to address missing documentation or information, the City has ten (10) days after submission of supplemental information to notify the applicant that the supplemental submission did not provide the information identified in the original notice. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- 5) In the event the City fails to act on a complete application within the timeframe for review, the request will be deemed granted. The applicant must notify the City in writing after the review period has expired.

h. Compliance, Indemnification, Certificate of Occupancy

1. Compliance

- a. All wireless communication facilities (WCFs) must comply with the standards and regulations of the FCC and all federal, state, and local laws.
- b. The site and wireless communication facilities, including all landscaping, fencing, and related transmission equipment must be maintained in accordance with all approved plans.
- c. All graffiti on wireless communication facilities must be removed at the sole expense of the permittee within thirty (30) days of notification by the City to the owner/operator of the WCF.
- d. If any federal, state, or local government license or any other governmental approval to provide communication services is revoked the permittee must inform the City of the revocation within thirty (30) days of receiving notice.

2. Indemnification Each permit issued for a WCF located on City property shall be deemed to have, as a condition of the permit, a requirement that the applicant defend, indemnify, and hold harmless the City and its officers, agents, employees, volunteers, and contractors from any and all liability, damages, or charges (including attorneys' fees and expenses) arising out of claims, suits, demands, or causes of action as a result of the permit process, a granted permit, construction, erection, location, performance, operation, maintenance, repair, installation, replacement, removal, or restoration of the WCF, or the applicant's negligence.

3. Certificate of Occupancy

- a. A Certificate of Occupancy will be granted upon satisfactory evidence that the WCF was installed in substantial compliance with the approved plans and photo simulations.
- b. If the WCF installation does not comply with the approved plans and photo simulations the applicant must make the required changes to bring the WCF installation into compliance prior to operation of the WCF.



i. Abandoned or Unused Towers

1. Towers not used for more than twelve (12) months must be removed by the owner within ninety (90) days from the date of written notification from the City. Towers which are not maintained for more than six (6) months must be removed by the owner within ninety (90) days from the date of written notification.
 - a. A performance bond, cash, letter of credit, or other approved security must be submitted for each tower to assure the removal of towers that are not maintained or abandoned. The amount of security must be based on the estimated cost of removing the tower, provided by a licensed Wyoming contractor in writing and submitted with the application. The City will add a ten (10%) percent contingency fee to the contractor's estimate. If the owner fails to remove any tower not maintained or abandoned, the City has the right to enter the premises and remove the tower without further notice to the owner. All removal costs will be charged against the bond, cash, letter of credit, or other approved security and the owner.

j. Emergency Action

1. The City may disconnect, dismantle, or otherwise remove any tower or communications facility that becomes an immediate hazard to the safety of persons or property, at the discretion of the City Administrator or his designee.
 - a. The City will notify the owner of any emergency action within twenty-four (24) hours. The owner and operator must reimburse the City for the costs incurred by the City for action taken in accordance with this Section within thirty (30) days of receipt of an invoice from the City.

SECTION 10. OVERLAYS

Contents:

a. Planned Unit Developments

a. Planned Unit Developments

1. Purpose

- a. The Planned Unit Development Overlay (PUD) is to allow and encourage innovative approaches to site planning and land development. A PUD is a professionally planned residential, commercial, or industrial project or a project with an integration of mixed uses that fosters design flexibility and compatible diversity in a single project site. The PUD allows more variety in the development of land than conventional zoning. Additionally, PUDs should promote the development of compatible land uses consistent with the Comprehensive Plan, facilitate the development of efficient streets and utility infrastructure, preserve natural and scenic features, and allow for flexibility in the development of land.
- b. A PUD may be proposed for residential, commercial, or industrial purposes or a combination of the zoning districts. The PUD requires overlay approval as well as approval of the PUD Plat.

2. Design Elements

- a. The applicant is encouraged to design a PUD to allow a mixture of land uses, densities, setbacks, and building heights. The PUD is required to conform to the Comprehensive Plan, unless otherwise permitted by the Zoning Administrator. The underlying zoning district(s) designations, building setbacks, and limitations will be used as a general guide.



- b. At least fifteen (15%) percent of the overall PUD area must be designated for common space; the space must be contiguous to seventy-five (75%) percent of the PUD lots. The common space area must be designated for recreation, conservation purposes, or any typical use to the residents of the PUD.
- c. Homeowner associations (HOA) or individual owners are responsible for the maintenance of common spaces within the PUD. The PUD applicant must submit a management plan for the open spaces and common facilities that:
 - 1) Allocates responsibility and guidelines for the maintenance and operation of the open spaces and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements.
 - 2) Meets the current standards, design, and review processes of the City of Gillette Subdivision Regulations and the City of Gillette Design Standards for subdivision of land and infrastructure.
 - 3) Provides for mandatory and automatic enrollment into the HOA if the HOA is representing the individual owners as the owner of the open space. The HOA must have lien authority to ensure the collection of dues from all members.
 - 4) Provides for enforcement of the management plan.
 - 5) Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided.
 - 6) Complies with all other requirements of these regulations.
- d. The HOA and individual owners are responsible for the maintenance of common facilities and open spaces. The City may assume maintenance responsibilities and enter the premises if the HOA or individual owners fail to maintain any or all of the common facilities and/or open spaces. The costs, including administrative costs and penalties of any maintenance performed by the City will be charged to the HOA, or the owner in lieu of an HOA. Maintenance costs shall be a lien on all properties within the PUD if costs remain unpaid.

Table a. A Approval Process			
Document Type	Staff Review	Planning Commission Review	City Council Approval
PRELIMINARY			
Site Analysis Map	X	X	
Preliminary Plat	X	X	
Draft Ordinance and Documentation	X	X	
FINAL			
Plan and Recommendation to City Council	X	X	X
Final Plat and Documentation	X	X	X
Final Ordinance	X	X	X

3. Approval Process

- a. Site Analysis Map, Preliminary Plat, Draft Ordinance, and Documentation
 - 1) Review of plat and documentation by review staff.



- 2) Review of plan and recommendations to developer by City of Gillette Planning Commission.
- b. Final Plat, Draft Ordinance, and Documentation
 - 1) Review of plat and documentation by review staff as per City subdivision regulations.
 - 2) Review of plan and recommendation to City Council by City of Gillette Planning Commission.
 - 3) Review of plat conditioned upon approval of draft ordinance by City Council (By Resolution).
 - 4) Review of draft ordinance conditioned upon approval of final plat by City Council (By Ordinance).

4. Design and Review Criteria

Applications for PUDs are reviewed and evaluated by review staff for compliance with the purpose stated above. The application includes: site analysis map, preliminary plat, master plan, draft ordinance, and documentation.

- a. Site analysis map contains:
 - 1) Property boundaries
 - 2) Natural land features
 - 3) Topographic contours with a minimum of two-foot intervals
 - 4) All protected open space areas proposed to be dedicated
 - 5) General soil types
 - 6) Existing roads and structures
- b. Preliminary plat contains:
 - 1) Proposed lot layout
 - 2) Proposed roads and infrastructure layout
 - 3) Potential connections with existing open space, parks, and trails
 - 4) Phasing Plan (if applicable)
- c. Proposed draft ordinance stating project specific zoning requirements which differ from underlying zoning which address the following specific items:
 - 1) Permitted uses
 - 2) Accessory uses
 - 3) Minimum lot size
 - 4) Maximum lot size
 - 5) Building lot/site coverage
 - 6) Minimum setbacks on front, side, and rear yards. The exterior boundary setbacks as well as properties within the interior of the PUD must be addressed. A minimum distance of ten (10) feet must be maintained between detached structures.
 - 7) Off-street parking must be provided to support the intended use. The City Zoning Code will be used as a guide for determining off-street parking requirements.
 - 8) Signage requirements
 - 9) All standards that would be enforced through covenants or restrictions.
 - 10) Landscaping, buffering, and screening standards are required for the exterior yard areas and must meet the requirements of Section 4, Landscaping and Screen. Interior landscaping may differ from the underlying zoning requirements and must be addressed as part of the ordinance.



- d. Final plat meeting all requirements of the City of Gillette Subdivision Regulations and checklist requirements.
- e. Infrastructure plans and documentation meeting all requirements of the City of Gillette Design and Construction Standards, including all required reports.
- f. Final ordinance stating project specific zoning requirements which differ from underlying zoning.
- g. Amendments to PUDs shall be as follows:
 - 1) Until the PUD Plat is accepted by the City Council, minor changes in the location, setting, alignment, or character of buildings and structures, type or placement of plant material may be authorized administratively by the Zoning Administrator if it becomes necessary due to circumstances not reasonably foreseen at the time the final PUD plat was approved. No change authorized by the Zoning Administrator may increase the size of any building or structure by more than five (5%) percent, nor change the location of buildings or structures by more than five (5) feet in any direction. Other requirements for minor revisions will be referred to the appropriate City department for review and approval. If changes to the plat or support documents are required, new drawings will be required to be submitted that incorporate the approved change. Approved changes are to be incorporated into the Final PUD Plat.
 - 2) All other alterations or modifications in the use, intent, rearrangement of lots, realignment of major circulation patterns, density levels, provisions governing common or open space, modification to infrastructure design, or any other alterations that in the opinion of the Zoning Administrator substantially changes the PUD from what was approved, constitutes an amendment and the final PUD plat must be revised and resubmitted and reviewed and approved on the same basis as the original PUD plat submittal; including re-approval by both the Planning Commission and City Council.
 - 3) Changes to a filed final PUD plat will be considered a re-subdivision and must contain within the title "Amended PUD Plat"
 - 4) Changes to an approved PUD ordinance will be considered a zoning text amendment for that particular PUD.

5. PUDs converting existing structures to a PUD shall:

- a. Not be solely for the purposes of ownership or to allow for structures to be built across property lines.
- b. Meet the purpose of this section with an integration of mixed uses for design flexibility.
- c. Pay a fee-in-lieu of one thousand five hundred (\$1,500) dollars per acre of land upon which the PUD is proposed if conversion of existing structures adequately meet the purpose of this section but are unable to meet the required open space.

6. Any PUD that exists prior to the adoption of the Zoning Code shall:

- a. Be permitted to remain and be maintained.
- b. Be allowed to submit a zoning map amendment to remove the PUD designation and rescind the associated ordinance through the zoning map amendment procedure if the PUD meets the requirements of the underlying zoning district.
- c. Be allowed to be amended through a re-subdivision and zoning map amendment which requires amending the PUD ordinance associated with the existing PUD.

SECTION 11. DEFINITIONS



Access: A vehicle access way shared by and serving two or more lots, not dedicated to the public or publicly maintained, and accessible to public rights-of-way.

Accessory Structure: A structure located on the same zone lot as the structure containing the primary, permitted use; it may be detached or attached to the primary structure but must be subordinate and customarily incidental to the use of the primary structure.

Accessory Use: Not a permitted use as authorized by this code, but a subordinate use operated on the same zone lot as the permitted use, either in the same structure as the permitted use or an accessory structure.

Administrative Non-Profit Support Agency for Victim Service Programs: Non-profit, Court-appointed, victims' service programs, which provide advocacy and parental access to children under the age of 18, and the administrative offices that support these programs.

Alley: A public or private right-of-way which provides only a secondary means of access to abutting property.

Animal Boarding/Training: An establishment where animals, other than those considered livestock, are kept for the purpose of sheltering, taking care of, or training. A majority of the animals being kept, boarded, or trained must not be owned by the property owner, establishment owner, or their families.

Antenna: Exterior transmitting or receiving device mounted on a tower, building, or structure and used to send or receive digital signals, analog signals, radio frequencies, or wireless communication signals.

Antenna Array: A single or group of antenna elements, not including small cells, and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving wireless communication signals.

Automobile Body Repair: The restoration, repair, and painting of the external bodies of passenger vehicles.

Automobile Repair: The repair of internal, mechanical components of passenger vehicles.

Automobile Sales: The sale of new and used passenger vehicles.

Automobile Service: The minor repair, tune-up, and routine servicing of passenger vehicles.

Base Station: A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communication network. The term does not encompass a tower as defined in this Section or any equipment associated with a tower.

1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cell networks).
3. The term includes any structure other than a tower that, at the time the relevant application is filed with the City under [SECTION 9.](#), supports or houses equipment described in Article 20.11, that has been reviewed and approved under the applicable zoning or siting process, or under state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.



4. The term only includes any structures that, at the time the relevant application is filed with the State or the City under Article 20.11, support or house equipment described for the purpose and support of wireless communications.

Bed and Breakfast Home: A private owner-occupied home where a portion is used to provide temporary accommodations for up to thirty (30) consecutive days for a charge to registered guests. No more than four (4) lodging units may be provided and where one (1) but not more than two (2) family style meals must be provided in a twenty-four (24) hour period. Must be licensed with the state as a bed and breakfast home prior to obtaining a use permit to operate within the City. All regulations governing setbacks, open space, and parking apply to the construction of new bed and breakfast homes or conversion of existing dwelling units to bed and breakfast homes. Signage must comply with signage allowed under home occupations. A bed and breakfast home must not impair the residential character of the neighborhood in which it is located.

Berm: An undulation in terrain creating a landform that is higher than the surrounding grade, generally utilized for screening, wind protection, or aesthetic design purposes.

Billboard: A board, panel, or electronic graphic display sign used for the display of advertising matter, either illuminated or non-illuminated, which directs attention to goods, merchandise, entertainment, or services offered elsewhere than the premises where the sign is located.

1. **Electronic Graphic Display Signs:** sign faces attached to billboard structures with electronic graphic displays that are highly visible from long distances and at very wide viewing angles, both day and night.
2. **Tri-Face Billboards:** a Billboard with three (3) advertising faces supported by one (1) or more uprights, poles, or braces in or upon the ground, and not attached to any building.
3. Billboards must not exceed a maximum of three (3) advertising faces.

Boarding House: A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons. No separate cooking facilities for use of customer residents are allowed.

Bufferyard: A landscaped area provided to separate and partially obstruct the view between two adjacent land uses or properties from one another.

Building: Any permanently affixed, covered structure intended for the shelter, housing, or enclosure of persons, animals, or goods.

Building Frontage: The facade of a structure containing a permitted use which is generally parallel to and closest to the front line of a zone lot.

Building Height: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story; in the case of a flat roof, to the deck line of a mansard roof, and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

Building Sign: A sign which directs attention to the building to which it is attached. The following signs are building signs:

1. **Canopy Sign:** Any sign attached to or constructed on the face of a permanent, roof-like shelter, extending from part or all of the building face and constructed of some durable material.
2. **Projecting Sign:** A sign attached to or erected on a wall of a building, with the face perpendicular to the building wall.
3. **Roof Sign:** Any sign erected upon, against, or directly above a roof or on top of the parapet of a building.



4. **Under-Canopy Sign:** Any sign attached to or constructed under a canopy.
5. **Wall Sign:** A sign attached to, erected against, or painted upon the wall of a building, with the face horizontally parallel to the building wall.
6. **Window Sign:** A sign installed or painted on a window for purposes of viewing from outside the premises.

Bulletin Sign: A notice or message typically erected by a church or a public institution, not advertising a commercial product, goods, or services.

Center Identification Sign: A sign identifying a commercial, industrial, or professional center or complex, having at least three (3) separate businesses. A center's management company or owner is the only acceptable applicant for a center sign.

Changeable Copy: A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changed digitally.

Collocation: The mounting or installation of an antenna on a tower, building, or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Commercial Storage Facility: A building, or group of buildings, that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for the dead storage of articles or goods. This use does not include active retail uses nor shall there be any activities allowed to be conducted within the structure, or structures, other than the temporary storage of articles or goods. All storage must be totally contained within the building, or group of buildings, with no outdoor storage of articles or goods allowed. No heavy equipment, nor farm implements, is allowed to be stored, nor any part thereof. No hazardous materials are allowed to be stored. Live animals are not considered storage goods and must not be kept at commercial storage facilities.

Commission: The Planning Commission of the City of Gillette, Wyoming.

Community Center: A facility for cultural activities, social meetings, gatherings, non-residential clubs, gymnasiums, sport clubs, or recreational or other activities where the primary aim is not profit seeking and excludes a place of entertainment.

Condominium: Real estate, portions of a building, and or land of which are designated for separate ownership, and the remainder of which is designated for common ownership by the owners of those portions.

Conversion Condominium: condominium projects not originally built and sold as condominiums but subsequently converted to condominium use.

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

Council: The City Council of the City of Gillette, Wyoming.

Crematorium: A business containing a properly installed apparatus, certified by the State of Wyoming, intended for use in the act of human cremation. Crematoriums are allowed in the mortuaries constructed in commercial districts. Crematoriums are not permitted in residential zoning districts.

Day Care: An activity regulated by the State of Wyoming and providing care for children out of their own home for two (2) or more hours a day. Categories of day care specified in this code include:

- a. **Family Child Care Home (FCCH):** A childcare 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.
- b. **Family Child Care Center (FCCC):** A childcare 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 zoning district.



c. **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.

Deciduous Tree: A tree that typically loses its leaves for part of the year.

Department: The Department of Development Services of the City of Gillette, Wyoming.

Director: The Director of Development Services of the City of Gillette, Wyoming.

Distributed Antenna Systems or DAS: A network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

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

Drive-In Restaurant: A retail establishment engaged in the sale of prepared food and drink which is served to and/or consumed on the premises by the occupants of vehicles, in their vehicles.

Dwelling Unit: A structure, or a portion thereof, used for living purposes or constituting a separate, independent housekeeping unit for permanent, residential occupancy.

Eligible Facilities Request: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment

Eligible Support Structure: Any tower or base station as defined in SECTION 9., provided that it is existing at the time the relevant application is filed with the City under Article 20.11.

Enhanced Manufactured Home:⁶³ A single-family residential structure transportable in two (2) or more dependent sections, which when assembled equals or exceeds twenty-four (24) feet in width and thirty-six (36) feet in length; said structure must be attached to a permanent, frost-free foundation.

1. The structure must:

- a. Not have been installed or occupied previously at any other site or location;
- b. Comply with all City Code as they relate to wind load and snow load;
- c. Provide evidence that the title or certificate of origin has been surrendered at the office of the Campbell County Clerk and the unit converted to real property at the Office of the Campbell County Assessor prior to issuance of a Certificate of Occupancy; and
- d. Comply with all Other Enhanced Manufactured Housing Design Criteria.

2. Other Enhanced Manufactured Home Design Criteria:

- a. Each enhanced manufactured home to be located in the City shall provide and comply with all building permit approval requirements applicable to all residential dwelling units prior to arrival at the site. These plans may include, but are not necessarily limited to, a plot plan approval, plans and specifications verifying compliance with construction and structural load requirements, geotechnical report and design for the foundation, foundation certification, zoning approval, and utility connections.
- b. Each enhanced manufactured unit must conform to the building setbacks, open space, parking, and other district standards and requirements of the zoning district in which the unit is located. No more



than one unit may be placed on a zone lot. The owner of the land must also be the owner of the manufactured home unit.

- c. The unit shall have a pitched roof with a slope of not less than a three (3) inch vertical rise for each twelve (12) inches of horizontal run.
- d. The load bearing foundation system must be constructed in accordance with the manufacturer's specifications or with HUD's Permanent Foundation Guide for Manufactured Housing and applicable sections of the Uniform Building Code.
- e. The perimeter of the unit must be fully enclosed from the lower edge of the enhanced manufactured unit to the ground with a perimeter skirt wall constructed of a material rated for exterior applications giving the appearance of concrete, brick, stucco, block or stone, and able to withstand the effects of wind, water, soil, decay, and termites and prevent entry of rodents. An unobstructed minimum eighteen (18) inch high x twenty-four (24) inch wide plumbing access door must be provided. Ventilation per the Uniform Building Code specifications must be provided.
- f. The unit must be permanently connected to all utilities in a manner consistent with residential housing and in accordance with the adopted City Code.
- g. Roof material must consist of non-reflective material customarily used for residential dwellings including, but not limited to, asphalt, fiberglass, shake, tile shingles, or metal.
- h. Siding material must consist of a material customarily used for residential dwellings including but not limited to, wood, wood products, stucco, brick, steel, aluminum, or vinyl lap siding, or rock.
- i. A roof overhang exclusive of gutters of not less than six (6) inches as measured from the vertical side of the home. When an attached carport, garage, porch, or similar structure is an integral part of the manufactured unit, this overhang may be waived where the attachment occurs provided that the exterior perimeter of the roof line contains the required overhang.
- j. Unless the foundation perimeter wall is load-bearing, no attachments, additions, alterations, or modifications to the exterior walls of the unit are allowed, except those approved by the manufacturer for the specific unit. If the foundation perimeter wall is not load bearing, all additions, porches, decks, garages, or other add-on attachments must be free standing and self-supporting with no structural reliance on the manufactured unit itself and in accordance with applicable City regulations.
- k. All wheels, hitches, tongues, and axles must be removed from the unit and the property at the time the unit is placed on the permanent foundation.

Evergreen Tree: Trees and shrubs that retain their foliage throughout the year.

Existing Tower: A tower or base station that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for the purposes of this definition.

FAA: Federal Aviation Administration

Family: One (1) or more persons, related by blood, adoption, or marriage, occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, fraternity or sorority house, lodging house, hotel, or motel.

Family Style Meal: Meals prepared in a private bed and breakfast home kitchen and served in the same residence around a common table(s). No meals may be served to people other than those residing as registered guests.



FCC: Federal Communications Commission

Flashing Sign: Any illuminated sign on which the artificial light is not constant in intensity and color at all times.

For Sale Sign: A sign advertising real estate for lease, rental or sale.

Foster Care: An activity regulated by the State of Wyoming and providing care for children in a facility or home on a twenty-four (24) hour-a-day basis. Categories of foster care specified in this code include:

- a. **Foster Home:** Allows for the care of up to six (6) children.
- b. **Group Foster Home:** Allows for the care of seven (7) to eleven (11) children.

Free-Standing Sign, Ground: A sign supported by one (1) or more uprights, poles, or braces in or upon the ground, not attached to any building and having its bottom edge on the ground.

Free-Standing Sign, Pole: A sign supported by one (1) or more uprights, poles, or braces in or upon the ground, not attached to any building and having its bottom edge above ground.

Front Line: Any boundary line of a zone lot parallel to and abutting the right-of-way line of an officially approved street or highway.

Gasoline Filling Station: A retail establishment engaged in the sale of automotive fuels, motor oil, or other automobile accessories and providing incidental services, including lubrication, hand washing, and cleaning or minor mechanical work and repairs; but shall not include painting, body work, or the sale of butane or propane fuels.

General Agriculture: Includes farming, ranching, grazing, dairying, animal, or plant husbandry.

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

Group Care Facility: A facility or dwelling unit housing persons unrelated by blood, marriage, or adoption and operating as a not-for-profit or actively participating and in compliance with the State of Wyoming Medicaid Development Disability Waiver Program, housekeeping unit consisting of no more than six (6) client individuals and up to two (2) supervisors in all zoning districts where the primary use is residential. No group care facility may house any person whose residency would constitute a direct threat to the health and safety of other individuals. It may include shelters for abuse victims and homes for handicapped or for disabled individuals. All uses stated in the definition of Halfway House are not permissible and are considered outside the scope of the definition of Group Care Facility

Halfway House: A facility or dwelling unit used as a work release facility for convicts or ex-convicts, alcoholism or drug treatment center, or other housing facilities serving as an alternative to incarceration.

Home Occupation: A gainful operation conducted by members of the family, only within the dwelling or accessory structures, which is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof.

Hospital: An institution intended primarily for the medical diagnosis, treatment, and care of patients being given medical treatment. A hospital is distinguished from a clinic by virtue of providing for bed and patient care.

Illuminated Sign: A sign designed to give forth artificial light or designed to reflect light derived from any source. This does not include flashing illuminated signs.



Industrial Pipe Yard: An area in which the primary use is the storage of pipe for non-residential applications, including coils or spools, typically involving outside storage. The pipe is intended for industrial applications and may include drilling pipe, oil well casing, tubing, pipe for water or sewer mains, and pipe for production or transportation pipeline for oil and gas. Industrial Pipe Yards are only allowed in Industrial Zones because of the inherent noise, dust, and heavy truck traffic associated with operations involving pipe.

Institution: A building, or building complex, occupied by a nonprofit establishment for public or semi-public use.

Institution of Higher Learning: Public or private vocational and trade schools, academies, colleges, and universities including classrooms, administrative offices, cafeteria, athletic facilities, dormitories, and off-street parking areas.

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

Landscape Area: That area within the boundaries of a given lot consisting primarily of plant materials, including but not limited to grasses, trees, shrubs, flowers, vines, ground covers, and other organic plant materials; or grass paver masonry units installed so that the appearance of the area is primarily landscaped.

Licensed Vehicle: An operable vehicle with a currently valid license.

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

Lodging Unit: A separate room in a bed and breakfast home with one (1) but not more than two (2) beds or two (2) sets of two tiered bunks for sleeping purposes.

Macrocell: An antenna or antennas mounted on a tower, ground-based mast, rooftops, and other towers or structures, at a height that provides a clear view over the surrounding buildings and terrain.

Major Commercial Site Plan: A Major Commercial Site Plan is a required plan, approved by the Planning Commission, when the following conditions exist:

1. When two (2) or more main buildings containing permitted uses are to be simultaneously erected and maintained on the same zone lot in the R-3, R-4, C-P, C-O, C-1, C-2, C-3, or I-1 Districts.
2. When a condominium development is proposed in the R-3 or R-4 Districts, either new or conversion condominium, containing ten (10) units or more, within one (1) or more structures on one (1) or more zone lots.
3. When a multi-family residential development is proposed in the R-3 or R-4 Districts which will contain ten (10) or more units within one (1) structure on the same zone lot; and
4. When a commercial development in the C-P, C-O, C-1, C-2, or C-3 Districts is proposed which will contain twenty-five thousand (25,000) gross square feet or more in one (1) main building containing permitted uses on the same zone lot.

Mobile/Manufactured Home: A structure, transportable in one or more dependent sections, whether or not constructed in conformance with the National Manufactured Housing Construction and Safety Standards Act, which is built on a permanent chassis and designed to be used as a single-family residential dwelling unit.

Mixed-Use Development: A single building or complex of buildings containing a mixture of residential and commercial uses provided that the commercial uses are located at and oriented toward the street grade and all parking is accounted for all uses.



Mobile/Manufactured Home Subdivision: A subdivision consisting of two (2) or more lots and meeting all requirements of the Subdivision Regulations of the City of Gillette; the lots of which are intended to be sold, leased, or assigned for use by mobile/manufactured homes to create a suitable environment for long-term residential occupancy.

Modular Home: A structure, transportable in one or more dependent sections, designed for use as a single-family residential dwelling unit, not built on a permanent chassis, capable of being transported from place of fabrication to the site on which it is to be erected, where it is placed on a permanent foundation and, when assembled, meets all of the provisions of the current City of Gillette Building Code for residential dwelling units.

Motel: A building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct, independent access to and adjoining parking for each rental unit.

Motor Vehicle Salvage: The dismantling or demolition of motor vehicles for parts.

Motor Vehicles: Inclusive of passenger vehicles and any other motorized heavy equipment, commercial trucks, buses, semi-tractor trailers, tractors, farm implements, and other utility vehicles.

Multiple Family Dwelling: A structure containing three (3) or more dwelling units on one (1) zone lot. This term can be abbreviated as a Multi-Family Dwelling.

Neighborhood Recreational Facility: A facility which provides, for a fee, predominantly indoor, recreational activities. It is intended that those limited outdoor, recreational activities which are offered to be compatible with the surrounding neighborhood must not produce or create offensive noise, vibration, smoke, dust, odor, heat, or glare at or beyond the property line.

Nonconforming Use: A nonconforming use shall be any legal use which, on the effective date of this code or as a result of subsequent amendments thereto, does not conform to the permitted uses established for the district in which the nonconforming use is located.

Nonconforming Structure: A nonconforming structure shall be any structure which, on the effective date of this ordinance or as the result of subsequent amendments thereto, does not comply with the provisions of this ordinance for the district in which the nonconforming structure is located.

Off-Premises Sign: Any sign advertising goods, products, or services, not located or sold on the premises on which the sign is located.

Off-Street Parking and Storage of Personal Vehicles and Effects: Includes outdoor storage of non-commercial, personally owned vehicles, including Recreational Vehicle(s) and licensed, self-propelled motorized units and other licensed units designed for hauling or towing.

Shall also include covered, unwall, and/or indoor mini storage units, allowing buildings used exclusively for vehicle and personal effects storage, provided building construction and fire protection is sufficient in accordance with adopted building and fire codes.

Shall allow a small office space limited to 300 sf gross floor area.

Any structures must meet the requirements of the International Building Code and current Zoning Ordinance.

Shall not exceed more than twenty (20%) percent of the total platted subdivision area and must not exceed more than fifteen (15%) percent of the contiguous district area where multiple subdivisions exist in a single, homogeneous zoning district.



The driving surface must consist of asphalt or concrete pavement from the public street access to any required parking area for facilities with an office building, or a minimum of seventy-five (75) feet as measured along the centerline of the access driveway from the edge of the paved public street for facilities without an office building.

Type J gravel or recycled pavement materials is acceptable for surfacing of vehicle parking, storage, and drive areas not including the required parking area for facilities with an office or the aforementioned seventy-five (75) foot minimum access driveway area. Scoria surfacing is not allowed.

Screening must be provided when residential uses are within 100 feet from the “established off-street parking and storage of personal vehicles and effects” area. Screening must be at least six (6) feet in height. Chain link fencing or chain link fencing with slats shall not be permitted to meet screening requirements in accordance with Section 4 Landscaping and Screening Standards. Screening must have a minimum opacity of seventy-five (75%) percent.

On-Premises Sign

On-Premises Sign: Any sign identifying or advertising a business, person, activity goods, products or services, located on the premises where the sign is installed and maintained.

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

Parking Lot: A defined area where patrons can park for a short period of time while visiting a business.

Parking Space: An off-street space available for the parking of one (1) motor vehicle, being nine (9) feet in width and eighteen (18) feet in length, exclusive of passageways and driveways, and having direct access to a street or alley.

Passenger Vehicles: cars, light trucks, vans, motorcycles, RVs, or any other vehicles intended to transport persons and light cargo.

Permitted Use: A use enumerated for a zoning district.

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

Rear Line: The three following circumstances apply:

1. On any zone lot, with but one (1) front line, the rear line will be the boundary of the zone lot opposite the front line;
2. On any zone lot with two (2) front lines, the rear line shall be fixed by the Development Services Division, taking into consideration the orientation and location of existing structures in the area, probable orientation of proposed structures, and the use of the rear portion of zone lots in the district; and
3. On any zone lot with three (3) or more front lines, there shall be no rear line.

Recreational Facilities: Land and structures, along with accessory equipment, designed and utilized for leisure time activities of a predominantly "outdoor" nature and of more specific purpose than passive, park-like open space.



Recreational Vehicle Park: A tract of land upon which two (2) or more recreational vehicles or tent sites are located, established, or maintained for occupancy by the general public.

Recreational Vehicle: Any pickup camper, motor home, travel trailer, or other mobile unit designed or modified to be used for vacation or recreational occupancy.

Residential Development Sign: A sign identifying a subdivision, planned mobile home development, or residential building complex; displaying no more than the name and location of the development.

Restaurant:

- a. **Fast Food:** An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption on the premises or off the premises, and whose principal method of operation includes one or both of the following characteristics:
 - a. Food and beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
 - b. Food and beverages are served directly to the customer in a motor vehicle, either by carhop or by other means, which eliminate the need for the customer to exit the motor vehicle.
- b. **Standard:** An establishment whose principal business is the sale of prepared food and beverages for consumption within the restaurant building, and whose principal method of operation includes one or both of the following characteristics:
 - a. Customers are served their food and beverages by a restaurant employee at the table or counter at which it is consumed.
 - b. There is a cafeteria type operation where food and beverages generally are consumed within the restaurant building.

Rooming House: A building where more than three (3) persons, either individually or as families, are housed or lodged for hire, with or without meals. No separate cooking facilities for use by customer residents is allowed.

Sandwich Board Sign: An advertising or business ground sign which is constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; and each angular face held at an appropriate distance by a supporting member.

Screening: A vertical construction, either vegetative or structural, that shields an area that has relatively high negative effects from the view of adjacent land uses or properties, or public property and rights-of-way.

Setback Lines: The lines defining the buildable area of the zone lot and the inside limits of the required yards.

Sexually Oriented Businesses: classified and defined in Chapter 10-31 of the Gillette City Code.

Shared Living Residence for Senior Citizens: A dwelling unit constructed as a single-family home designed to promote and allow for the independent living of no more than four (4) related or unrelated 55-year-old or older individuals.

1. In the R-R, Rural Residential District and the R-S, Suburban Residential District, no more than six (6) related or unrelated 55-year-old or older individuals; no separate in-room kitchen facilities for use by occupants is permitted.
2. Shared Living Residences do not include any or all of the following: permanent live-in resident staff personnel, permanent supportive care services, or permanent personal nursing care on an around-the-clock basis.
3. Parking must be provided in accordance with **SECTION 5. Off-street Parking and Loading.**



Side Lines: Any boundary or a zone lot that is not a front line or a rear line.

Sight Triangle or Sight Distance Triangle: A triangular portion of land at the intersection of two (2) streets, a street and an alley, or a street and a commercial or multi-family driveway; used by more than one (1) living unit, in which nothing shall hereafter be erected, placed, or planted which would obstruct the view of motorists entering or leaving the intersection. The boundary of any sight distance triangle as well as the permitted obstructions within them shall be determined according to the terms of the current City of Gillette Design Standards.

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

Sign; Directional or Informational: Any sign of thirty-two (32) square feet or less which directs vehicular or pedestrian traffic for purposes of parking, circulation or sale points of various products and services. No directional or informational sign may contain any business name, advertising, price, or other commercial message with the exception of a business logo not to exceed twenty-five (25%) percent of the area of the sign face.

Single-Family Dwelling

Single-Family Dwelling: a single, detached structure having but one (1) dwelling unit for the residential occupancy of any number of persons related by blood, marriage, or adoption and complying with the provisions of the current City Building Code for dwellings. Mobile/Manufactured Homes are not considered single-family dwellings for the purpose of this code.

Small Cell: Compact wireless equipment that contain their own transceiver equipment and functions like cells in a wireless network and meet the following criteria:

1. Each antenna could fit within an enclosure of no more than three (3) cubic feet in volume; and
2. All other wireless equipment associated with the wireless communications facility is cumulatively no more than seventeen (17) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Stealth Design: Technology that minimizes the visual impact of wireless communications facilities by camouflaging, disguising, screening, or blending into the surrounding environment. Examples of stealth design include but are not limited to facilities disguised as trees (monopines), flagpoles, utility and light poles, bell towers, clock towers, ball field lights, and architecturally screened roof-mounted antennas, or antennas attached to a structure and painted to match.

Storm Water Management Facilities: Facilities that contain runoff for temporary storage in major storm events.

1. **Detention Facilities:** Store water in a basin for a limited amount of time.
2. **Retention Facilities:** Store water in a basin for extended periods.

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



Substantial Change: A modification that substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10%) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10%) percent or more than ten (10) feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act (47 U.S.C. Section 1455 (a));
2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
3. For any eligible support structure, it involves installation of more than the standard four (4) cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10%) percent larger in height or overall volume than any other ground cabinets associated with the structure;
4. It involves any excavation or deployment outside the current site;
5. It would defeat the concealment elements of the eligible support structure; or
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in A-D.

Taxidermy: An operation conducted solely within an enclosed building to include on-site preparation, stuffing, and mounting of heads and skins of animals. Exterior storage or processing of carcasses or parts of animals is prohibited.

Temporary Business Sign: A sign which is portable and does not have a permanent location, which is used to advertise special purpose business activities for a limited amount of time.

Temporary Construction Sign: A sign identifying new development or construction and including such information as the name of the project, the owner, the leasing agent, the contractor, the architect, and brief descriptive material on the project or other pertinent data.

Tower: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.

Tower Height: The vertical distance measured from the base of the tower structure at grade to the highest point of the structure including the antenna. A lightning rod, not to exceed ten (10) feet in height, shall not be included within the tower height.

Tower Site: The following circumstances apply:



1. In relation to a tower that is not in the public right-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easement currently related to the site.
2. In relation to support structures other than towers, site means an area in proximity to the structure and to other transmission equipment already deployed on the ground.

Townhouse: A rowhouse or other unit in a building containing two (2) or more units, in which generally no part of a living unit extends over or under another living unit. Townhouse units may consist of one (1) or more stories.

Transmission Equipment: Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supplies. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Tree: A woody plant having at least one well-defined trunk or stem and a more or less definitely formed crown, usually attaining a mature height of no less than eight feet.

Two-Family Dwelling: A building constructed on a single lot that is designed for and contains two (2) single-family dwelling units entirely under one (1) roof that are completely separated from each other by one (1) dividing partition common on each unit.

Unit: That portion of a condominium or townhouse building designated for separate ownership on a recorded plat.

Unlicensed or Inoperable Vehicle: A motor vehicle which does not have a valid State license, is not mechanically able to operate, or which cannot otherwise legally operate on the highway.

Utility Support Structure: Utility poles or utility towers supporting electrical, telephone, cable, or other similar facilities; street light standards; or pedestrian light standards.

Variance: A variance is a formally given permission to perform an act that is contrary to the strict interpretation of the Zoning Code. This is appropriate when literal enforcement of the terms of the Zoning Code will result in an unnecessary hardship that prohibits property from being used in a manner similar to other property in the same district.

Vehicle Stacking: The minimum required length of an on-site drive aisle necessary to allow for the movement of vehicles within a parking lot to a drive-up window service or other drive-thru services without impeding the flow of traffic on-site and off-site.

Victim Service Agency: A private nonprofit organization whose primary mission is to provide direct services to victims of domestic violence. This term includes permanent housing providers—including rapid re-housing, domestic violence programs (shelters and non-residential), domestic violence transitional housing programs, dual domestic violence and sexual assault programs, and related advocacy and supportive services programs.

Wireless Communication Facilities (WCF): An unstaffed facility, location, or equipment for the transmission or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes; typically consisting of one (1) or more antennas or group of antennas, a tower or attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets, and including small cells.

Xeriscape: A landscape design technique that minimizes water consumption by using some or all of the following techniques:



1. Using low water demand plants;
2. Grouping plants by water demand or specific cultural characteristics;
3. Reducing turf areas or using turf materials that have low water demand;
4. Using mulches to cover soil and save moisture;
5. Using efficient irrigation layouts that zone plants that have specific watering needs;
6. Minimizing evaporation of water; and
7. Performing regular maintenance to maintain water conserving characteristics.

This ordinance encourages the use of xeriscape techniques and methods in order to conserve water throughout the City.

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

1. **Front:** The required open space extending across the full width of a zone lot between the front line and an authorized structure. On a corner lot, the required open space adjacent to all street frontages will be considered front yards.
2. **Rear:** The required open space between the rear lot line and a structure containing a permitted or an accessory use.
3. **Side:** The required open space between the sideline of the zone lot and an authorized structure on the zone lot.

Zero Lot Line: A common lot line on which a wall of a structure may be constructed.

Zone Lot: A single parcel of contiguous land occupied, or intended to be occupied, by structures and uses, as permitted by this code, together with the open spaces required by this code. All zone lots must abut on a public street or an officially approved way.

Zoning Administrator: the Zoning Administrator is the City Planning Manager of the City of Gillette.