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ORDINANCE REPEALING ORDINANCE NO. 7, SERIES 1967, OF THE CODE OF THE TOWN OF THE CITY OF NEWCASTLE, WYOMING, 1961, PERTAINING TO ZONING, AND ENACTING A REPLACEMENT THERETO WHICH SHALL CREATE 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 CERTAIN OF THE TERMS USED IN SAID ORDINANCE; ESTABLISHING A BOARD OF ADJUSTMENT; PROVIDING FOR CHANGES AND AMENDMENTS TO THE SAID REGULATIONS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

* * *

**BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF NEWCASTLE, WYOMING:**

SECTION 1. AUTHORITY

Ordinance No. 7, Series 1967, of the Code of the Town of the City of Newcastle, Wyoming, 1961, is hereby repealed.

SECTION 2. SHORT TITLE

The following shall replace the repealed Ordinance No. 7, Series 1967, of the Code of the Town of the City of Newcastle, Wyoming, 1961; to-wit:

COMPREHENSIVE ZONING ORDINANCE

SECTION 3. PURPOSE AND APPLICATION

a. Purpose. These regulations have been made in accordance with the policies and recommendations set forth in a duly-adopted Comprehensive Plan and have been enacted with the following purposes in mind:

(Section 3.a.(1))

- (1) To lessen congestion in the streets by coordinating land use with transportation policies.
- (2) To secure safety from fire, floods and other hazards.
- (3) To provide for adequate light and air for urban dwellers.
- (4) To promote the most appropriate use of land to insure orderly growth and to prevent overcrowding.
- (5) To allow for the adequate provision of needed public facilities to serve present and future populations.
- (6) To conserve the value of buildings and lands by insuring a compatible arrangement of land uses.
- (7) To otherwise promote the public health and general welfare of the community.

b. Application.

- (1) After the effective date of these regulations, no land shall be used or occupied and no structure shall be erected, altered, used or occupied, except in conformance with the provisions of these regulations.
- (2) These regulations shall apply to all private lands within the corporate limits of the City of Newcastle, Wyoming, as they may from time to time be amended, and to all public lands within the same area that are legally subject to these provisions.
- (3) The enactment of this ordinance shall not prohibit the continuance of the use of any land, building or structure for the purpose for which such land, building or structure is used at the time the ordinance takes effect; and it shall not be necessary to secure any permit or certificate permitting such continuance, provided however, that any significant alteration of or addition to any existing building or structure or the change in use of any land, building or structure within any area subject to the provisions of these regulations shall be regulated or prohibited.
- (4) The existence of restrictive covenants or agreements shall not be a substitute for these zoning regulations.
- (5) Wherever higher or more restrictive standards are established by the provisions of any other applicable statute, resolution or regulations, the provisions of such other statutes, resolution or regulations shall apply.

(Section 3.b.(6))

(6) No person, firm or corporation and no officer or employee thereof shall knowingly sell, rent or lease, or offer to sell, rent or lease any land or structure for any use or purpose contrary to the provisions of this ordinance.

c. Severability. If any part or provision of this ordinance or its application is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined to the part, provision, section or application expressly involved in the controversy and shall not affect or impair the integrity or validity of the remainder of the ordinance or its application to other persons, property or circumstances.

SECTION 4. ESTABLISHMENT OF ZONING DISTRICTS

a. District Classifications. In order to effectively carry out the provisions of these regulations, the lands within the corporate limits of the City of Newcastle shall be divided into the following zoning districts:

- (1) A Agricultural District
- (2) R-S Suburban Residential District
- (3) R-1 Single-family Residential District
- (4) R-2 Single- and Two-family Residential District
- (5) R-3 Single- and Multiple-family Residential District
- (6) M-H Mobile Home District
- (7) C-O Office and Institution District
- (8) C-P Planned Neighborhood Business District
- (9) C-1 General Commercial District
- (10) C-2 Central Business District
- (11) C-3 Business/Services District
- (12) I-1 Light Industrial District
- (13) I-2 Heavy Industrial District

(Section 4.b.)

b. District Zoning Map.

(1) The boundaries of these Zoning Districts are hereby established, as shown on a map entitled, “District Zoning Map, Newcastle, Wyoming”. This map, and all official amendments thereto, are hereby declared to be part of this ordinance.

(2) Unless otherwise defined, district boundary lines are intended to be lot lines; the centerline of streets, alleys, channelized waterways or similar rights-of-way; the centerline of blocks; section or township lines; municipal corporate lines; the centerline of streambeds; or other lines dimensioned or drawn to scale on the District Zoning Map.

(3) It is the intent of this ordinance that all lands lying within the corporate boundaries shall be within one of the enumerated Zoning Districts. If any such land is determined not to be within one of the enumerated Districts for whatever reason or cause, then no permits shall be issued for the use of the land or for the erection or alteration of any structures on the land until the area has been examined by the City Council and a zoning classification has been established within a reasonable period of time.

(4) All territory which shall hereafter be annexed to the City of Newcastle shall have a Zone District classification designated by the City Council as a part of the annexation and zoning process. Such a Zone District classification, once established, may be amended pursuant to the procedures established by this ordinance.

c. Zone Lot for Structures.

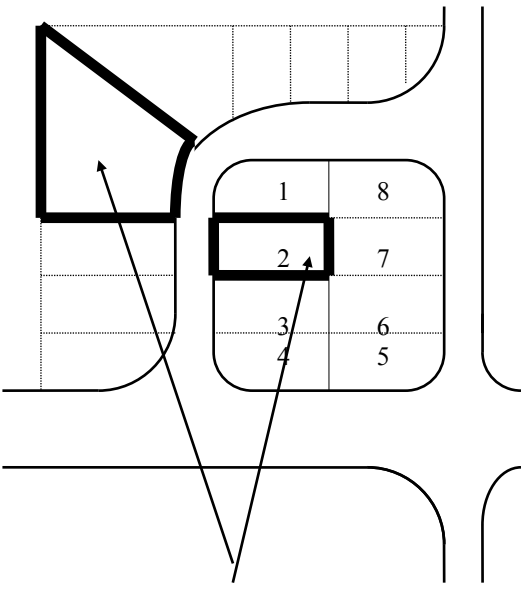
(1) Except in the A, Agricultural District, the C-2, Central Business District, and the I-2, Heavy Industrial District, or as otherwise provided by this ordinance, a separate ground area called the Zone Lot shall be designated, provided and maintained for each structure containing a Permitted Use or Uses. Each Zone Lot shall have at least one Front Line and shall be occupied only by a main structure containing the Permitted Use or Uses and a subordinate structure or structures containing only Accessory Uses. Designated Zone Lots in the A, C-2 and I-2 Districts may contain more than one main structure containing a Permitted Use or Uses.

(2) A Zone Lot shall consist of a single parcel of contiguous land and shall be designated as a Zone Lot only by the owner thereof. Where a designated Zone Lot is not owned by a single individual or entity or where the ownership of a structure to be placed on the Zone Lot is different from the ownership of the land, all responsible parties shall agree and participate in the designation of the Zone Lot. A record of the designation of Zone Lots shall be kept in the files of the Zoning Administrator.

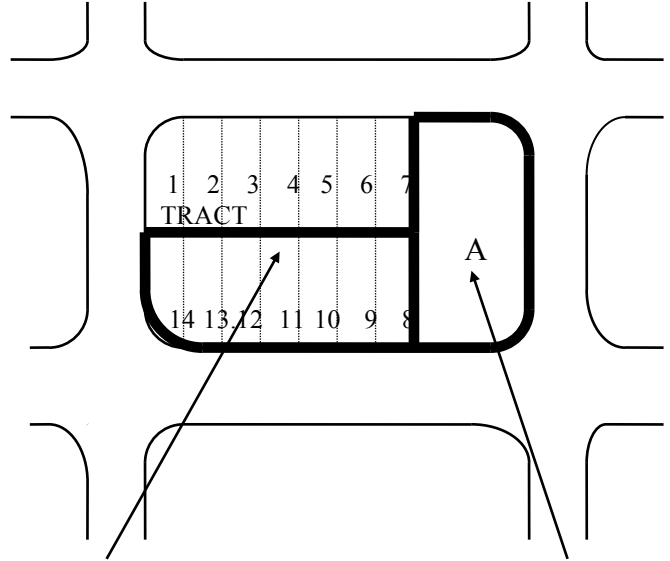
(3) No Zone Lot shall be designated unless it shall conform to all of the applicable regulations of the Zoning District in which the property is located.

ZONE LOT FOR STRUCTURES

A single parcel of contiguous land designated by the owner or owners as the area to be developed.



Single platted lots designated as Zone Lots



Several platted lots designated as a single Zone Lot

An unplatted tract of land designated as a single Zone Lot

Zone Lots must conform to the Minimum Area of Zone Lot requirements for the Zone District in which they are located.

(Section 4.c.(4))

(4) The land area occupied by a use and/or the building site designated and occupied by each structure existing on the effective date of this regulation shall be deemed the Zone Lot for such use and/or structure. Upon application to and approval by the Zoning Administrator, the boundaries and area of the Zone Lot may be amended, provided full compliance can be maintained with all of the requirements of this ordinance.

(5) When a Zone Lot is designated and said designation involves several lots of a platted, recorded subdivision, the outside boundaries of the Zone Lot shall conform to the platted lot lines of the recorded plat.

d. Uniform District Regulations. The provisions of this ordinance shall apply uniformly within all zoning districts bearing the same classification, as designated on the District Zoning Map, provided however, that:

(1) Where an ownership of record is divided by a district boundary line, each parcel thus created equal to or exceeding the minimum Zone Lot size, as established by this resolution, shall conform to the regulations pertaining to the zoning district in which each parcel is located.

(2) Where an ownership of record is divided by a district boundary line, any parcel thus created which is smaller than the minimum Zone Lot size for the district in which it is located, may be combined with the larger parcel and used for a use permitted in the zone district in which the larger of the two parcels is located.

(3) Where an ownership of record is divided by a district boundary line and both parcels thus created are smaller than the minimum Zone Lot size for the districts in which they are located, then the parcels may be combined and used for a use permitted in the most restrictive of the zoning districts.

SECTION 5. ADMINISTRATION AND ENFORCEMENT

a. Administering and Enforcement Agency. The Zoning Administrator shall be responsible for the administration and enforcement of this ordinance. The Zoning Administrator shall administer such other persons and monies for zoning purposes as the City Council may provide. In performing his duties, the Zoning Administrator, among other things, shall:

(1) Establish and administer rules and procedures for conducting the zoning affairs of the City to include the development of the necessary forms and development of procedures not described by this ordinance.

(2) Coordinate with other officials in the administration and enforcement of this ordinance.

(Section 5.a.(3))

(3) Receive and review all applications for permits for construction, alteration or change of use or occupancy of land or structures, and approve or disapprove such applications based on their conformance with the provisions of these regulations.

(4) Receive all notices of appeals and all requests for variances from the provisions of this ordinance, notify the Chief Building Inspector of the appeal or request and transmit the appeal or request, along with the record of the denial, order or requirement from which the appeal or request was made to the Board of Adjustment.

(5) Receive all applications for amendments to the language of this ordinance or to the District Zoning Map, refer such applications to appropriate agencies for comment and submit all such applications, along with the comments of the examining agencies and the comments of the Planning Commission to the City Council.

(6) Receive and review all applications for Development Plans and prepare recommendations on such plans for review and action by the Planning Commission.

(7) Participate, when deemed appropriate, in meetings or public hearings related to zoning before the Board of Adjustment, the Planning Commission or the City Council.

(8) Maintain the official District Zoning Map or maps and other records showing the current zoning classification of all lands within the City of Newcastle.

(9) Upon reasonable cause, revoke any Zoning Permit, issue cease and desist orders or take any other lawful action to insure substantial compliance with the provisions of this ordinance.

(10) Propose to the Planning Commission and to the City Council any changes to the Zoning Ordinance or the zone district classifications within the City that may, from time to time, be desirable or necessary. All such changes shall be subject to the amendment procedures set forth in this ordinance.

(11) Make any necessary examinations or studies relative to the use of land or structures to determine compliance with and appropriateness of these regulations.

(12) Maintain such records and files as may be necessary in the efficient conduct of the above duties.

b. Inspection Agency. The Zoning Administrator shall have the responsibility for inspections for insuring compliance with those provisions of this ordinance governing the actual development of land and the use of structures. The Zoning Administrator shall establish and maintain rules and procedures for the conduct of inspections.

(Section 5.c.)

c. Administrative Liability. The City shall hold harmless the Zoning Administrator and Chief Building Inspector and their official agents and representatives, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by this ordinance or for the omission of any act on the part of the Zoning Administrator, Chief Building Inspector or their authorized agents in the discharge of their duties hereunder. Any suit brought against the City, Mayor, or City Council because of any such act or omission in the carrying out of the provisions of this ordinance shall be defended by the City's legal department through final determination of such proceedings.

d. Permits.

(1) No building or structure shall be commenced, erected or altered until a Zoning Permit for CONSTRUCTION OR ALTERATION has been issued by the Zoning Administrator on forms provided by him, certifying that the proposed structure or structures complies with all of the provisions of this ordinance. Accessory structures, which are minor in nature, do not require a permanent foundation, are not fixed to a permanent location on the ground or are not attached to a structure containing a Permitted Use shall not require such a permit. Mobile homes in transit, at a mobile home sales lot or in storage and unoccupied shall not require such a permit.

(2) No building or structure shall be used or occupied until a CERTIFICATE OF OCCUPANCY AND USE, has been issued by the Zoning Administrator certifying that the use and occupancy complies with all of the provisions of this ordinance. The Certificate of Occupancy and Use shall not be valid unless the construction of the building or structure has been approved by the Chief Building Inspector. Accessory structures, which are minor in nature, are not intended for residential occupancy, do not require a permanent foundation, are not fixed to a permanent location on the ground or are not attached to a structure containing a Permitted Use shall not require such a permit. Mobile homes in transit, at a mobile home sales lot or in storage and unoccupied shall not require such a permit.

(3) Neither the use of any land nor the use within any building or structure shall be changed until a new Certificate of Occupancy and Use has been issued by the Zoning Administrator certifying that the use complies with all of the provisions of this ordinance. Such a permit shall not be required for Accessory Uses, as described in 5.d.(2) above.

(4) No accessory structure or building unless excepted by 5.d.(2) shall be constructed or placed upon a Zone Lot until a legal, Permitted Use has been established.

(5) Applications for Zoning Permits, required by Section 5.d.(1), 5.d.(2) and 5.d.(3) above, shall be accompanied by a plat, drawn to scale, containing the name and address of the applicant; the location, shape and dimensions of the land area in question; the dimensions,

(Section 5.d.(5) - continued)

shape and location of existing and proposed structures; existing and proposed uses of the structure, structures or land area; location, layout and number of spaces for off-street parking and loading; and such other information as may be necessary for the proper enforcement of this ordinance.

(6) No Zoning Permit shall be issued for the erection, alteration, use or occupancy of any structure intended for human use or occupancy which will not be connected to a public sewage system or which is not served by a water supply system meeting all of the standards and requirements of the State of Wyoming Health and Social Services Department and approved by the City Engineer.

(7) The Zoning Administrator shall act promptly upon any permit application filed with him, and shall grant permits in all cases in which the proposed construction or use complies with the requirements of the Zoning Ordinance; and if he denies the application, shall specify the reasons for such denial in writing and provide a copy of same to applicant.

(8) Permits shall not be required for structures legally existing nor for the use of any structure or land area legally established prior to the effective date of this ordinance; provided, however, that any future modifications to existing structures or changes of use of any structure or land area shall require permits as provided by this ordinance.

(9) A copy of all required Permits and variance requests shall be filed by the Zoning Administrator and shall be available for examination.

e. Violations, Penalties and Remedies.

(1) No person shall locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or use any land in violation of this ordinance.

(2) The Zoning Administrator, or his authorized representatives, shall order, in writing, the remedying of any violation. Such order shall state the nature of the violation, the ordinance provision violated, and the reasonable time by which the violation must be corrected. After any such order has been served, no work shall proceed on any structure or tract of land covered by such an order, except to correct such violation or to comply with the order.

(3) This ordinance shall be enforceable, in addition to the other remedies provided by law, by injunction, mandamus, or proceedings in abatement. Appeals from judgments rendered in any action instituted to enforce this ordinance shall be permitted and shall be in accordance with the general appeal provisions of Wyoming Rules of Civil Procedure.

(4) Persons or corporations convicted of violations of this ordinance shall be fined not more than \$100.00 for each offense. Each day's continuation of such a violation is a separate offense.

(Section 5.e.(5))

(5) This ordinance shall not be construed to hold the City of Newcastle, its Zoning Administrator or Chief Building Inspector responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or by reason of issuing a Zoning Permit, as herein provided.

f. Appeals.

(1) Any order or decision of the Zoning Administrator may be appealed to the Board of Adjustment by any aggrieved person or any officer, department, board or bureau of the City affected by any such order or decision. Any such appeal shall be taken within ten (10) days from the date of the action appealed from, by filing a written notice of appeal specifying the grounds for the appeal with the Zoning Administrator. Forms shall be provided for this purpose. Upon receipt of a notice of appeal, the Zoning Administrator shall transmit to the Board of Adjustment the notice of appeal and all of the original documents, or true copies thereof, constituting the record upon which the action appealed from was taken.

(2) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator, or his authorized representative, shall certify to the Board of Adjustment, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such a case, the Board shall tentatively reaffirm the action of the Zoning Administrator and allow the order or decision to stand, or shall direct the Zoning Administrator to stay further proceedings; both actions to be taken by the Board pending the results of the appeal public hearing. If the Board reaffirms the order or decision of the Zoning Administrator, proceedings shall not be stayed, except by a restraining order granted by the District Court after giving due notice to the Zoning Administrator.

g. Board of Adjustment - Creation.

(1) The members of the City Planning Commission shall serve without compensation as the Board of Adjustment for the City. (Ord. # 6, Series 1997)

(2) The Board of Adjustment may appoint a Secretary to the Board, as provided by the Governing Body.

(3) The members of the Board of Adjustment shall meet at least once a month, at such time and place as they may fix by resolution. They shall select one (1) of their members as chairman and one (1) as vice chairman, who shall serve one (1) year and until their successors have been selected. Special meetings may be called at any time by the chairman or, in his absence, by the vice chairman. A majority of the Board shall constitute a quorum for the transaction of business.

h. Powers and Jurisdiction of the Board. The Board of Adjustment has the following

APPEAL PROCESS

1
Submit Appeal Within
10 Days of Action



2
Board of Adjustment
Holds Public Hearing



3
Board of Adjustment
Decision Within 30 Days

(Section 5.h. - continued)

powers and jurisdiction:

- (1) To hear and decide:
 - a) Appeals from and review any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance.
 - b) All matters referred to the Board or upon which the Board is required to pass under this Ordinance.
- (2) To interpret the provisions of this Ordinance in such a way so as to further the intent and purposes of the recommendations and policies of the duly-adopted Comprehensive Plan.
- (3) To permit the reconstruction of a nonconforming building which has been damaged by casualty, act of God or public enemy, to the extent of more than sixty percent (60%) of the structural value of the building and the land upon which it is located where the Board finds some compelling public necessity requiring continuance of the nonconforming use; and the primary purpose of continuing the nonconforming use is not to continue a monopoly. In the case of doubt, the fair market value shall be determined, as provided, in Section 8, Nonconforming Uses and Structures.
- (4) To authorize upon appeal and in specific cases, an increase in the land area occupied by a legal, existing Zone Lot, or the floor area occupied by a legal, nonconforming use in an existing structure, subject to terms and conditions fixed by the Board.
- (5) To grant variances from the strict application of any of the requirements of this Ordinance in accordance with the rules and requirements set forth in Section 5.i. of this Ordinance.
- (6) To grant variances upon request after showing that an illegal construction or a nonconforming building or use existed for a period of at least five (5) years in violation of local ordinance, including this Ordinance, and the City has not taken steps toward enforcement. A variance may be granted pursuant to this subsection which does not comply with the requirements for variances generally as set forth in Section 5.i. of this Ordinance.
- (7) Subject to the limitations set forth in this Section, the Board, by majority vote of the Board, whether present or not, may reverse, affirm or modify the order, requirement, decision or determination appealed from and relating to this Ordinance and may make such order, decision or requirements as ought to be made; and to that end, the Board shall have all of the powers of the official or agency appealed from. The Board may also attach conditions to a decision.

(Section 5.i.)

i. Variances.

(1) The Board of Adjustment may authorize, upon appeal, such variances from the terms of this Ordinance, as shall not be contrary to the public interest. Such appeals shall be made only after the denial of a Zoning Permit by the Zoning Administrator and shall be made on forms provided for this purpose. The request for a variance shall be filed with the Zoning Administrator. Upon receipt of a request for a variance, the Zoning Administrator shall transmit the request, a copy of the denial and any other pertinent information to the Board for their consideration.

(2) Each variance granted shall not be personal to the applicant but shall apply to a specific use or structure and shall run with the real property upon which it is granted; provided, however, that nothing contained herein shall, nor is intended to, restrict the power of the Board to limit or condition any variance granted in any manner the Board deems appropriate and in harmony with this Ordinance.

(3) The purpose of any variance shall be to modify, vary or adjust the strict application of any of the requirements of this Ordinance in the case of any physical condition applying to a lot or building if the strict application would deprive the owner of the reasonable use of the land or building involved. No adjustment in the strict application of any provision of this Ordinance may be granted unless:

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

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

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

j. Rules for Proceeding before the Board on Appeals and Variances.

(1) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, Department or Agency of the City affected by any decision of the Zoning Administrator; provided, however, that only the property owner, or his duly authorized and designated agent or attorney, may apply for a variance from the provisions of the Zoning

(Section 5.j.(1) - continued)

Ordinance affecting his property. Such appeal shall be made in writing on forms provided and shall be taken within ten (10) days from the date of the decision appealed from. (Ord. #3 Series 1988)

(2) Decisions of the Board of Adjustment, in regard to appeals from an order or decision of an agency or official or in regard to variances from the provisions of the Zoning Ordinance, shall be reached only after a public hearing. The Board shall fix a reasonable time and place for the hearing and shall proceed in accordance with the following rules:

(a) Public notice shall be given of all hearings. Public notice shall consist of the posting of a sign by a designated City official on the affected property for at least five (5) days prior to the date of the hearing and one publication of a notice by the City in a newspaper of general circulation at least five (5) days prior to the hearing. Both the sign and the newspaper notice shall identify the applicant, shall briefly state the nature of the appeal or the variance sought and shall give the date, time and place of the hearing. All hearings shall be open to the public.

(b) Due notice of the hearing shall also be given to the parties at interest, including the Chief Building Inspector. These agencies shall be permitted to be heard on behalf of the City in all public hearings.

(c) At any public hearing, any interested party may appear in person or be represented by an agent or attorney; and after being duly sworn, may offer evidence and testimony and cross-examine witnesses.

(d) All witnesses shall be sworn or shall affirm their testimony in the manner required in courts or record.

(e) All testimony and evidence shall be presented publicly.

(f) The Board shall keep a record of the proceedings for each matter heard which shall be kept on file and copies made available to any party at cost. The record of proceedings may include documents and physical evidence considered in the case.

(g) The Board shall render a written decision on each case heard within thirty (30) days of the hearing. Each decision must be accompanied by reasons therefor, and based on findings of fact. The record shall show the grounds for each decision and the vote of each member upon each question. The record of proceedings shall be a public record. In addition to this record of proceedings, the Board shall cause a description of each variance granted to be filed with the title of the affected property. The description shall include the nature of the variance, any time limitations and any special conditions imposed by the Board.

(h) The concurring vote of a majority of the members of the Board

(Section 5.j.(2) - continued)

shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant upon any matter upon which it is required to pass concerning this Ordinance, or to affect any variation in this Ordinance. (Ord. # 7, Series 1997)

k. Schedule of Fees. The following fees shall be collected by the City of Newcastle Zoning Administrator prior to the filing of the following applications.

(1)	Zoning Permits:	
	CONSTRUCTION OR ALTERATION Permit for Structure	\$ 10.00
	CERTIFICATE OF OCCUPANCY AND USE Permit (Initial)	No Fee
	CERTIFICATE OF OCCUPANCY AND USE Permit (for New Use or Change of Use)	\$ 10.00
(2)	Amendments:	
	Amendment to Official Zoning Map	\$ 25.00
	Amendment of Language of Resolution	\$ 25.00
(3)	Development Plans	\$ 35.00
(4)	Appeals and Variances (Ord. #10 Series 1987)	\$ 100.00
(5)	Special Plan for Off-street Parking	\$ 10.00
(6)	Temporary Use Permit	\$ 10.00
(7)	Fence Permit	\$ 10.00
(8)	Sign Permit	\$ 10.00
(9)	Zero Lot Line Site Plan	\$ 35.00

SECTION 6. DISTRICT REGULATIONS

a. A - Agricultural District.

(1) Purpose. 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.

(2) Permitted Uses. The following Uses may be operated as Permitted Uses in the District:

(a) General agriculture - shall include farming, ranching, grazing, dairying, animal or plant husbandry. Not permitted, however, are:

(1) the spreading, accumulation, feeding or use of garbage in any manner on the open surface of the land;

(2) animal feedlot or commercial holding pens;

(3) a use or activity engaged in, within three-hundred (300) feet of a residential or retail business structure, if such use or activity results in unreasonable and continuous odors, dust or noise.

(b) Church or parish house.

(c) Cemetery.

(d) Fire station.

(e) Golf course.

(f) Greenhouse or plant nursery.

(g) Kennel for the keeping, boarding or training of animals.

(h) Public or private schools for elementary or secondary education.

(i) Public park, playground and other public recreational facilities.

(j) Recreation camp.

(k) Railway right-of-way.

(l) Radio and television transmitting stations and towers.

(Section 6.a.(2) - continued)

(m) Stand for the sale, at retail, of agricultural products or commodities raised on the premises.

(n) Transmission line, station and tower.

(o) Veterinary clinic, including observation pens.

(p) Essential public utility and public service installation. Such uses shall not include business offices, repair, sales or storage facilities.

(3) Permitted Accessory Uses. Any Use which complies with all of the following conditions may be operated as an Accessory Use to a Permitted Use:

(a) Is clearly incidental to and commonly associated with the operation of the Permitted Use.

(b) Is operated under the same ownership and on the same property as the Permitted Use.

(c) Does not include permanent, residential occupancy, except by owners or persons employed on the premises and their immediate families. Single-family dwellings, mobile homes, guest homes and lodges may be Accessory Uses to a Permitted Use.

(4) Minimum Area of Zone Lot - none, except that where permanent residential occupancy is conducted as an Accessory Use, there shall be at least three (3) acres of land for each permanently-occupied dwelling unit.

(5) Minimum Width of Zone Lot - none.

(6) Minimum Yards for Structures.

(a) Front Yards - thirty (30) feet, except that on a corner lot, any Front Yard not directly adjacent to the primary entrance to a mail building may be reduced to twenty-five (25) feet.

(b) Side Yards - fifteen (15) feet.

(c) Rear Yards - forty (40) feet.

(d) Structures containing Accessory Use only - five (5) feet; provided however, that a garage entered from an alley shall be located no closer than ten (10) feet from the alley. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.

(7) Permitted Yard Encroachments.

(Section 6.a.(7) - continued)

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty-four (24) inches into all yards.

(b) Open or unwallled porches, terraces, balconies and exterior stairways may project three-and-one-half (3 1/2) feet into all yards.

(8) Maximum Height of Structures.

(a) When a building or structure is within one-hundred-fifty (150) feet from a residential district - thirty-five (35) feet.

(b) When a building or structure is more than one-hundred-fifty (150) feet from a residential district - eighty (80) feet.

(9) 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.

(10) Fences, Walls and Retaining Walls. See Section 6.n.

(11) Home Occupations. See Section 6.o.

b. R-S - Suburban Residential District.

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

(2) Permitted Uses. The following Uses may be operated as Permitted Uses in the District:

(a) Single-family dwelling.

(b) Cemetery.

(c) Church and parish house.

(d) Community center, may be public or private, but not operated for gain.

(e) Fire station.

(f) Public park, playground and other public recreational facilities.

(Section 6.b.(2) - continued)

(g) Public and private school for elementary or secondary education.

(h) Essential public utility and public service installation. Such uses shall not include business offices, repair, sales or storage facilities.

(3) Permitted Accessory Uses. Any such Use which complies with all of the following conditions may be operated as an Accessory Use to a Permitted Use:

(a) Is clearly incidental and customary to and commonly associated with the operation of the Permitted Use.

(b) Is operated and maintained under the same ownership and on the same Zone Lot as the Permitted Use.

(c) Does not include structures or structural features inconsistent with the Permitted Use.

(d) Does not include residential occupancy.

(e) Livestock and fowl shall be permitted in the R-S District in accordance with the following provisions:

(1) The number of livestock, including horses, cattle, sheep, burros, or goats (excluding swine), allowed on a platted lot shall be limited to one (1) animal per one-and-a-half (1 1/2) acres of lot area (includes minimum Zone Lot area), up to a total of four animals. Unweaned offspring shall not be included in this allowance.

(2) Rabbits, fowl or poultry, including chickens, turkeys, geese or game birds shall be limited to ten (10) rabbits or mixed fowl per acre.

(3) No commercial breeding of livestock and fowl shall be permitted.

(4) Areas of the lot, as well as accessory buildings or structures devoted to livestock and fowl, shall be maintained and kept in such a manner as to not constitute a nuisance to the surrounding properties.

(f) If operated wholly or partially within a structure containing a Permitted Use, the gross floor area utilized by the Accessory Use shall not exceed thirty percent (30%) of the gross floor area of the Permitted Use.

(g) 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

(Section 6.b.(3) - continued)

Use. Separate, detached structures containing an Accessory Use shall be, at a minimum, fifteen (15) feet from structures containing a Permitted Use.

(4) Minimum Area of Zone Lot - one (1) acre.

(5) Minimum Width of Zone Lot - one-hundred-twenty-five (125) feet.

(6) Minimum Yards for Structures.

(a) Front Yards - thirty (30) feet, except that on a corner lot, any Front Yard not directly adjacent to the primary entrance to a main building may be reduced to twenty-five (25) feet.

(b) Side Yards.

(1) Structures containing Permitted Uses - fifteen (15) feet.

(2) Structures containing an Accessory Use only - six (6) feet.

(c) Rear Yards.

(1) Structures containing Permitted Uses - forty (40) feet.

(2) Structures containing Accessory Use only - ten (10) feet.

A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.

(7) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty-four (24) inches into all yards.

(b) Open or unwallled porches, terraces, balconies and exterior stairways may project three-and-one-half (3 1/2) feet into all yards.

(c) Cornices, overhangs, eaves and gutters may project two (2) feet into all yards.

(8) Maximum Height of Structures - thirty-five (35) feet.

(9) 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.

(10) Fences, Walls and Retaining Walls. See Section 6.n.

(Section 6.b.(11))

(11) Home Occupations. See Section 6.o.

c. R-1 - Single-family Residential District.

(1) Purpose. This District is intended to be applied to lands which are suitable for low-density residential development within the existing community. The District also allows Uses which are compatible with and provide support to a low-density residential environment.

(2) Permitted Uses. The following Uses may be operated as Permitted Uses in the District:

(a) Single-family dwelling, excluding manufactured homes - may include the rooming and/or boarding of up to two (2) persons, provided no separate kitchen is involved. (Ord. # 6, Series 2000)

(b) Cemetery.

(c) Church and parish house.

(d) Community center, may be public or private, but not operated for gain.

(e) Family day care home, as licensed by the State of Wyoming, provided the necessary State license has been obtained.

(f) Fire station.

(g) Foster home, as licensed by the State of Wyoming, provided the necessary State license has been obtained.

(h) Golf courses, including club house facilities.

(i) Library

(j) Police station.

(k) Public park, playground and other public recreational facilities.

(l) Public and private school for elementary or secondary education.

(m) Essential public utility and public service installation. Such uses shall not include business offices, repair, sales or storage facilities.

(3) Permitted Accessory Uses. Any Use which complies with all of the

(Section 6.c.(3) - continued)

following conditions may be operated as an Accessory Use to a Permitted Use:

(a) Is clearly incidental and customary to and commonly associated with the operation of the Permitted Use.

(b) Is operated and maintained under the same ownership and on the same Zone Lot as the Permitted Use.

(c) Does not include structures or structural features inconsistent with the Permitted Use.

(d) Does not include residential occupancy.

(e) If operated wholly or partially within the structure containing the Permitted Use, the gross floor area utilized by the Accessory Use shall not exceed thirty percent (30%) of the gross floor area utilized by the Permitted Use.

(f) 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. Separate, detached structures containing an Accessory Use shall be, at a minimum, ten (10) feet from structures containing a Permitted Use.

(4) Minimum Area of Zone Lot - six-thousand (6,000) square feet.

(5) Minimum Width of Zone Lot - fifty (50) feet at Front Setback line.

(6) Minimum Yards for Structures.

(a) Front Yards - twenty (20) feet, except that on a corner lot, any Front Yard not directly adjacent to the primary entrance to a main building may be reduced to fifteen (15) feet.

(b) Side Yards - five (5) feet, except that on lots of record existing on the effective date of this resolution and having a width of less than fifty (50) feet, the Side Yard may be reduced to three (3) feet.

(c) Rear Yards.

(1) Structures containing Permitted Uses - twenty (20) feet, or twenty percent (20%) of the depth of the Zone Lot, whichever is smaller.

(2) Structures containing Accessory Use only - five (5) feet - provided however that a garage entered from an alley shall be located no closer than ten (10) feet from the alley. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.

(Section 6.c.(7))

(7) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty-four (24) inches into Front or Rear Yards.

(b) Open or unwallled porches, terraces, balconies and exterior stairways may project three-and-one-half (3 1/2) feet into Front and Rear Yards.

(c) Cornices, overhangs, eaves and gutters may project two (2) feet into all yards.

(8) Maximum Height of Structures - thirty-five (35) feet.

(9) 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.

(10) Required Open Space.

(a) Zone Lots occupied by single-family dwellings shall maintain fifty percent (50%) of the Zone Lot area as free and unobstructed open space.

(b) Areas devoted to off-street parking shall not be counted as free and unobstructed open space.

(11) Fences, Walls and Retaining Walls. See Section 6.n.

(12) Home Occupations. See Section 6.o.

d. R-2 - Single- and Two-family Residential District.

(1) Purpose. This District is intended to provide for a compatible mixture of single- and two-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.

(2) Permitted Uses. The following Uses may be operated as Permitted Uses in the District:

(a) Single-family dwelling - may include the rooming and boarding of up to two (2) persons, provided no separate kitchen is involved.

(b) Two-family dwelling.

(Section 6.d.(2) - continued)

- (c) Cemetery
 - (d) Church and parish house.
 - (e) Community center, may be public or private, but not operated for gain.
 - (f) Day care (family day care home or group day care home, as licensed by the State of Wyoming), provided the necessary State license has been obtained.
 - (g) Fire station.
 - (h) Foster home or group foster home, as licensed by the State of Wyoming, provided the necessary State license has been obtained.
 - (i) Library.
 - (j) Mortuary.
 - (k) Police station.
 - (l) Public park, playground and other public recreational facilities.
 - (m) Public and private school for elementary and secondary education.
 - (n) Railway right-of-way.
 - (o) Essential public utility and public service installation. Such uses shall not include business offices, repair, sales or storage.
 - (p) Two-unit townhouse.
 - (q) Parking of Vehicles - must comply with all of the provisions of Section 9.b. relating to design, use and maintenance of off-street parking.
- (3) Permitted Accessory Uses. Any Use which complies with all of the following conditions may be operated as an Accessory Use to a Permitted Use:
- (a) Is clearly incidental and customary to and commonly associated with the operation of the Permitted Use.
 - (b) Is operated and maintained under the same ownership and on the same Zone Lot as the Permitted Use.

(Section 6.d.(3) - continued)

(c) Does not include structures or structural features inconsistent with the Permitted Use.

(d) Does not include residential occupancy.

(e) If operated wholly or partly within a structure containing the Permitted Use, the gross floor area utilized by the Accessory Use shall not exceed thirty percent (30%) of the gross floor area of the Permitted Use.

(f) 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. Separate, detached structures containing an Accessory Use shall be, at a minimum, ten (10) feet from structures containing a Permitted Use.

(4) Minimum Area of Zone Lot - six-thousand (6,000) square feet. The Zone Lot on which there is erected a two-family dwelling shall contain an area of not less than four-thousand (4,000) square feet per dwelling unit.

(5) Minimum Width of Zone Lot - fifty (50) feet at Front Setback Line.

(6) Minimum Yards for Structures.

(a) Front Yards - twenty (20) feet, except that on a corner lot, any Front Yard not directly adjacent to the primary entrance of a main building may be reduced to fifteen (15) feet.

(b) Side Yards - five (5) feet, except that on lots of record existing on the effective date of this resolution and having a width of less than fifty (50) feet, the Side Yard may be reduced to three (3) feet.

(c) Rear Yards.

(1) Structures containing Permitted Uses - twenty (20) feet or twenty percent (20%) of the depth of the Zone Lot, whichever is smaller.

(2) Structures containing Accessory Uses only - five (5) feet - provided however that a garage entered from an alley shall be located no closer than ten (10) feet from the alley. A carport entered from the alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.

(7) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty-four (24) inches into Front or Rear Yards.

(Section 6.d.(7) - continued)

(b) Open or unwallled porches, terraces, balconies and exterior stairways may project three-and-one-half (3 1/2) feet into Front and Rear Yards.

(c) Cornices, overhangs, eaves and gutters may project two (2) feet into all yards.

(8) Maximum Height of Structures - thirty-five (35) feet.

(9) 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.

(10) Required Open Space.

(a) Zone Lots occupied by single-family dwellings shall maintain fifty percent (50%) of the Zone Lot as free and unobstructed open space for each dwelling unit.

(b) Zone Lots occupied by two-family dwellings shall maintain seven-hundred-fifty (750) square feet of free and unobstructed open space for each dwelling unit.

(c) Area devoted to off-street parking shall not be counted as free and unobstructed open space.

(11) Fences, Walls and Retaining Walls, See Section 6.n.

(12) Home Occupations. See Section 6.o.

e. R-3 - Multi-family Residential District.

(1) Purpose. This District is intended to allow 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.

(2) Permitted Uses. The following Uses may be operated as Permitted Uses in the District.

- (a) Single-family dwelling.
- (b) Multiple-family dwelling.
- (c) Boarding and/or rooming house.
- (d) Church.

(Section 6.e.(2) - continued)

- (e) Community center, may be public or private, but must be non profit.
- (f) Club or lodge, private and operated for the benefit of members and must be non profit.
- (g) Condominium and townhouse.
- (h) Day care (family day care home, group day care home or group day care center, as licensed by the State of Wyoming), provided the necessary State license has been obtained.
- (i) Fire station.
- (j) Foster home or group foster home, as licensed by the State of Wyoming, provided the necessary State license has been obtained.
- (k) Group care facility.
- (l) Hospital.
- (m) Institution of higher learning, including dormitory accommodations.
- (n) Library.
- (o) Museum.
- (p) Mortuary.
- (q) Nursing home or home for the elderly.
- (r) Orphanage.
- (s) Parking of vehicles - must comply with all of the provisions of Section 9.b. relating to design, use and maintenance of off-street parking.
- (t) Police station.
- (u) Public park, playground and other public recreational facilities.
- (v) Public or private school for elementary or secondary education.

(Section 6.e.(2) - continued)

(w) Essential public utility or public service installation. Such uses shall not include business offices, repair, sales or storage facilities.

(3) Permitted Accessory Uses. Any Use which complies with all of the following conditions may be operated as an Accessory Use to a Permitted Use:

(a) Is clearly incidental and customary to and commonly associated with the operation of the Permitted Use.

(b) Is operated and maintained under the same ownership and on the same Zone Lot as the Permitted Use.

(c) Does not include structures or structural features inconsistent with the Permitted Use.

(d) Does not include residential occupancy.

(e) 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 percent (30%) of the gross floor area of the Permitted Use.

(f) 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. Separate, detached structures containing an Accessory Use shall be, at a minimum, ten (10) feet from structures containing a Permitted Use.

(g) In the R-3 District, a restaurant or cafeteria shall be considered a legitimate Accessory Use only for the following Permitted Uses: boarding and/or rooming house, nursing home, hospital and elementary or secondary school.

(4) Minimum Area of Zone Lot - six-thousand (6,000) square feet, plus one-thousand-five-hundred (1,500) square feet for each dwelling unit in a multiple-family and condominium dwelling in excess of four (4) dwelling units. The minimum area of a Zone Lot for townhouses shall be three-thousand (3,000) square feet per unit. Living units in boarding and/or rooming houses and dormitories shall not be construed to be dwelling units for the purposes of this requirement.

(5) Minimum Width of Zone Lot - fifty (50) feet at Front Setback Line.

(6) Minimum Yards for Structures.

(a) Front Yards - ten (10) feet. On a corner lot, the ten- (10) foot Front Yard shall apply to both streets.

(Section 6.e.(6) - continued)

(b) Side Yards.

(1) For buildings less than thirty-five (35) feet in height - five (5) feet.

(2) For buildings thirty-five (35) feet or more - eight (8) feet.

(3) When the primary building entrance is located in the Side Yard, the Side Yard shall be increased an additional five (5) feet.

(c) Rear Yards.

(1) Structures containing Permitted Uses - twenty (20) feet or twenty percent (20%) of the depth of the Zone Lot, whichever is smaller.

(2) Structures containing Accessory Uses only - five (5) feet; provided however, that a garage entered from an alley shall be located no closer than ten (10) feet from the alley. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.

(7) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty-four (24) inches into Front or Rear Yards.

(b) Open or unwallled porches, terraces, balconies and exterior stairways may project three-and-one-half (3 1/2) feet into Front and Rear Yards.

(c) Cornices, overhangs, eaves and gutters may project two (2) feet into all yards.

(8) Maximum Height of Structures.

(a) Within one-hundred-fifty (150) feet (including street and alley rights-of-way) of an R-1, R-2, R-3, or M-H District - fifty (50) feet.

(b) More than one-hundred-fifty (150) feet from an R-1, R-2, R-3, or M-H District - one-hundred (100) feet.

(9) 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.

(10) Required Open Space.

(Section 6.e.(10) - continued)

(a) Zone Lots occupied by single-family dwellings shall maintain fifty percent (50%) of the Zone Lot as free and unobstructed open space.

(b) Zone Lots occupied by multiple-family dwellings shall maintain five-hundred (500) square feet of free and unobstructed open space for each dwelling unit.

(c) Zone Lots occupied by a boarding or rooming house shall maintain five-hundred (500) square feet of free and unobstructed open space for each sleeping room.

(d) Area devoted to off-street parking shall not be counted as free and unobstructed open space.

(11) Fences, Walls and Retaining Walls. See Section 6.n.

(12) Home Occupations. See Section 6.o.

f. M-H - Mobile Home District.

(1) Purpose. This District is intended primarily for mobile homes located in planned mobile home courts or parks and mobile homes located on separate Zone Lots in planned mobile home subdivisions. Secondly, this District allows conventional, single-family dwellings on separate Zone Lots.

(2) Permitted Uses. The following Uses may be operated as Permitted Uses in the District:

(a) Mobile home park or court containing five (5) or more mobile homes.

(b) Mobile home subdivision containing two (2) or more mobile homes and complying with all of the provisions of these regulations and the Subdivision Regulations of the City of Newcastle.

(c) Single-family dwelling, may include the rooming and/or boarding of up to two (2) persons, provided no separate kitchen is involved.

(d) Church and/or parish house.

(e) Public park or playground.

(f) Community center, may be public or private, but not operated for gain.

(Section 6.f.(2) - continued)

(g) Fire station.

(h) Essential public utility and public service installation. Such uses shall not include business offices, repair, sales or storage facilities.

(3) Permitted Accessory Uses. Any Use which complies with all of the following conditions may be operated as an Accessory Use to a Permitted Use:

(a) Is clearly incidental and customary to and commonly associated with the operation of the Permitted Use.

(b) Is operated under the same ownership and on the same Zone Lot as the Permitted Use.

(c) Does not include structures or structural features inconsistent with the Permitted Use.

(d) Does not include residential occupancy, except that a single-family dwelling on its own designated area for the owner or manager of a mobile home court or park, may be considered a Permitted Accessory Use.

(e) If operated wholly or partially within the structure containing the Permitted Use, the gross floor area utilized by the Accessory Use shall not exceed thirty percent (30%) of the gross floor area of the Permitted Use.

(f) 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. Separate, detached structures containing an Accessory Use shall be, at a minimum, ten (10) feet from mobile homes or other structures containing a Permitted Use.

(g) Central laundries, showers, recreation or administrative space may be considered as Accessory Uses to a mobile home court or park.

(4) Minimum Area of Zone Lot.

(a) For each mobile home in a mobile home court or park, there shall be provided a minimum land area of four-thousand (4,000) square feet, exclusive of public street rights-of-way or private street easements.

(b) For each single-family dwelling, there shall be provided and maintained a separately-designated land area of six-thousand (6,000) square feet.

(c) For each mobile home in a mobile home subdivision, there shall be

(Section 6.f.(4) - continued)

provided and maintained a separately designated Zone Lot of six-thousand (6,000) square feet.

(5) Minimum Width of Zone Lot.

(a) For lots of at least six-thousand (6,000) square feet - fifty (50) feet at the Front Setback Line.

(b) For lots of less than six-thousand (6,000) square feet - forty (40) feet at the Front Setback Line.

(6) Minimum Yards for Structures.

(a) Front Yards - twenty (20) feet, except that on a corner lot, any Front Yard not directly adjacent to the primary entrance of a main building may be reduced to fifteen (15) feet.

(b) Side Yards - five (5) feet, except for the main entry side of a mobile home unit - fifteen (15) feet.

(c) Rear Yards - ten (10) feet.

(d) Accessory Structures - not permitted in the Front Yard and not to be located closer than ten (10) feet to the mobile home and no closer than five (5) feet from any property line, except that a garage entered from an alley shall be located no closer than ten (10) feet from the alley. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except be a vehicle parked therein.

(7) Permitted Yard Encroachments.

(a) Outdoor terraces or patios constructed at grade and without roofs or walls may project one-half (1/2) the distance of the required Yard into any yard.

(b) Open or unwallled porches, decks, balconies and exterior stairways may project three-and-one-half (3 1/2) feet into any yards.

(c) Window canopies may project two (2) feet into any yards.

(8) Maximum Height of Structures - thirty-five (35) feet.

(9) 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.

(10) Required Open Space.

(Section 6.f.(10) - continued)

(a) For each mobile home or single-family dwelling, there shall be provided and maintained at least two-thousand (2,000) square feet of free and unobstructed open space.

(b) Area devoted to off-street parking shall not be counted as free and unobstructed open space.

(11) Fences, Walls and Retaining Walls. See Section 6.n.

(12) Street Standards.

(a) Where the individual mobile home units in a Mobile Home District are served by dedicated public streets, those public streets shall be platted and constructed according to the applicable street standards of the City of Newcastle.

(b) Where individual mobile home units are served by a private street system, those streets shall:

(1) Provide a driving surface of twenty-four (24) feet within an easement of forty (40) feet. Parking shall be allowed on only one (1) side of the street.

(2) Be graded and well-drained.

(3) Be accessible at all times to emergency vehicles.

(4) Be maintained at all times by the owner and operator of the mobile home subdivision or by an established homeowners' association.

(13) Utilities. Utility hookups shall be provided for each mobile home unit in the mobile home subdivision. These utilities shall include water, sewer, gas, electricity and telephone.

(14) Skirting: All mobile homes not in mobile home courts or parks shall have a skirting of a rigid type material, such as masonry, masonite, metal or wood but such skirting shall not permanently attach the mobile home to the ground or create a fire hazard. Such skirting must be in place within sixty (60) days after the mobile home is set on the Zone Lot.

(15) Home Occupations. See Section 6.o.

(16) Garbage Receptacles. In Mobile Home Parks, garbage and rubbish shall be disposed of in bins of a size to fit the city garbage truck. One bin shall be provided for each ten (10) units or fraction thereof.

(Section 6.g)

g. C-O - Office and Institution District.

(1) Purpose. This District is intended to permit a compatible mixture of public, quasi-public, and private institutional and professional service uses at a moderate level of intensity. This District is designed to be compatible with nearby residential districts.

(2) Permitted Uses. The following Uses may be operated as Permitted Uses in the District:

- (a) Barber and beauty shop.
- (b) Boarding and/or rooming house.
- (c) Book and stationary stores.
- (d) Candy shop.
- (e) Church and parish house.
- (f) Cigar and tobacco stores.
- (g) Clinic, medical or dental.
- (h) Club or lodge, private and operated for the benefit of members and not for gain.
- (i) Drug store (less than three-thousand [3,000] square feet of floor area).
- (j) Fire station.
- (k) Florist, card and gift shops.
- (l) Group care facility.
- (m) Group day care center, as licensed by the State of Wyoming, provided the necessary State license has been obtained. All outdoor play areas must be fenced.
- (n) Group foster home, as licensed by the State of Wyoming, provided the necessary State license has been obtained.
- (o) Home for the elderly.
- (p) Library.

(Section 6.g.(2) - continued)

- (q) Medical and orthopedic appliance store.
- (r) Mortuary.
- (s) Newsstand.
- (t) Office in which goods, wares or merchandise are not commercially created, displayed, exchanged or sold.
- (u) Office supply or office equipment store.
- (v) Optician or optometrist's devices.
- (w) Parking of vehicles - must comply with all of the provisions of Section 9.b. relating to design, use and maintenance of off-street parking.
- (x) Pharmacy.
- (y) Police station.
- (z) Post office.
- (aa) Public park, playground and other public recreational facilities.
- (bb) Public or private school for elementary or secondary education.
- (cc) Essential public utility and public service installation. Such uses shall not include repairs, sales or storage facilities.
- (dd) Restaurant.
- (ee) Travel agency.

(3) Permitted Accessory Uses. Any Use which complies with all of the following conditions may be operated as an Accessory Use to a Permitted Use:

- (a) Is clearly incidental and customary to and commonly associated with the operation of the Permitted Use.
- (b) Is operated and maintained under the same ownership and on the same Zone Lot as the Permitted Use.
- (c) Does not include structures or structural features inconsistent with

(Section 6.g.(3) - continued)

the Permitted Use.

(d) Does not include residential occupancy.

(e) 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 percent (30%) of the gross floor area of the Permitted Use.

(f) 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. Separate, detached structures containing an Accessory Use shall be, at a minimum, fifteen (15) feet from structures containing a Permitted Use.

(4) Permitted Home Occupations. None allowed.

(5) Minimum Area of Zone Lot - seven-thousand (7,000) square feet.

(6) Minimum Width of Zone Lot - fifty (50) feet at Front Setback Line.

(7) Minimum Yards for Structures.

(a) Front Yards - ten (10) feet. On a corner lot, the ten (10) foot Front Yard shall apply to both streets.

(b) Side Yards. No Side Yard is required, except when the property adjoins residentially-zoned property, then a Side Yard of five (5) feet must be provided.

(c) Rear Yards. No Rear Yard is required, except when the property adjoins residentially-zoned property, then a Rear Yard of twenty (20) feet must be provided.

(8) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty-four (24) inches into Front or Rear Yards.

(b) Open or unwallled porches, terraces, balconies and exterior stairways may project three-and-one-half (3 1/2) feet into Front and Rear Yards.

(c) Cornices, overhangs, eaves and gutters may project two (2) feet into all yards.

(9) Maximum Height of Structures.

(Section 6.g.(9) - continued)

(a) Within one-hundred-fifty (150) feet (including street and alley rights-of-way) of an R-1, R-2, R-3 or M-H District - fifty (50) feet.

(b) More than one-hundred-fifty (150) feet from an R-1, R-2, R-3 or M-H District - one-hundred (100) feet.

(10) 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.

(11) Fences, Walls and Retaining Walls. See Section 6.n.

h. C-P - Planned Neighborhood Business District.

(1) Purpose. This District is intended to be located in areas with excellent vehicular access to provide convenience shopping goods for nearby residential and institutional areas. Since convenience shopping areas are most effective as a combination of several retail uses, it is intended that the provisions of Section 11, Development Plans, shall always apply to any development in this District.

(2) Permitted Uses. The following Uses may be operated as Permitted Uses in the District:

- (a) Artist’s studio.
- (b) Art supply store.
- (c) Bakery and pastry shop.
- (d) Bank or other savings or lending institution.
- (e) Barber and beauty shop.
- (f) Bicycle shop.
- (g) Book and stationery store.
- (h) Candy store.
- (i) Church.
- (j) Cigar and tobacco store.

(Section 6.h.(2) - continued)

- (k) Clothing store.
- (l) Convenience store.
- (m) Delicatessen.
- (n) Drug store.
- (o) Dry goods and notions stores.
- (p) Dry cleaning and laundry establishment.
- (q) Fix-it shops for radio, television and small appliances.
- (r) Florist.
- (s) Gasoline filling station - shall not include body work, painting or major repairs.
- (t) Group day care center, as licensed by the State of Wyoming, provided the necessary State license has been obtained. All outdoor play areas must be fenced.
- (u) Hardware store.
- (v) Hobby shop.
- (w) Ice cream shop.
- (x) Interior decorator.
- (y) Jewelry store.
- (z) Leather goods store.
- (aa) Library.
- (bb) Liquor store.
- (cc) Lock and key shop.
- (dd) Meat market.
- (ee) Medical or dental clinic.

(Section 6.h.(2) - continued)

- (ff) Milk products store.
- (gg) Music studio.
- (hh) Neighborhood recreational facility.
- (ii) Newsstand.
- (jj) Office.
- (kk) Paint or wallpaper store.
- (ll) Pet shop.
- (mm) Photographic studio.
- (nn) Picture-framing shop.
- (oo) Restaurant.
- (pp) Sewing machine shop.
- (qq) Shoe store.
- (rr) Sporting goods store.
- (ss) Retail sales.
- (tt) Tailor shop.
- (uu) Tavern or lounge.
- (vv) Toy store.
- (ww) Travel agency.
- (xx) Variety store.
- (yy) Essential public utility and public service installation.

(3) Permitted Accessory Uses. Any Use which complies with all of the following conditions may be operated as an Accessory Use to a Permitted Use:

(Section 6.h.(3) - continued)

(a) Is clearly incidental and customary to and commonly associated with the operation of the Permitted Use.

(b) Is operated under the same ownership and on the same Zone Lot as the Permitted Use.

(c) Does not include structures or structural features inconsistent with the Permitted Use.

(d) 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 homes shall not be permitted.

(e) If operated within a structure, shall not exceed a gross floor area of fifty percent (50%) of the gross floor area of the Permitted Use. If operated as an open Accessory Use, shall not exceed fifty percent (50%) of the area of the Zone Lot.

(4) Permitted Home Occupations. None allowed.

(5) Minimum Area of Zone Lot - seventeen-thousand-five-hundred (17,500) square feet.

(6) Minimum Width of Zone Lot - one-hundred (100) feet at Front Setback Line.

(7) Minimum Yards for Structures.

(a) Front Yards - twenty (20) feet, except that on a corner lot, any Front Yard not directly adjacent to the primary entrance to a main building may be reduced to fifteen (15) feet.

(b) Side Yards - ten (10) feet.

(c) Rear Yards - ten (10) feet. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.

(d) Buffer strip. In Yards adjacent to residentially-zoned property, there shall be a buffer of open space at least ten (10) feet in width.

(8) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty-four (24) inches into all yards.

(Section 6.h.(8) - continued)

(b) Exterior stairways, cornices, eaves and gutters may project three-and-one-half (3 1/2) feet into all yards.

(9) Maximum Height of Structures - forty-five (45) feet.

(10) Permitted Exceptions to Maximum Height. Water towers, flagpoles and antennas may be erected to any safe height not in conflict with other regulations.

(11) Fences, Walls and Retaining Walls. See Section 6.n.

i. C-1 - General Commercial District.

(1) Purpose. This District is intended to provide locations for basic retail service and office uses, in addition to those normally permitted in neighborhood convenience centers and those normally found in downtown locations. These 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.

(2) Permitted Uses. The following Uses may be operated as Permitted Uses in the District:

- (a) Small business machine sales, repair and service.
- (b) Amusement place.
- (c) Animal hospital, providing it is completely enclosed in a building.
- (d) Antique shop and store, providing all merchandise is displayed and sold inside a building.
- (e) Apparel and accessory store.
- (f) Art and art supply store.
- (g) Auditorium and similar places of public assembly.
- (h) Automobile and mobile home sales, service and repair, new and used.
- (i) Auto supply store.
- (j) Banks and other savings and lending institutions.

(Section 6.i.(2) - continued)

- (k) Barber and beauty shop.
- (l) Bicycle shop.
- (m) Books and stationery store.
- (n) Bowling alley.
- (o) Business and technical school and school for photography, music and dancing.
- (p) Carpenter and cabinet shop, employing five (5) persons or less.
- (q) Church and parish houses.
- (r) Cigar and tobacco store.
- (s) Clothing and costume rental.
- (t) Commercial recreation use.
- (u) Commercial storage facilities.
- (v) Custom dressmaking, furrier, millinery or tailor shop, employing five (5) persons or less.
- (w) Delicatessen and catering establishment.
- (x) Department store.
- (y) Drug store and prescription shop.
- (z) Dry goods and notions store.
- (aa) Dry cleaning and laundry establishment, employing five (5) persons or less.
- (bb) Electric repair shop (household appliances).
- (cc) Fire station, police station and jail.
- (dd) Fix-it shop (radio, television and small household appliances repair).

(Section 6.i.(2) - continued)

- (ee) Florist and gift shop.
- (ff) Furniture and home furnishing store.
- (gg) Garden shop.
- (hh) Garage (public and private).
- (ii) Gasoline filling station.
- (jj) Golf driving range and miniature golf.
- (kk) Greenhouse and nursery (place where young trees or other plants are raised for experimental purposes for transplanting or for sale).
- (ll) Grocery store (including retail meat markets and produce stores).
- (mm) Group day care center, as licensed by the State of Wyoming, provided the necessary State license has been obtained. All outdoor play areas must be fenced.
- (nn) Hardware store (may include the sale of building materials).
- (oo) Hobby, stamp and coin shop.
- (pp) Hotel and motel.
- (qq) Household appliance store.
- (rr) Implement sales and service.
- (ss) Interior decorator's shop.
- (tt) Jewelry and metal craft store.
- (uu) Leather goods and luggage store.
- (vv) Library and museum.
- (ww) Lock and key shop.
- (xx) Lumber yard.
- (yy) Mail order catalog store.

(Section 6.i.(2) - continued)

- (zz) Medical, dental and health clinic.
- (aaa) Medical and orthopedic appliance store.
- (bbb) Messenger or telegraph service station.
- (ccc) Mortuary.
- (ddd) Music instrument sales and repair shop.
- (eee) Music studio, radio and television store.
- (fff) Newspaper office.
- (ggg) Newsstand.
- (hhh) Office and office building.
- (iii) Office supply and office equipment store.
- (jjj) Optician and optometrist's shop.
- (kkk) Package liquor store.
- (lll) Paint store.

(mmm) Parking of vehicles - must comply with all of the provisions of Section 9.b. relating to the design, use and maintenance of off-street parking.

- (nnn) Pawn shop.
- (ooo) Pet shop.
- (ppp) Photographic equipment and supply store.
- (qqq) Photographic studio.
- (rrr) Picture frame shop.
- (sss) Plumbing shop, employing five (5) persons or less.
- (ttt) Printing and publishing house (including newspapers).

(Section 6.i.(2) - continued)

- (uuu) Private club, fraternity, sorority and lodge.
- (vvv) Public or private school for elementary or secondary education.
- (www) Railway right-of-way.
- (xxx) Radio and television studio.
- (yyy) Rental store.
- (zzz) Restaurant and tea room (including “drive-ins”).
- (aaa) Self-service laundry.
- (bbb) Sewing machine store.
- (ccc) Sheet metal shop, employing five (5) persons or less.
- (ddd) Shoe store.
- (eee) Shoe repair and shoe shine shop.
- (fff) Sporting and athletic goods store.
- (ggg) Tailor shop, employing five (5) persons or less.
- (hhh) Tavern or lounge.
- (iii) Theater, including drive-in theater.
- (jjj) Tire repair shop.
- (kkk) Tinsmith shop, employing five (5) persons or less.
- (lll) Toy store.
- (mmm) Travel agency.
- (nnn) Variety store and shop.
- (ooo) Veterinary clinic, providing all animal runs or observation pens are

completely enclosed.

(Section 6.i.(2) - continued)

(pppp) Wallpaper store and shop.

(qqqq) Watch repair shop.

(rrrr) Essential public utility and public service installation.

(3) Permitted Accessory Uses. Any Use which complies with all of the following conditions may be operated as an Accessory Use to a Permitted Use:

(a) Is clearly incidental and customary to and commonly associated with the operation of the Permitted Use.

(b) Is operated under the same ownership and on the same Zone Lot as the Permitted Use.

(c) 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.

(d) If operated within a structure, shall not exceed a gross floor area of fifty percent (50%) 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 percent (50%) of the area of the Zone Lot.

(4) Permitted Home Occupation - none.

(5) Minimum Area of Zone Lot - none.

(6) Minimum Width of Zone Lot - fifty (50) feet at Front Setback Line.

(7) Minimum Yards for Structures.

(a) Front Yards - twenty (20) feet.

(b) Side Yards - five (5) feet.

(c) Rear Yards - fifteen (15) feet. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.

(d) Corner Lots. For corner lots with two (2) Front Yards, the other two (2) Yards may be Side Yards.

(8) Permitted Yard Encroachments.

(Section 6.i.(8) - continued)

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty-four (24) inches into all yards.

(b) Exterior stairways, cornices, eaves and gutters may project three-and-one-half (3 1/2) feet into all yards.

(9) Maximum Height of Structures - forty-five (45) feet.

(10) 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.

(11) Fences, Walls and Retaining Walls. See Section 6.n.

j. C-2 - Central Business District.

(1) Purpose. This District is intended for the purpose of grouping those 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.

(2) Permitted Uses. The following Uses may be operated as Permitted Uses in the District:

- (a) Small business machine sales, repair and service.
- (b) Amusement place.
- (c) Antique shop and store, providing all merchandise is displayed and sold inside the building.
- (d) Apparel and accessory store
- (e) Art and art supply store.
- (f) Auditorium and similar places of public assembly.
- (g) Automobile and mobile homes sales, service and repair, new and used.
- (h) Auto supply store.
- (i) Bank and other savings and lending institutions.

(Section 6.j.(2) - continued)

- (j) Barber and beauty shop.
- (k) Bicycle shop.
- (l) Books and stationery store.
- (m) Bowling alley.
- (n) Business and technical school and school for photography, music and dancing.
- (o) Carpenter and cabinet shop, employing five (5) persons or less.
- (p) Church and parish house.
- (q) Cigar and tobacco store.
- (r) Clothing and costume rental.
- (s) Commercial recreation use.
- (t) Custom dressmaking, furrier, millinery or tailor shop, employing five (5) persons or less.
- (u) Delicatessen and catering establishment.
- (v) Department store.
- (w) Drug store and prescription shop.
- (x) Dry goods and notions store.
- (y) Dry cleaning and laundry establishment, employing five (5) persons or less.
- (z) Electric repair shop (household appliances).
- (aa) Fire station, police station and jail.
- (bb) Fix-it shop (radio, television and small household appliances repair).
- (cc) Florist and gift shop.

(Section 6.j.(2) - continued)

- (dd) Furniture and home furnishing store.
- (ee) Garden shop.
- (ff) Garage (public and private).
- (gg) Gasoline filling station - shall not include body work, painting or major repairs.
- (hh) Grocery store (including retail meat markets and produce stores).
- (ii) Hardware store.
- (jj) Hobby, stamp and coin shop.
- (kk) Hotel and motel.
- (ll) Household appliance store.
- (mm) Interior decorator's shop.
- (nn) Jewelry and metal craft store.
- (oo) Leather goods and luggage store.
- (pp) Library and museum.
- (qq) Lock and key shop.
- (rr) Mail order catalog store.
- (ss) Medical, dental and health clinic.
- (tt) Medical and orthopedic appliance store.
- (uu) Messenger or telegraph service station.
- (vv) Mortuary.
- (ww) Multiple-family dwelling.
- (xx) Music instrument sales and repair shop.

(Section 6.j.(2) - continued)

- (yy) Music studio, radio and television store.
- (zz) Newspaper office.
- (aaa) Newsstand.
- (bbb) Office.
- (ccc) Office supply and office equipment store.
- (ddd) Optician and optometrist's shop.
- (eee) Package liquor store.
- (fff) Paint store.
- (ggg) Pawn shop.
- (hhh) Parking of vehicles - must comply with all of the provisions of Section 9.b. relating to design, use and maintenance of off-street parking.
- (iii) Pet shop.
- (jjj) Photographic equipment and supply store.
- (kkk) Photographic studio.
- (lll) Picture frame shop.
- (mmm) Plumbing shop, employing five (5) persons or less.
- (nnn) Printing and publishing house (including newspapers).
- (ooo) Private club, fraternity, sorority and lodge.
- (ppp) Public or private school for elementary or secondary education.
- (qqq) Railroad, taxi or bus station.
- (rrr) Radio and television station.
- (sss) Rental store.

(Section 6.j.(2) - continued)

- (ttt) Restaurant and tea room.
- (uuu) Self-service laundry.
- (vvv) Sewing machine store.
- (www) Sheet metal shops, employing five (5) persons or less.
- (xxx) Shoe store.
- (yyy) Shoe repair and shoe shine shop.
- (zzz) Sporting and athletic goods store.
- (aaaa) Tailor shop, employing five (5) persons or less.
- (bbbb) Tavern or lounge.
- (cccc) Theater.
- (dddd) Tire repair shop.
- (eeee) Tinsmith shop, employing five (5) persons or less.
- (ffff) Toy store.
- (gggg) Travel agency.
- (hhhh) Variety store and shop.
- (iiii) Wallpaper store and shop.
- (jjjj) Watch repair shop.
- (kkkk) Wholesale establishment.
- (llll) Essential public utility and public service installation.

(3) Permitted Accessory Uses. Any Use which complies with all of the following conditions may be operated as an Accessory Use to a Permitted Use:

- (a) Is clearly incidental and customary to and commonly associated with the operation of the Permitted Use.

(Section 6.j.(3) - continued)

(b) Is operated under the same ownership and on the same Zone Lot as the Permitted Use.

(c) Does not include full-time 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. Hotels and motels shall not be considered full-time residential occupancy.

(d) If operated within a structure, shall not exceed a gross floor area of fifty percent (50%) 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 percent (50%) of the area of the Zone Lot.

- (4) Permitted Home Occupations - none allowed.
- (5) Minimum Area of Zone Lot - none.
- (6) Minimum Width of Zone Lot - none.
- (7) Minimum Yards for Structures - none.
- (8) Maximum Height of Structures - three (3) story.
- (9) Fences, Walls and Retaining Walls. See Section 6.n.

(10) Permitted Right-of-way Encroachments. 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.

k. C-3 - Business/Services District.

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

(2) Permitted Uses. The following Uses may be operated as Permitted Uses in the District:

- (a) Appliance repair, sales and service.
- (b) Automobile sales, service and repair.

(Section 6.k.(2) - continued)

- (c) Auto supply store.
- (d) Bakery.
- (e) Barber and beauty shop.
- (f) Bicycle sales and service.
- (g) Business machine sales, service and repair.
- (h) Carpenter and cabinet shop.
- (i) Carpet and floor-covering store.
- (j) Catering.
- (k) Clinic, medical and dental.
- (l) Commercial recreation.
- (m) Commercial storage facility.
- (n) Custom dressmaking, furrier, millinery or tailor shop.
- (o) Dry cleaning and laundry, commercial or bulk.
- (p) Electrician shop.
- (q) Electrical supply.
- (r) Essential public utility and public service installation.
- (s) Fire station.
- (t) Food preparation, wholesaling and distribution.
- (u) Frozen food locker.
- (v) Furniture and home furnishings sales and restoration.
- (w) Feed and ranch supply, wholesale and retail.
- (x) Garage (public and private).

(Section 6.k.(2) - continued)

- (y) Greenhouse and plant nursery.
- (z) Hardware store.
- (aa) Hospital equipment and supplies.
- (bb) Implement sales and service.
- (cc) Industrial equipment sales, service and distribution.
- (dd) Laboratory.
- (ee) Locksmith.
- (ff) Lumber yard and building material sales and storage (except for ready-mix concrete and asphalt).
- (gg) Manufacturing, light - including bottling, electronics, jewelry, metal craft, monument and plastics.
- (hh) Medical and orthopedic appliance store.
- (ii) Offices and office buildings.
- (jj) Office supply and office equipment store.
- (kk) Paint and wallpaper store.
- (ll) Parking of vehicles - must comply with all of the provisions of Section 9.b. relating to the design, use and maintenance of off-street parking.
- (mm) Picture-framing shop.
- (nn) Plumbing shop, including wholesale and retail sales of plumbing supplies.
- (oo) Post office.
- (pp) Printing and publishing house, including newspapers.
- (qq) Private club, fraternity, sorority and lodge.
- (rr) Radio, television and music studio.

(Section 6.k.(2) - continued)

- (ss) Railroad right-of-way.
 - (tt) Railroad, taxi or bus station.
 - (uu) Recreation vehicle sales, service and repair.
 - (vv) Rental store.
 - (ww) Restaurant, standard.
 - (xx) Restaurant equipment and supplies.
 - (yy) Retail Sales - the sale at retail of any commodity manufactured, processed, fabricated or warehoused only on the premises, provided that not more than thirty-five percent (35%) of the floor area be devoted to retail operations.
 - (zz) Saddle and tack sales and repair.
 - (aaa) Sheet metal shop.
 - (bbb) Tire store.
 - (ccc) Travel agency.
 - (ddd) Upholstering shop.
 - (eee) Vending company.
 - (fff) Veterinary clinic, provided all animal runs or observation pens are completely enclosed.
 - (ggg) Vocational, technical or business school.
 - (hhh) Warehouse.
 - (iii) Water conditioning equipment sales and service.
 - (jjj) Wholesaling.
- (3) Permitted Accessory Uses. Any Use which complies with all of the following conditions may be operated as an Accessory Use to a Permitted Use:
- (a) Is clearly incidental and customary to and commonly associated

(Section 6.k.(3) - continued)

with the operation of the Permitted Use.

(b) Is operated under the same ownership, or lessees thereof, and on the same Zone Lot as the Permitted Use.

(c) Does not include residential occupancy, except by a caretaker or watchman employed on the premises.

(d) Does not include an area of over ten percent (10%) of the area of the Zone Lot or thirty-five percent (35%) of the gross floor area of the Permitted Use, whichever is greater.

(4) Permitted Home Occupations - none allowed.

(5) Minimum Area of the Zone Lot - fifteen-thousand (15,000) square feet.

(6) Minimum Width of the Zone Lot - seventy-five (75) feet at the Front Setback Line.

(7) Minimum Yards for Structures.

(a) Front Yards - twenty (20) feet, except that on a corner lot, any Front Yard not directly adjacent to the primary entrance to a main building may be reduced to fifteen (15) feet.

(b) Side Yards - five (5) feet, except in cases where the Zone Lot abuts a residential district, then fifteen (15) feet on the abutting side.

(c) Rear Yards - fifteen (15) feet. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.

(8) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty-four (24) inches into all yards.

(b) Exterior stairways, cornices, eaves and gutters may project three-and-one-half (3 1/2) feet into all yards.

(9) Maximum Height of Structures.

(a) For a building or structure within one-hundred-fifty (150) feet of a residential district - forty-five (45) feet.

(Section 6.k.(9) - continued)

(b) For a building or structure more than one-hundred-fifty (150) feet from a residential district - seventy-five (75) feet.

(10) Permitted Exceptions to Maximum Height. Water towers, flagpoles and antennas may be erected to any safe height not in conflict with other regulations.

(11) Fences, Walls and Retaining Walls. See Section 6.n.

(12) 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, which is adjacent to a non-industrial Zoning District, other than the C-3 District, shall be enclosed by a solid fence or structure adequate to conceal the materials from the adjacent property.

(c) No materials or wastes shall be deposited on the Zone Lot in such a manner that they may be carried off the Zone Lot by natural forces or causes.

(d) All materials or wastes which might cause fumes or dust, which constitute a fire hazard, or which might be attractive to rodents or insects shall be stored in closed containers.

I. I-1 - Light Industrial District.

(1) Purpose. This District is intended to allow a compatible mixture of light industrial uses which do not require intensive land coverage, generate large volumes of traffic or create obnoxious sounds, glare, dust or odors. District regulations insure compatibility with adjacent or nearby residential areas.

(2) Permitted Uses. The following Uses may be operated as Permitted Uses in the District:

(a) Airport.

(b) Animal hospital, providing it is completely enclosed in a building.

(c) Armory.

(d) Assembly or fabrication from component parts or from materials already processed or manufactured into their final usable state.

(Section 6.1.(2) - continued)

- (e) Automobile repair.
- (f) Bottling plant.
- (g) Building material storage or sales (except for ready-mix concrete).
- (h) Carpenter, cabinet, plumbing or sheet metal shop.
- (i) Contractor's yard for vehicles, equipment and supplies, providing all storage areas are completely enclosed by a six- (6) foot solid fence.
- (j) Dry cleaning or laundry plant.
- (k) Fire station.
- (l) Frozen food locker.
- (m) Grain and feed mill.
- (n) Grain elevator.
- (o) Greenhouse and plant husbandry.
- (p) Laboratory.
- (q) Lumber yard.
- (r) Machinery and implement sales, service and repair.
- (s) Monument making and sales.
- (t) Motor vehicle sales, service, repair and storage.
- (u) Oil field supply sales and storage.
- (v) Office.
- (w) Police station.
- (x) Printing and publishing.
- (y) Parking or storage of vehicles - must comply with all of the provisions of Section 9.b. relating to design, use and maintenance of off-street parking.

(Section 6.1.(2) - continued)

- (z) Radio or television transmitting station.
- (aa) Railway right-of-way.
- (bb) Restaurant.
- (cc) Truck or rail terminal.
- (dd) Upholstering shop.
- (ee) Veterinarian clinic, providing all animal runs or observation pens are completely enclosed.
- (ff) Vocational or training school.
- (gg) Warehousing or storage.
- (hh) Welding shop.
- (ii) Wholesaling.
- (jj) Essential public utility and public service installation.
- (kk) Underground oil or gas storage facilities, as approved by the City Engineer and Fire Warden.

(3) Permitted Accessory Uses. Any Use which complies with all of the following conditions may be operated as an Accessory Use to a Permitted Use:

- (a) Is clearly incidental and customary to and commonly associated with the operation of the Permitted Use.
- (b) Is operated under the same ownership and on the same Zone Lot as the Permitted Use.
- (c) Does not include residential occupancy, except by a caretaker or watchman employed on the premises.
- (d) Does not include an area of over ten percent (10%) of the area of the Zone Lot.

(4) Permitted Home Occupations - none allowed.

(Section 6.1.(5))

(5) Minimum Area of Zone Lot - none.

(6) Minimum Width of Zone Lot - none.

(7) Minimum Yards for Structures.

(a) Front Yards - twenty-five (25) feet, except that on a corner lot, any Front Yard not directly adjacent to the primary entrance to a main building may be reduced to fifteen (15) feet.

(b) Side Yards - five (5) feet, except in cases where the Zone Lot abuts a residential district, then fifteen (15) feet on the abutting side.

(c) Rear Yards - fifteen (15) feet. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.

(8) Permitted Yard Encroachments.

(a) Belt courses, sills, lintels, exterior columns, chimneys and building accessories may project twenty-four (24) inches into all yards.

(b) Exterior stairways, cornices, eaves and gutters may project three-and-one-half (3 1/2) feet into all yards.

(9) Maximum Height of Structures.

(a) For a building or structure within one-hundred-fifty (150) feet of a residential district - forty-five (45) feet.

(b) For a building or structure more than one-hundred-fifty (150) feet from a residential District - seventy-five (75) feet.

(10) Permitted Exceptions to Maximum Height. Water towers, flagpoles and antennas may be erected to any safe height not in conflict with other regulations.

(11) Fences, Walls and Retaining Walls. See Section 6.n.

(12) 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, which is adjacent to a non-industrial Zoning District, shall be enclosed by a solid fence or structure adequate to conceal the

(Section 6.1.(12) - continued)

materials from the adjacent property.

(c) No materials or wastes shall be deposited on the Zone Lot in such a manner that they may be carried off the Zone Lot by natural forces or causes.

(d) All materials or wastes which might cause fumes or dust, which constitute a fire hazard, or which might be attractive to rodents or insects shall be stored in closed containers.

m. I-2 - Heavy Industrial District.

(1) Purpose. This District is intended to allow for intensive basic or primary industrial uses, which are generally not compatible with residential or commercial activity.

(2) Permitted Uses. The following Uses may be operated as Permitted Uses in the District:

- (a) Animal hospital.
- (b) Animal or livestock sales.
- (c) Asphalt plant.
- (d) Bottling works.
- (e) Building materials, storage and sales.
- (f) Contractor's yard for vehicles, equipment and supplies.
- (g) Bulk plant, gasoline or LP gas.
- (h) Dry cleaning and laundry plant.
- (i) Feed and seed store.
- (j) Fire station.
- (k) Gasoline filling station.
- (l) Grain elevator.
- (m) Grinding mill.

(Section 6.m.(2) - continued)

- (n) Greenhouses and nursery.
- (o) Heavy equipment sales, service and repair.
- (p) Incinerator.
- (q) Junk yard, auto wrecking yard or salvage yard, subject to the

following conditions:

(1) Located on a tract of land at least three-hundred (300) feet from a residential district zone.

(2) The operation shall 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 shall be of uniform height, uniform texture and color and shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard.

(3) 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.

- (r) Kennel for the keeping, boarding or training of animals.
- (s) Lumber yard.
- (t) Manufacturing, processing or fabrication.
- (u) Oil, gas or mineral exploration, production, processing, separation or storage.
- (v) Oil field supply, storage and sales.
- (w) Parking or storage of vehicles - must comply with all of the provisions of Section 9.b. relating to the design, use and maintenance of off-street parking.
- (x) Quarry.
- (y) Railroad facilities, including shops and yards.
- (z) Ready-mix concrete plant.

(Section 6.m.(2) - continued)

- (aa) Refinery.
- (bb) Sanitary landfill.
- (cc) Slaughter house.
- (dd) Truck or freight terminal.
- (ee) Veterinary clinic.
- (ff) Warehouse.
- (gg) Welding shop.
- (hh) Essential public utility or public service installation.
- (ii) Any use permitted in a I-1 (Light Industrial) District, including any permitted accessory use.

(3) Permitted Accessory Uses. Any Use which complies with all of the following conditions may be operated as an Accessory Use to a Permitted Use:

- (a) Is clearly incidental and customary to and commonly associated with the operation of the Permitted Use.
- (b) Is operated under the same ownership and on the same Zone Lot as the Permitted Use.
- (c) Does not include residential occupancy, except by a caretaker or a watchman employed on the premises.
- (d) Does not include an area of over ten percent (10%) of the area of the Zone Lot.

- (4) Permitted Home Occupations - none allowed.
- (5) Minimum Area of Zone Lot - none.
- (6) Minimum Width of Zone Lot - none.
- (7) Minimum Yards for Structures.
 - (a) Front - none required.

(Section 6.m.(7) – continued)

(b) Side - none required, except in cases where the Zone Lot abuts a residential district, then fifteen (15) feet on the abutting side.

(c) Rear - none required, except in cases where the Zone Lot abuts a residential district, then twenty (20) feet.

(8) Permitted Yard Encroachments - none allowed.

(9) Maximum Height for Structures.

(a) For a building or structure within one-hundred-fifty (150) feet of a residential district - forty-five (45) feet.

(b) For a building or structure more than one-hundred-fifty (150) feet from a residential district - one-hundred-fifty (150) feet.

(10) Permitted Exceptions to Maximum Height. Water towers, flagpoles and antennas may be erected to any safe height not in conflict with other regulations.

(11) Fences, Walls and Retaining Walls. See Section 6.n.

(12) Outdoor Storage and Waste Disposal.

(a) Fuel and flammable liquids stored above ground and in storage tanks of three-hundred (300) gallons or more shall be diked to prevent the complete escape of liquid in the event of a rupture of the storage tank. Such storage tanks shall be at least fifty (50) feet from any building and fifty (50) feet from the boundary lines of the Zone Lot.

(b) No materials or wastes shall be deposited upon the Zone Lot in such a manner that they may be carried off the Zone 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, shall be stored in closed containers.

(n) Fences, Walls and Retaining Walls.

(1) Any fence, wall or retaining wall over three (3) feet in height shall be erected only after application to and approval of a Permit by the Zoning Administrator.

(2) In the R-S, R-1, R-2, R-3, M-H, C-O and C-P Districts, fences, walls and retaining walls may be erected to a maximum height of four (4) feet in the required Front Yard and to a maximum height of six-and-one-half (6 1/2) feet on any part of the Zone Lot not in the required Front Yard.

(Section 6.n.(2) - continued)

(a) On corner lots, no fence, wall, retaining wall or obstructing foliage over three (3) feet in height shall be allowed within twenty (20) feet of the point of intersection of the two (2) intersecting property lines; or on curved property lines, the projected point of intersection of the two (2) property lines extended, except open-mesh fences and split-rail fences may be erected to a height of four (4) feet.

(b) On corner lots, where the secondary Front Yard abuts an arterial or collector street, as officially designated on the Major Street Plan, and provided there is not access to said arterial or collector street, fences may be erected to a maximum height of six-and-one-half (6 1/2) feet within said secondary Front Yard only.

(c) In all zones except A-Agricultural, no barbed-wire or electrically-charged fences shall be permitted, except that for essential public facilities, barbed-wire shall be permitted, provided it is not less than six (6) feet above ground level.

(d) Where a C-P, Planned Neighborhood Business District, directly abuts an R-S, R-1, R-2, R-3, or M-H District, without an intervening street or alley, a solid fence or wall at least four (4) feet high, but no higher than six-and-one-half (6 1/2) feet, shall be provided on or near the property line between the commercial and residential district and maintained by the owner of the property in the C-P District, unless otherwise prohibited.

(3) In the C-1, C-2, C-3, I-1 and I-2 Districts, fences, walls and retaining walls may be erected to a height of seven (7) feet on any part of the Zone Lot.

(a) On corner lots, no fence, wall, retaining wall or obstructing foliage over three (3) feet in height shall be allowed within twenty (20) feet of the point of intersection of the two (2) intersecting property lines; or on curved property lines, the projected point of intersection of the two (2) property lines extended, except that open-mesh fences may be erected to a height of seven (7) feet.

(b) Barbed wire shall be permitted, provided it is not less than six (6) feet above ground level. The total maximum of the fence, plus the barbed wire, shall not exceed ten (10) feet in height.

(4) In the A-Agricultural District, fences, walls and retaining walls may be erected to a height of six-and-one-half (6 1/2) feet on any part of the Zone Lot, except that on corner lots, no solid or view-obstructing fence, wall, retaining wall or foliage over three (3) feet in height shall be allowed within twenty (20) feet of the intersecting street line.

(5) Open-mesh fences of any height may be erected on Zone Lots containing schools, public parks, playgrounds or other public facilities.

(6) In the case of a fence erected atop a retaining wall, the maximum height shall apply to the combined height of the fence and retaining wall, except for open-mesh fences,

(Section 6.n.(6) - continued)

the maximum height shall apply separately to the fence and retaining wall.

(7) No fence, wall or retaining wall shall be permitted less than three (3) feet from any public fire hydrant.

o. Permitted Home Occupations.

(1) Home Occupations shall be allowed, provided all of the following conditions are met:

(a) Such Use shall be conducted entirely within a dwelling unit and carried on by the inhabitants living there and no others.

(b) Such Use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and shall not change the residential character thereof.

(c) There shall be no exterior storage on the premises of material or equipment used as part of the Home Occupation.

(d) There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

(e) A Home Occupation shall provide needed off-street parking as determined by the Zoning Administrator to eliminate parking congestion along roadways and alleys.

SECTION 7. USES BY TEMPORARY PERMIT

a. Scope of Regulations.

(1) Under the normal provisions of this Ordinance, a Zoning Permit for CONSTRUCTION OR ALTERATION and a CERTIFICATE OF OCCUPANCY are required before any structure can be constructed or occupied by a Permitted Use on a designated Zone Lot in a Zone District. Pursuant to the regulations hereinafter set forth, the following Uses may be operated as Uses by Temporary Permit in any Zone District and without the requirement that the Use occupy a designated Zone Lot.

b. Permit Requirements.

(1) Upon application to and issuance by the Zoning Administrator of a Permit therefor, the Uses listed in this section may be operated as Uses by Temporary Permit. The application for a Use by Temporary Permit shall contain:

(Section 7.b.(1) - continued)

- (a) The name and address of the applicant, person, firm or organization responsible for the operation of the Use by Temporary Permit.
- (b) A description of the location of the use or event, including the land area or structure or part of a structure to be occupied or otherwise utilized by the use or event.
- (c) A description of the activity for which the Permit is being sought.
- (d) A statement on the hours of operation and the duration of the event or activity.

c. Uses by Temporary Permit. Subject to the requirements listed above, the following Uses may be operated as Uses by Temporary Permit:

(1) Non-commercial asphalt or concrete-mixing plant necessary for construction in the immediately surrounding area. Each Permit shall 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.

(2) Christmas tree sales. No Permit shall be issued prior to the fifteenth (15th) day of November of each year, and each Permit shall be valid for a period of forty-five (45) days.

(3) Parking lot for a special event, provided that each Permit shall be valid only for the duration of the designated special event and shall be operated and occupied only during the times the special event is operating.

(4) Produce stand - shall be permitted only in the A, Agricultural; R-S, Suburban Residential; and C-1, General Commercial, Districts. Each Permit shall be valid for a period of ninety (90) days and may be renewed for an additional thirty- (30) day period. (Ord. #7, Series 1990)

(5) Public gathering for a single-purpose event, provided that each Permit shall be valid for a period of not more than five (5) days, and that a period of at least ninety (90) days shall intervene between the termination of one (1) Permit and the issuance of another at the same location.

(6) Temporary building or yard for construction materials and/or equipment, incidental and necessary for current construction in the immediately surrounding area. Each Permit shall specify the location of the building or yard and its relationship 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.

(Section 7.c.(7))

(7) Temporary office, incidental and necessary for the sale or rental of property in the immediately surrounding area. Each Permit shall specify the location of the office and its relationship to the properties being rented or sold. 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.

(8) Temporary housing for construction workers on a construction site. The Permit may authorize the use of up to ten (10) temporary housing units to be located on a construction site in a commercial or industrial district, where the occupants of the housing are employed. All such units shall be connected to a public water and sewer system. Each Permit shall be valid for a period of six (6) calendar months and shall not be renewed for more than two (2) successive periods on the same construction site.

d. Temporary Uses Not Subject to a Permit. The following Uses are permitted, as provided below, with said Uses not requiring a Temporary Permit:

(1) 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:

(a) Snow fences may be erected on or after October 15th and must be removed on or before the following April 15th.

(b) Snow fences shall not exceed four-and-one-half (4 1/2) feet in height.

(c) Snow fences shall be so located as not to cause drifting of snow onto neighboring property.

(2) Temporary bazaar, carnival or fair are not required to obtain a Zoning Permit but must obtain any other necessary Permits, as required by applicable City Ordinance and issued by the City Council.

SECTION 8. NONCONFORMING USES AND STRUCTURES

a. Nonconforming Use.

(1) Definition. A nonconforming use shall be any legal use which, on the effective date of this Ordinance 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.

(2) Exemptions. When a mobile home becomes a legal, nonconforming use upon adoption of these regulations, the legal, nonconforming use status shall be held valid,

(Section 8.a.(2) - continued)

provided:

(a) When a mobile home is removed from a parcel, it is replaced within twelve (12) consecutive months with a similar or less nonconforming unit.

(b) When a mobile home is damaged or destroyed in any manner whatsoever and the estimated costs of repairing the damage exceeds sixty percent (60%) of the replacement costs of the unit, it is replaced within twelve (12) consecutive months with a similar or less nonconforming unit.

(3) Regulations.

(a) A nonconforming use may be continued on the same land area and within the same floor area as that which existed on the date when the use first became nonconforming.

(b) A Permitted Use shall not be considered nonconforming for failure to comply with off-street parking requirements, off-street loading requirements or sign regulations.

(c) A nonconforming use may be changed within its existing structure or on its existing land area to a conforming use or to any use which is a Permitted Use in a more restrictive District than the District in which the nonconforming use is located.

(d) The area occupied by a nonconforming use within an existing structure or on a tract of land may not be enlarged or extended.

(e) All off-street parking and loading space operated by or associated with a nonconforming use on the date it becomes nonconforming shall be maintained in accordance with all of the specifications of Section 9.a. and b. of these regulations for maintenance of off-street parking and loading. If, on the date the use becomes nonconforming, it has off-street parking area in excess of that required by these regulations for that Permitted Use, then the off-street parking area may be reduced to no less than the required amount. If, on the date the use becomes nonconforming, it has less than the amount of off-street parking required by these regulations for that Permitted Use, no action shall be taken which will further reduce the area devoted to off-street parking.

(f) If active and continuous operation of a nonconforming use is discontinued for a period of twelve (12) consecutive months, the structure or tract of land shall thereafter be used only for a conforming use. A stated intent to resume operations shall not affect this provision.

(g) A nonconforming use shall terminate if the structure in which it is

(Section 8.a.(3) - continued)

operated is damaged or destroyed in any manner whatsoever, and the estimated cost of repairing the damage exceeds sixty percent (60%) of the replacement cost of the structure on the date of the damage.

(h) The amount of the damage shall be fixed by the City, based on the records of the County Assessor. In the event the value or cost assigned by the City is not agreed to by the owner of the structure, the value shall be set by three (3) independent appraisers - one (1) selected by the City Council, another by the owner of the structure and the third (3rd) by the two (2) appraisers shall be binding upon all parties. The cost of the appraisal process shall be borne by the property owner.

b. Nonconforming Structure.

(1) Definition. 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.

(2) Regulations.

(a) A nonconforming structure may be altered, repaired or enlarged, provided its degree of nonconformity is not increased.

(b) A nonconforming structure, found to be unsafe, may be restored to a safe condition.

(c) The right to operate and maintain a nonconforming structure shall terminate if the structure is damaged or destroyed in any manner, and the cost of repairing the damage exceeds sixty percent (60%) of the replacement cost of the structure on the date of the damage. The replacement cost shall be determined as described in Section 8.a.(3)(h).

SECTION 9. OFF-STREET PARKING AND LOADING REQUIREMENTS

a. General.

(1) Except in the C-2 District, off-street parking and loading shall be provided and maintained as required by this Section for all Permitted Uses which are established after the effective date of this Ordinance. The C-2 District shall be exempt from the provisions of Section 9.c. and 9.d., Off-street Parking and Loading Requirements. All of the other provisions of Section 9. of this Ordinance shall still apply.

(2) These requirements shall not be retroactive to Permitted Uses existing on

(Section 9.a.(2) - continued)

the date this Ordinance becomes effective but shall apply to any expansion of these Uses which occurs after that date.

(3) Off-street parking and loading facilities shall be provided on the same Zone Lot and under the same ownership as the Permitted Use for which the parking is required, except as hereinafter provided.

(4) Parking spaces required by each of two (2) or more Permitted Uses located on the same Zone Lot need not be separated and may be used jointly.

(5) No structure shall be erected or enlarged, nor shall any use be enlarged, if such action will eliminate existing required off-street parking areas.

(6) Handicapped Parking. When handicapped facilities are required within a building by the Building Inspector, a minimum of two percent (2%) of the required off-street parking spaces, but at least one (1) space, shall be clearly designated by vertical signage for use by the handicapped. Each such space shall be at least twelve (12) feet in width and located on a surface with not more than a five percent (5%) slope.

b. Design, Use and Maintenance. Off-street parking and loading will be designed, used and maintained in accordance with the following specifications:

(1) Individual, off-street parking spaces shall be at least nine- (9) feet wide and eighteen- (18) feet long.

(2) Individual, off-street loading spaces shall be located only in Side or Rear Yards of the Zone Lot and shall be at least twelve- (12) feet wide, fifty- (50) feet long and have a minimum height clearance of fourteen (14) feet.

(3) Parking and loading areas shall be graded for proper drainage and shall meet the following requirements:

(a) Scoria shall not be allowed in any Zoning District.

(b) An all-weather surface of asphalt or concrete shall be used for parking and loading areas and for all entrances, exits and driveways serving those parking and loading areas, except that in the R-S, Residential Suburban District, a Grade H gravel (3/4 inch), as designated by the Wyoming Highway Department, may be used.

(c) For residential use only, the required number of off-street parking spaces and driveways must have an all-weather surface of asphalt or concrete. Additional off-street parking areas may be surfaced with Grade H gravel.

(Section 9.b.(3) - continued)

(d) All off-street parking and loading areas shall be designated according to the layout approved on the Zoning Permit or development plan. Parking and loading spaces should be designated by striping. Striping is required for all development, except for an individual, single-family dwelling or duplex on a single lot.

(e) For commercial/industrial uses, the required number of off-street parking and off-street loading spaces, the entrances/exits serving those spaces must have an all-weather surface of asphalt or concrete. Additional vehicle or equipment parking storage areas may be surfaced with Grade H Gravel.

(4) Each parking or loading space must be usable and readily accessible and arranged so that no part of any parked vehicle extends beyond the property lines. No parking or loading space shall encroach into a required "sight triangle".

(5) Required parking and loading areas shall be provided with designated entrances and exits located so as to minimize traffic congestion and avoid undue interference with public use of streets, alleys and walkways.

(6) Parking and loading areas, provided in accordance with the requirements of this resolution, shall not be used for the sale, repair, assembly or disassembly, storage or servicing of vehicles or equipment. Unlicensed or inoperable vehicles shall not be stored in any required parking or loading space.

(7) No unlicensed or inoperable vehicle shall be stored in the Front Yard in any A, R-S, R-1, R-2, R-3, M-H, C-O, C-P, C-1, C-2, C-3, or I-1 Zoning Districts. Automobile dealerships, licensed by the State of Wyoming, may store unlicensed vehicles on any part of the Zone Lot.

(8) No more than one (1) unlicensed or inoperable vehicle shall be stored outside of a structure on a Zone Lot in the R-S, R-1, R-2, R-3, M-H and C-O Zoning District.

(9) In the R-2 District, whenever parking of vehicles is the principal use of a Zone Lot, the following landscape features must be provided as part of the parking lot design:

(a) Where the parking area abuts a lot or lots owned by others not utilizing the parking area, there shall be a solid wall or fence a minimum of four (4) feet high adjacent to the common property line to screen the parking area.

(b) All areas within the parking area which are not used for the circulation or parking of vehicles or pedestrian walkways shall be landscaped.

(c) All landscaped areas within the parking area shall be provided with adequate means of irrigation and must be maintained.

(Section 9.b.(10))

(10) There may be 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. Where appropriate, the Zoning Administrator may reduce the total number of required parking spaces by a maximum of fifteen percent (15%).

c. Off-street Parking Requirements.

(1) Exemptions. The following Permitted Uses shall be exempt from all Off-street Parking and Loading requirements, provided however that, when parking is provided, it shall comply with all of the provisions of Section 9.b., Design, Use and Maintenance:

- (a) General agriculture.
- (b) Animal feed lots.
- (c) Cemetery.
- (d) Contractor’s yard.
- (e) Drive-in theater.
- (f) Golf course.
- (g) Grazing.
- (h) Recreation camp.
- (i) Junk yard.
- (j) Newsstand.
- (k) Oil, gas or mineral exploration, drilling, production, processing, separation or storage.
- (l) Parking or storage of vehicles.
- (m) Public parks, playgrounds or open recreational facilities.
- (n) Quarry.
- (o) Railway right-of-way.
- (p) Sanitary landfill.

(Section 9.c.(1) - continued)

(q) Transmission lines or towers.

(r) Essential public utility or public service installation, which does not include business offices, repair, sales or storage facilities.

(2) Home Occupations. Home Occupations conducted in an authorized dwelling unit shall provide one (1) parking space for every two-hundred (200) square feet, or fraction thereof, devoted to the Home Occupation. This required parking shall be in addition to the parking required for the dwelling unit.

(3) There shall be provided two (2) off-street parking spaces for each dwelling unit in the following structures:

(a) Single-family dwelling, detached, provided however that in an R-1, R-2 or R-3 District, one (1) additional off-street parking space shall be provided for each authorized roomer or boarder.

(b) Multiple-family dwelling.

(c) Mobile home.

(d) Condominium and townhouse.

(4) Off-street parking shall be provided in the following amounts for each of the listed Permitted Uses:

(a) Church and mortuary.	One (1) space for each four (4) seats at maximum capacity.*
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*Maximum capacity of the facility to be determined by the Zoning Administrator.

(b) Boarding and/or rooming house; motel or hotel.	One (1) space for each sleeping or living unit.
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(c) Nursing home; home for the elderly; day care; foster care (other than a dwelling unit); hospital; institution; and orphanage.	One (1) space for each six-hundred (600) square feet of gross floor area in the structure containing the Permitted Use.
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(d) Community center; or community recreational	One (1) space for each three (3) persons the facility is
---	--

(Section 9.c.(4) - continued)

facility.

designed to accommodate at maximum capacity. *

*Maximum capacity of the facility to be determined by the Zoning Administrator.

- (e) Elementary school; and junior high school. Five (5) spaces, plus one (1) space for each classroom.
- (f) Senior high school. One (1) space for each employee, plus one (1) space for each four (4) students, based on the design capacity of the school.
- (g) Armory; carpenter or cabinet shop; fire station; laboratory; police station; plumbing shop; printing and publishing; sheet metal shop; tire repair shop; tinsmith; wholesaling and warehousing; and welding shop. One (1) space for each six-hundred-fifty (650) square feet of gross floor area devoted to the Permitted Use.
- (h) Sales area of a greenhouse or plant nursery; animal hospital; kennel (administrative area); and veterinary clinic. One (1) space for each four-hundred (400) square feet of gross floor area devoted to the Permitted Use.
- (i) Library; and museum. One (1) space for each six-hundred (600) square feet of gross floor area.
- (j) Medical and dental clinics; banks and savings and loan institutions. One (1) space for each two-hundred-seventy-five (275) square feet of gross floor area devoted to the Permitted Use.
- (k) Offices, club or lodge, gasoline filling station, post office, automobile sales and service; radio television station; and commercial recreational, excluding amusement arcades. One (1) space for each three-hundred-fifty (350) square feet of gross floor area devoted to the Permitted Use.

(Section 9.c.(4) - continued)

- | | | |
|-----|---|--|
| (l) | Amusement arcade; apparel and accessory store; appliance store; auto supply store; bakery and pastry store; barber or beauty shop; book and stationery store; bowling alley; car wash; clothing store; clothing and costume rental; delicatessen; department store; drug store; dry goods and notions; dry cleaning or laundry; gift or novelty shop; grocery store; hardware store; ice cream shop; laundromat; liquor store; mail-order catalog sales; restaurant; self-service laundry; shoe store; sporting goods store; tavern or lounge; and variety store. | High-volume General Commercial Uses - one (1) space for each two-hundred (200) square feet of gross floor area devoted to the Permitted Use. |
| (m) | Artist studio; art supply store; antique store; bicycle shop; cigar and tobacco store; candy store; furrier; millinery or tailor; feed and seed; florist; frozen food locker; garden shop; hobby shop; interior decorator; jewelry store; health goods store; lock and key shop; medical and orthopedic appliances; meat market; messenger or telegraph service; musical instrument store; music studio; milk products store; office supply and equipment; optician; paint and wallpaper store; pet shop; pawn shop; photographic supply store; photographic studio; picture frame shop; sewing machine store; shoe repair and shine shop; travel agency; upholstery shop; watch repair shop; small appliance and machinery repair. | Low-volume General Commercial Uses - one (1) space for each two-hundred-seventy-five (275) square feet of gross floor area devoted to the Permitted Use. |
| (n) | Furniture store. | One (1) space for each five-hundred (500) square feet of |

(Section 9.c.(4) - continued)

- gross floor area devoted to the Permitted Use.
- (o) Auditorium; meeting hall; and theater. One (1) space for each three (3) seats at maximum capacity.* When individual seats are not permanently fixed, a gross floor area of twenty-one (21) square feet shall be considered as equivalent to one (1) seat.
- *Maximum capacity of the facility to be determined by the Zoning Administrator.
- (p) Business, technical or vocational school; and community college. One and one-half (1 1/2) spaces for each classroom, laboratory, or lecture hall, plus one (1) additional space for each five (5) students that the school is designed to accommodate, plus one (1) additional parking space for employees or staff members, other than teaching staff.
- (q) Airport-related industry; asphalt plant; assembly or fabrication; automobile repair; bottling plant; building material storage and sales; bulk plant, gasoline or LP gas; dry cleaning or laundry plant; grain elevator and feed mill; grinding mill; heavy equipment sales, service and repair; incinerator; lumber yard; manufacturing, processing or fabrication; monument making and sales; oil field supply, storage and sales; railroad facilities; ready-mix concrete plant; refinery; slaughterhouse; truck or freight terminal; and public utility installations. One (1) space for each two (2) employees, for which the Permitted Use is designed to employ.
- (r) Mixed-use shopping center. It shall be assumed that

(Section 9.c.(4) - continued)

eighty percent (80%) of the gross floor area of a mixed-use shopping center be devoted to high-volume, general commercial uses at one (1) space for each two-hundred (200) square feet, with the remaining twenty percent (20%) of the gross floor area being considered to be low-volume, general commercial uses at one (1) space for each two-hundred-seventy-five (275) square feet.

(s) Parking requirements for Permitted Uses not listed in this section (Section 9.c.) shall be determined by the Zoning Administrator.

d. Off-street Loading Requirements.

(1) An off-street loading space shall be located on the same Zone Lot as the structure for which it is located.

(2) In the C-O, C-P, C-1, C-3, I-1 and I-2 Districts, the following number of off-street loading spaces shall be provided, plus an area adequate for maneuvering, ingress and egress:

Type of Use	Gross Floor Area (Square Feet)	No. of Loading Spaces Required
1. Retail, Wholesale, Storage and Other Business Uses	3,000 to 15,000	1
	15,001 to 40,000	2
	Each Additional 25,000	1 additional
2. Office Buildings	15,000 to 100,000	1
	100,001 to 336,000	2
	Each Additional 200,000	1 additional
3. Industrial Uses	15,000 or less	1
	15,001 to 40,000	2
	40,001 to 100,000	3
	Each Additional 60,000	1 additional

(Section 9.e.)

e. Special Plan for Off-street Parking.

(1) Under the provisions of Section 9.a.(3) of this Ordinance, off-street parking is required to be located on the same Zone Lot and operated under the same ownership as the Permitted Use. Under the following conditions, required off-street parking may be provided on a Zone Lot separate than that containing the Permitted Use:

(a) The separate Zone Lot must be within three-hundred (300) feet of the Zone Lot containing the Permitted Use.

(b) The separate Zone Lot must be located within a Zoning District where the parking of vehicles is a Permitted Use.

(c) A special plan for separated, off-street parking must be submitted to, approved and recorded by the Zoning Administrator.

(2) All applications for approval of a special plan shall be filed with the Zoning Administrator and shall 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) Sufficient evidence to establish to the satisfaction of the Zoning Administrator that the applicants are the owners of the designated land and structures.

(c) The location and size of the Permitted Uses or structures for which off-street parking is required.

(d) The location and layout of the required off-street parking spaces and their distance from and location in relation to the Permitted Use.

(3) The Zoning Administrator shall review such applications and either approve or disapprove them. Any approval may establish necessary conditions and limitations.

(4) An approved special plan shall be filed among the records of the Zoning Administrator and with the County Clerk.

(5) All special plans which have been approved and recorded shall be binding upon the owners of the land area and structures included in the special 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.

(Section 9.e.(6))

(6) Special plans may be amended or withdrawn through the same process by which they first gained approval.

f. Permitted Parking Arrangements. See page 78a.

g. Landscaping Requirements for Off-street Parking Lots and Adjacent Rights-of-Way.

(1) Purpose and Scope of Regulations.

The purpose of these regulations is to enhance the visual environment by improving the appearance of parking lots, to improve the safety of parking lots by guiding the circulation of vehicles and pedestrians, to screen parking lots from adjacent properties and public street rights-of-way, to enhance property values, to reduce micro-climatic effects produced by parking lots, and to facilitate the creation of a convenient, attractive and harmonious community.

(2) General Requirements.

(a) These regulations shall apply to all Building and/or Zoning Permit applications, where thirty-five (35) or more off-street parking stalls are required on a Zone Lot in the C-1, C-2, C-3, C-O, C-P, I-1 and R-3 Districts, as prescribed by this Section of this Ordinance. A Zoning Permit shall be required when twenty (20) or more parking stalls are proposed on any Zone Lot in the C-1, C-2, C-3, C-O, C-P, I-1 and R-3 Districts. In the C-2 District, where off-street parking is provided, the landscaping provisions (Section 9.g.) shall apply.

(b) When thirty-five (35) or more off-street parking spaces are required on a Zone Lot, two (2) copies of a Landscape Plan shall be submitted to the Zoning Administrator for review and approval prior to the issuance of a Building and/or Zoning Permit for the property. The Landscape Plan shall include at least the following information.

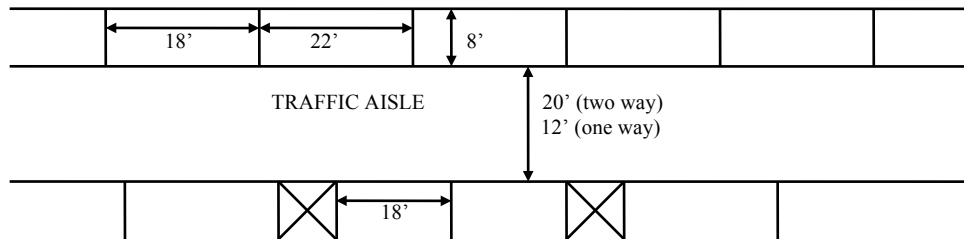
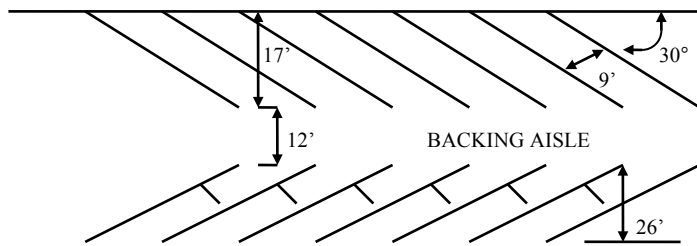
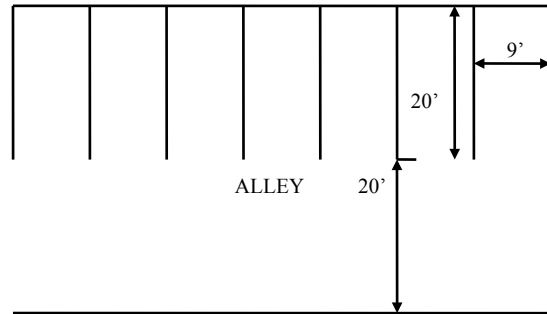
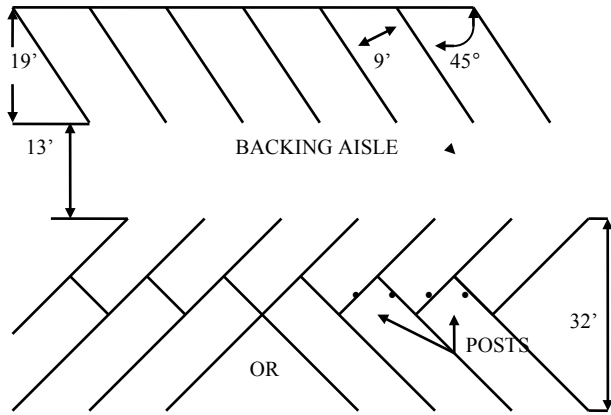
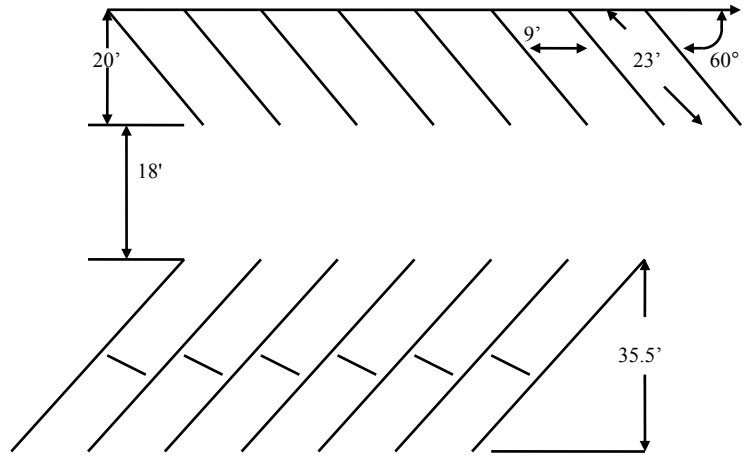
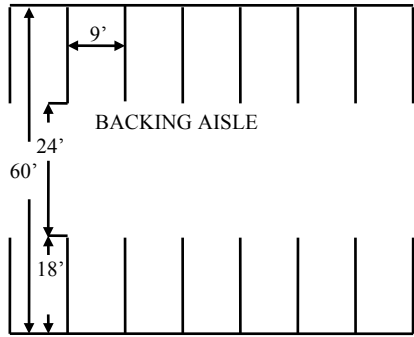
(1) A scale, north arrow, street address of subject property, date of preparation, the name and address of the person or firm preparing the Plan, and the total square footage of the parking lot area to be landscaped.

(2) The location of vehicular access ways, walkways, rights-of-way, utility lines and easements within or affecting the design of the landscape area.

(3) The locations, sizes and types of all landscaping materials to be used, as well as the location of irrigation devices, if proposed.

(c) Where appropriate, the Landscaping Plan shall be reviewed and approved by the Planning Commission as part of a Development Plan. In all other cases, the

PERMITTED PARKING ARRANGEMENTS



(Section 9.g.(2) - continued)

Zoning Administrator shall review and approve Landscape Plans prior to the issuance of a Zoning and/or Building Permit.

(d) To assist the applicant in selection of landscaping materials, the Zoning Administrator will provide a list of landscaping materials which may be appropriate to Newcastle's soils and climate. However, the applicant shall not be limited to the materials so listed.

(e) All landscaping, as shown on the approved Landscape Plan, shall be installed prior to the issuance of a Certificate of Occupancy. The Zoning Administrator may allow up to one (1) full growing season (a "growing season" shall be defined as the time period from the 22nd day of May to the 21st day of September) for compliance of the Landscape Plan. If a CO is requested prior to installation of the required landscaping, then the owner, or his designated agent, must provide a suitable monetary security guarantee to the City in the amount of one-hundred-fifty percent (150%) of the estimated cost of materials and installation. In the event of default by the owner, the City shall install the required landscape improvements, without cost to the City. Upon completion of the landscaping requirements, as provided on the approved Landscape Plan, the financial guarantee shall be released.

(f) An approved Landscape Plan may be revised from time to time, provided all revisions are approved and recorded by the Zoning Administrator, or Planning Commission, when landscaping plans are submitted in conjunction with development plans.

(3) General Design Standards.

(a) The Landscape Plan may include lawn or grass areas, trees, shrubs, ground cover or other plantings (natural or man-made), decorative rock, detention ponds, berms or mounds, decorative fences and other screening devices, benches, tables, fountains, planters or other similar outdoor furniture.

(b) Landscaping shall not unreasonably interfere with the installation and maintenance of any public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard. No landscape material greater than three (3) feet in height shall be located within a required "sight triangle" (See Section 13.ww.).

(c) The Landscape Plan shall include an adequate mixture of organic and inorganic materials. No artificial trees, shrubs, hedges or flowers may be used in landscaping any exterior area, unless otherwise approved by the Zoning Administrator, or Planning Commission, in the case of Development Plans.

(d) An adequate amount of landscaping shall be required along the perimeter lot line(s) on all off-street parking lots which abut any public right-of-way. Where appropriate, the landscaping of the adjacent, unimproved public right-of-way is encouraged, in order to satisfy the perimeter landscaping requirement. When the adjacent public right-of-way is

(Section 9.g.(3) - continued)

used to satisfy this perimeter landscaping requirement, then the adjacent public right-of-way area may be used for installing or developing drainage detention facilities that are required by the City Engineering Division, provided the City Engineer approves of the use of the public right-of-way for drainage detention. In addition, in all other cases where the landscaping of the adjacent public right-of-way complies with Section 9.g. of the Zoning Ordinance, then the owner may utilize the adjacent public right-of-way to satisfy drainage detention requirements, with the approval of the City Engineer.

(e) In addition to the perimeter landscaping required in paragraph (d) above, whenever one-hundred (100) or more parking stalls are required in conjunction with a Building and/or Zoning Permit, the owner shall be required to provide interior landscaping of not less than three percent (3%) of the total area of the lot used for parking and vehicular circulation. Interior landscaping shall be reasonably dispersed throughout the parking lot, and landscaping islands with raised curbs should be used to define parking-lot entrances, the ends of all parking aisles and the location and pattern of primary, internal access drives.

(4) Maintenance

All landscaped areas shall be kept neat, clean and uncluttered. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.

Dying, dead, diseased or pest-infested materials may be considered as constituting a failure to maintain the required landscaping areas. Maintenance of landscaping in the rights-of-way shall be the responsibility of the adjacent landowner.

(5) Nonconforming Parking Lots.

Landscape requirements shall apply to new development or construction and major reconstruction. For purposes of reconstruction, if an addition or alteration to an existing structure increases the floor area of that structure by more than fifty percent (50%), then compliance with the landscaping provisions shall be a requirement of the Zoning and/or Building Permit.

SECTION 10. SIGN REGULATIONS

a. Purpose and Scope of Regulations.

The purpose of these regulations is to permit signs that will not, by their reason, size, location, construction or manner of display, endanger the public safety of individuals, confuse, mislead or obstruct the vision necessary for traffic safety, or otherwise endanger the public health and safety. Moreover, these regulations are intended to permit signs that will support and

(Section 10.a. - continued)

complement the land-use objectives contained in this Zoning Ordinance and in the duly-adopted Comprehensive Plan and to permit only those signs which will preserve and maintain property values within the corporate limits of the City of Newcastle.

These regulations shall apply to signs erected, altered and maintained by and for Permitted Uses in all Districts. Signs governed by several regulations shall comply with all such regulations. If State regulations for signs along highways are in conflict with this Ordinance, the more restrictive rules shall apply.

b. General Requirements.

(1) Signs controlled by this Section shall be erected only after the approval of the Zoning Administrator of a Permit therefor. An application for such approval shall contain a sketch or drawing to scale of the proposed sign and a notation as to its height, size and location on the structure or Zone Lot. It shall also fully describe any existing signage on the premises. An application for a free-standing sign shall also contain engineering specifications which delineate the wind and snow loads that the sign can sustain.

(2) Signs shall be maintained in a good state of repair. Broken signs, signs unreadable because of deterioration, and signs on vacant buildings may be ordered repaired or removed by the Zoning Administrator.

(3) Illuminated, non-flashing signs shall be permitted only in those Districts listed in Subsection (e); and where the sign is illuminated by a light or lights reflected upon it, direct rays of light shall not beam upon any residential building, into any residential building, or into any street.

(4) Flashing signs shall be permitted only in the Districts listed in Subsection (e) of these regulations and upon approval of the Zoning Administrator, providing it is determined that the location and colors will in no way create confusion with traffic lights and with lights on emergency vehicles; and the direct rays of the sign are not directed into any residential district, or upon any residential building.

(5) Proposed signs, not specifically listed in the "Permitted Use Section" of these regulations, and not prohibited by these regulations, may be approved by the Zoning Administrator, provided the proposed sign is compatible with the purpose and scope of these regulations and complies with all other applicable provisions of this Ordinance.

c. Exemptions.

The following types of signs shall be deemed to be outside the scope of these regulations and shall not require a Permit:

(Section 10.c.(1))

- (1) Signs required by law or authorized for a public purpose.
- (2) One (1) sign showing only name and/or address of the occupant, not exceeding two (2) square feet and mounted flat against the wall.
- (3) Cornerstones and historical markers.
- (4) Decorations of a temporary nature.
- (5) Window displays of actual merchandise.
- (6) Real estate “For Sale”, rental or lease signs, not exceeding six (6) square feet in area.
- (7) Signs whose primary function is to be informational or directional, providing their location is approved by the Zoning Administrator.
- (8) Danger or warning signs of a cautionary nature.
- (9) Traffic signs.
- (10) Religious symbols.
- (11) Identifying signs and lettering on business doors, exterior or interior.
- (12) Window signs in commercial districts.
- (13) “For Sale” and temporary construction signs without electric service are exempted from any Permits; however, they must comply with all other provisions of this Ordinance.

d. Prohibited Signs.

- (1) No “revolving beacon”, “fountain” or “flashing” signs, which are of such intensity or so located that it could detract a motorist’s vision from normal, safe driving, shall be permitted in any District.
- (2) No sign in any district shall conflict in any manner with the purpose or operation of public devices controlling public traffic.
- (3) Except for those traffic control and directional devices erected and approved by a public agency having jurisdiction, overhanging or freestanding signs shall be permitted to extend over a public right-of-way only in the C-2 District.

(Section 10.d.(4))

(4) No person shall park any vehicle or trailer on a public right-of-way or public property, or on private property, so as to be visible from the public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises.

(5) Sandwich signs shall be prohibited in all Districts.

e. Permitted Signs.

The following signs may be erected and maintained in the Zoning District enumerated:

PERMITTED SIGNS

	(X) Prohibited				(P) Permitted		
	A	R-S, R-1, R-2, R-3, M-H	C-P	C-1 C-3	C-2	C-0	I-1 I-2
(1) BILLBOARD	(P)	(X)	(X)	(X)	(X)	(X)	(P)
(2) BUILDING SIGN	(P)	(X)	(P)	(P)	(P)	<u>1/</u> (P)	(P)
(3) FREE-STANDING	(P)	(X)	(P)	(P)	<u>2/</u> (P)	<u>1/</u> (P)	(P)
(4) CENTER IDENTIFICATION	(X)	(X)	(P)	(P)	(P)	<u>2/</u> (P)	(P)
(5) PROJECTING	(X)	(X)	(X)	(X)	(P)	(X)	(X)
(6) RESIDENTIAL DEVELOPMENT	(X)	(P)	(X)	(X)	(X)	(X)	(X)
(7) BULLETIN	(P)	(P)	(P)	(P)	(P)	(P)	(X)
(8) FOR SALE	(P)	(P)	(P)	(P)	(P)	(P)	(P)
(9) TEMPORARY BUSINESS	(P)	(X)	(P)	(P)	(P)	(X)	(P)
(10) TEMPORARY CONSTRUCTION	(P)	(P)	(P)	(P)	(P)	(P)	(P)
(11) OFF-PREMISE	(P)	(X)	(X)	(P)	(P)	(P)	(P)
* ILLUMINATED NON-FLASHING	(P)	(X)	(P)	(P)	(P)	(P)	(P)
* FLASHING	(X)	(X)	(X)	(P)	(P)	(X)	(P)

(Section 10.e. - continued)

1/ Maximum 64 sq. ft. in C-O District.

2/ A projecting sign may be substituted for a free-standing sign in the C-2 District.

3/ Maximum 64 sq. ft. in C-O District.

* General requirements for illuminated, non-flashing and flashing signs are contained in Subsection b. of these regulations. Provisions governing the other permitted signs in this table are found consecutively numbered in Subsection f., which follows.

f. Regulations on Sign Usage.

(1) Billboard.

(a) The owner shall agree, at the time of issuance of the Permit, to place and maintain on such billboard the name of the person owning or in control of the billboard.

(b) No billboard shall be erected, altered, constructed, reconstructed or moved until an application and plans have been filed with the Zoning Administrator and shall have been approved by the Zoning Administrator as to size, location and construction.

(c) Billboards shall not exceed fifteen (15) feet in height above the ground.

(d) The owner, lessee or manager of such billboard and the owner of the sign shall maintain and keep the ground area around the sign free and clean of weeds and debris.

(e) Plans for billboards within fire limits shall be referred to the Fire Chief for review and recommendation.

(f) No billboards shall project beyond the Front, Side or Rear Building Line established for the Zoning District in which the billboard is located.

(g) No billboard shall exceed three-hundred (300) square feet in area (on a single face) and shall not be erected closer than one-hundred-fifty (150) feet from another billboard on the same side of the street.

(h) It shall be unlawful to construct or maintain, or cause to be

(Section 10.f.(1) - continued)

constructed or maintained, any billboard, in such a manner as to:

- (1) Obstruct the view of street crossings or railroad crossings.
- (2) Be unable to stand a pressure of at least thirty (30) pounds per square foot of advertising surface.
- (3) Be dangerous to the public by falling or blowing down.
- (4) Increase the danger of loss by fire or to increase fire insurance rates.
- (5) Be nearer than five (5) feet from any building, unless attached to the building.
 - (i) Billboards supported by the ground shall have all posts set in concrete.

(2) Building Sign.

Unless otherwise noted, a business or profession shall be allowed to display a total of two (2) building signs. Both may be of the same type. There shall be no more than one (1) sign per wall or plane of the wall. Up to fifty percent (50%) of a sign may be of manual changeable copy. For one- and two-story buildings, no building sign shall exceed two-hundred-fifty (250) square feet in area, except when used as a Center Identification Sign. The following are types of permitted building signs:

(a) Flush or Painted Wall Sign: The sign shall not project more than four (4) inches from the wall on which it is attached, when located less than eight (8) feet above any pedestrian way, measured from the sign's bottom edge; however, such signs can have a lesser ground clearance if pedestrian or vehicular traffic is not next to the wall. There shall be no more than one (1) sign on a wall. For buildings up to two (2) stories in height, the gross surface area of the sign shall not exceed three (3) times the lineal feet of the wall on which it is to be attached. For buildings over two (2) stories in height, up to ten percent (10%) of the wall area, not to exceed one-thousand (1,000) square feet, may be used for signage.

(b) Roof sign: The City Engineer, or his designee, shall approve all roof signs and may require the construction and/or installation of the sign to be certified in writing by a private, independent engineering firm. The sign shall not project above the peak of the roof. In the case of a flat roof, the sign shall not exceed the maximum height allowed in the Zoning District in which the property is located. The gross surface area (in square feet) shall not exceed three (3) times the lineal feet of the wall which the sign most nearly parallels. The sign shall not rotate.

(Section 10.f.(2) - continued)

(c) Canopy Sign: A sign located on the face of the canopy shall comply with all requirements set forth for a Flush Wall Sign.

(d) Under-Canopy Sign: The sign shall not exceed the width of the canopy, in the case of a sign which is erected perpendicular to the building wall. In the case of a sign which parallels the building wall, the requirements for a flush wall sign shall apply. The bottom edge of the sign shall be at least eight (8) feet above any pedestrian way.

(3) Free-standing Sign.

Where allowed, one (1) free-standing sign for individual businesses conducted on a Zone Lot shall be allowed, not to exceed twenty-five (25) feet in height nor twenty (20) feet in width and not to exceed three-hundred-fifty (350) square feet in surface area. Up to fifty percent (50%) of its area may be of manual changeable copy. (Ord. #1, Series 2000)

A second free-standing sign, not to exceed one-hundred-fifty (150) square feet in surface area, shall be permitted where a Zone Lot abuts two (2) arterial streets, as designated on the duly-adopted City of Newcastle Comprehensive Plan Land Use Map, with each arterial having at least three-hundred (300) feet of frontage on the Zone Lot. The second, free-standing sign shall be at least one-hundred-fifty (150) feet from any other free-standing sign and shall not be used for off-premise advertising.

(a) Pole, Free-standing Sign: The bottom edge of the sign shall be at least ten (10) feet above ground level. Any base or pedestal may not exceed three (3) feet in height or otherwise block a driver's view.

(b) Ground, Free-standing Sign: The sign shall be located at least ten (10) feet from a property line and ten (10) feet from a driveway or parking area access lane(s); or, on a corner lot, shall not be located within twenty (20) feet of the point of intersection of the two (2) intersecting property lines or on curved property lines, the projected point of intersection of the two (2) property lines extended. They shall not rotate.

(4) Center Identification Sign.

Two (2) signs may be used to identify a commercial, industrial or professional center or complex. The signs may be one (1) free-standing and one (1) building sign but shall not include two (2) free standing signs. In the case of a multi-story building, an additional directory, not to exceed nine (9) square feet, may be erected near the entrance to the upper floor(s), identifying the business(es) or profession(s) located therein.

(a) Free-standing Sign: In addition to the provisions in Section 10.f.(3), the following shall apply: The sign shall not exceed four-hundred-fifty (450) square feet in area. The sign may display a directory of the businesses and/or professions located within the

(Section 10.f.(4) - continued)

unified shopping center or within the shopping center complex, along with the name and address of the center or complex, provided the information displayed is an integral part of the sign. That the letters identifying the business or profession are uniform in height, and that such a sign will not be erected within fifty (50) feet of a residential district.

(b) **Wall Sign:** In addition to the provisions in Section 10.f.(2)(a), the following shall apply: The gross surface area of the sign shall not exceed twenty-five percent (25%) of the wall to which it is attached, but not exceeding four-hundred (400) square feet. The sign may display a directory of the businesses and/or professions located within the unified shopping center or within the shopping center complex, along with the name and address of the center or complex, provided the information displayed is an integral part of the sign. That the letters identifying the business or profession are uniform in height.

(5) Projecting Signs.

A maximum of one (1) such sign may project from the wall to which it is attached a maximum of six (6) feet, except in no case closer than eighteen (18) inches from any curb line. The sign shall be located at least eight (8) feet above any pedestrian way, as measured from the lowest point of the sign. The gross surface area shall not exceed fifty (50) square feet.

(6) Residential Development Sign.

In a subdivision, planned mobile home development or residential building complex, up to two (2) signs may be erected to identify the development. The sign may be free-standing or attached to the building wall or fence. The signs shall display no more than the name and location of the building complex. Together, the signs shall not exceed one-hundred (100) square feet in total area.

(7) Bulletin Sign.

Bulletin boards and signs may be erected for churches and other similar public or private institutions in the designated Districts, subject to the following limitations:

(a) One (1) sign or bulletin board shall be permitted on each street frontage, if located on the same site as the principal building.

(b) If the sign or bulletin board is illuminated, the lights shall be directed away from adjoining residential uses.

(c) No sign or bulletin board shall exceed twenty-four (24) square feet in area.

(d) No sign shall be located closer than eight (8) feet from any Side or

(Section 10.f.(7) - continued)

Rear Property Line.

(e) A sign or bulletin board, located in the Front Yard, shall be no closer to the street line than one-half (1/2) the required Front Yard.

(f) A sign or bulletin board, affixed to a building, shall not project higher than one (1) story or ten (10) feet above the ground level, whichever is lower.

(g) Ground signs shall be permanently anchored to the ground and shall not exceed a height of six (6) feet above normal grade.

(h) Buildings constructed on the property line, prior to the adoption of this regulation, shall be allowed one (1) identification sign, only when said sign is a flat wall sign and permanently attached to the building.

(i) On corner lots, no sign shall be so constructed or so located that it will obstruct the view of traffic approaching the street intersection.

(8) For Sale Sign.

For sale or for rent signs, not exempted from the provisions of these regulations, shall be subject to the following conditions:

(a) Only one (1) such sign shall be permitted for each Front Line of a Zone Lot.

(b) No sign shall exceed sixteen (16) square feet in area; except in commercial and industrial districts, no sign shall exceed sixty-four (64) square feet in area.

(9) Temporary Business Sign.

(a) One (1) temporary business sign may be located either on or off the premises of the business using the sign.

(b) The sign shall not be located in a public right-of-way nor be located in a manner which constitutes a traffic or pedestrian hazard. The location of the sign must be approved by the Zoning Administrator.

(c) A business shall be permitted to display a sign for a maximum of sixty (60) days during a calendar year.

(d) In a unified shopping center or shopping complex on one (1) Zone Lot, no more than two (2) signs shall be allowed at any one (1) time on the Zone Lot. The time

(Section 10.f.(9) - continued)

limitations shall apply to both signs and for the other businesses in the shopping center.

(e) The sign may be illuminated, but it shall not flash.

(f) No sign shall exceed thirty-two (32) square feet in area.

(10) Temporary Construction Sign.

(a) No more than two (2) such signs shall be allowed on any Zone Lot where construction or development is taking place.

(b) No sign shall exceed ten (10) feet in height.

(c) The total area for any sign shall not exceed sixty-four (64) square feet.

(d) Signs may be illuminated but shall not be flashing or animated or having moving parts.

(11) Off-premise Sign.

Any building or free-standing sign allowed under this Ordinance may be used to advertise off-premise businesses or products as a substitute for a permitted sign on that site, provided such signage is of uniform size and style. Along with the application for a Permit for an off-premise sign, a letter shall be presented from the property owner or owners reflecting their permission to install the sign.

g. Sign Area Measurement.

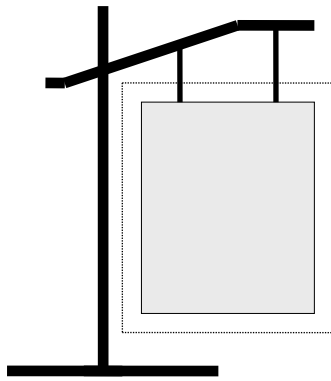
(1) The structure or bracing of any sign shall be omitted from measurement, unless such structure or bracing has been made an integral part of the message.

(2) Where a sign has two (2) or more display faces, the area of all faces shall be measured, unless such faces join back to back, are parallel to each other and are no more than twenty-four (24) inches apart.

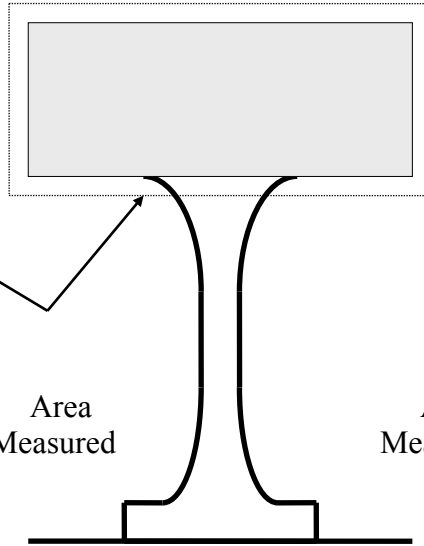
(3) The area of any backing or background material that is a part of the sign display shall be included in the sign area to be measured.

(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.

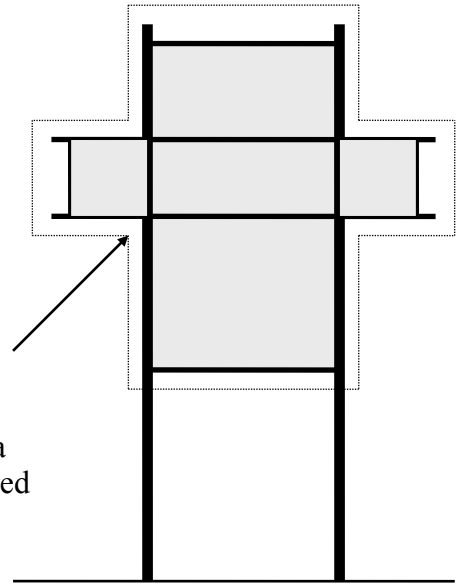
SIGN AREA MEASUREMENT



Bracing and Supports
Not Measured

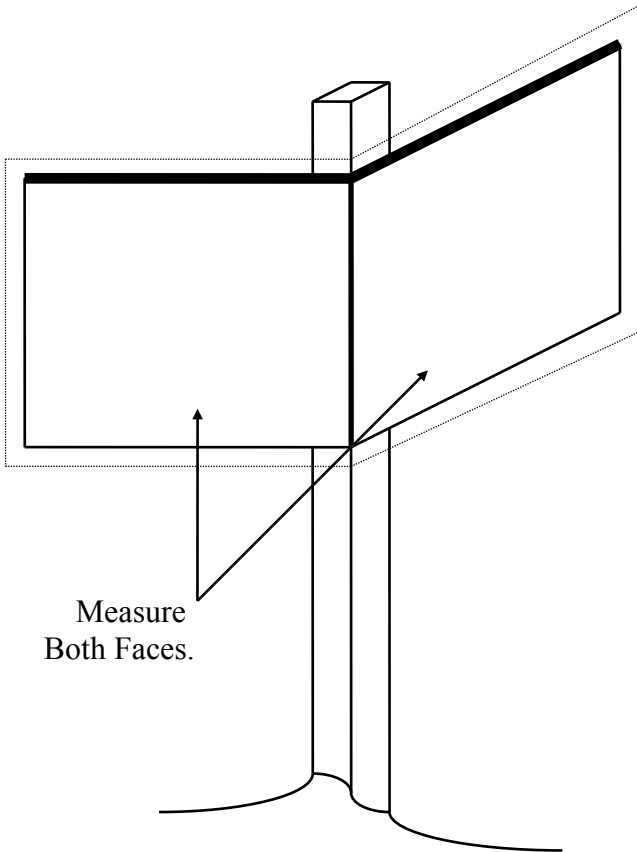


Area
Measured

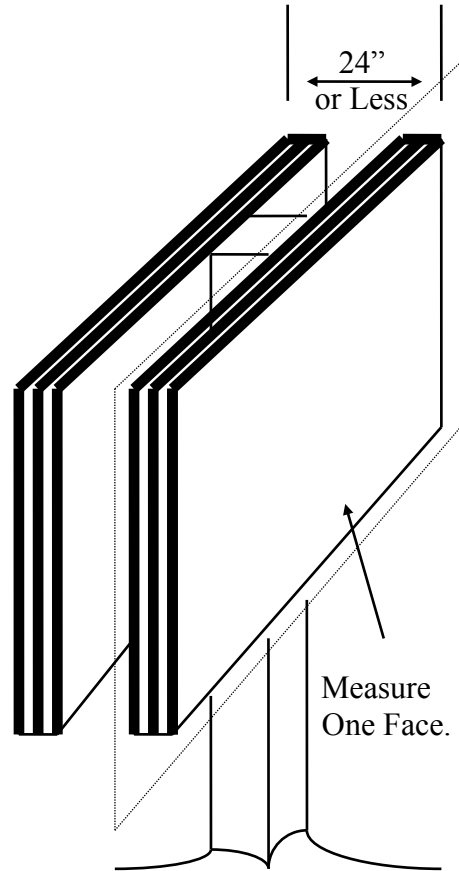


Area
Measured

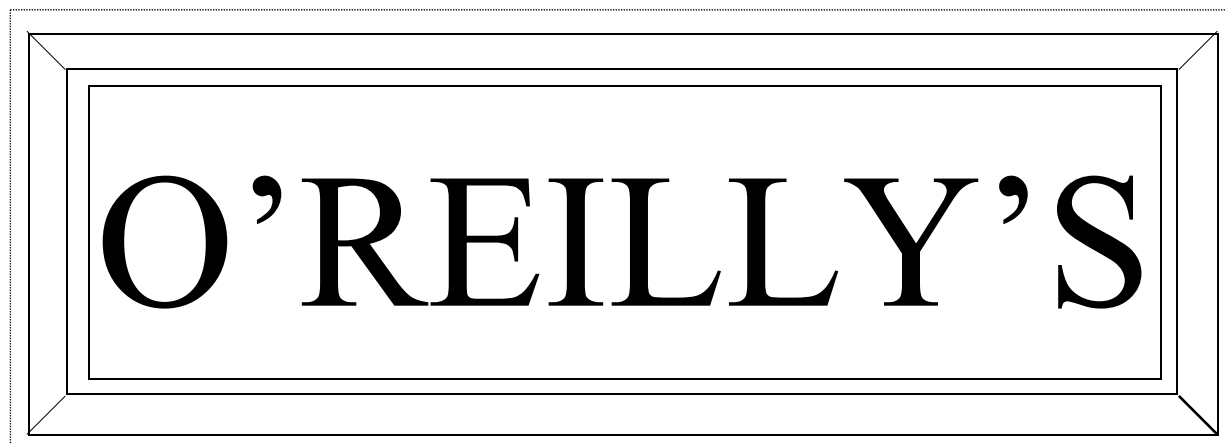
Bracing and Supports
Measured When Made an
Integral Part of Sign.



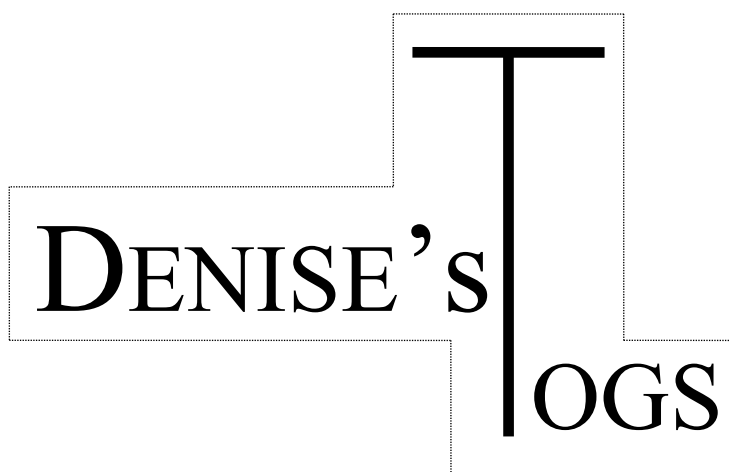
Measure
Both Faces.



Measure
One Face.



Measure background area
when made an integral part of the sign.



Individual letter or odd shaped signs, measure smallest
regular area that will encompass all parts of sign.

(Section 10.g.(5))

(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.

SECTION 11. DEVELOPMENT PLANS

a. Purpose. Pursuant to the procedures hereinafter set forth, when the following conditions exist, a Development Plan is required.

(1) When two (2) or more structures containing Permitted Uses are to be erected and maintained on the same Zone Lot in the R-3, M-H, C-O, C-P, C-1, C-3, and I-1 Districts.

(2) When a condominium development is proposed in the R-3 District, either new or a conversion condominium, containing ten (10) units or more, within one (1) or more structures on one (1) or more Zone Lots.

(3) When a multiple-family, residential development is proposed in the R-3 District which will contain ten (10) units or more within one (1) structure on the same Zone Lot.

This procedure is intended to permit diversification in the location of structures on the land, as well as to assure that major, one- (1) structure residential or commercial projects do not adversely impact the surrounding neighborhood in which the project is to be located, while yet maintaining adequate standards for the preservation of the public health, safety and welfare.

b. Applicable Districts. The provisions of this section shall apply to Permitted Uses on the same Zone Lot, under the conditions provided for in Paragraph a. above, in the following Zoning Districts: R-3, M-H, C-O, C-P, C-1, C-3 and I-1.

c. Submittal and Contents.

(1) All applications for the approval of a Development Plan shall be filed with the Zoning Administrator at least fourteen (14) days prior to the Planning Commission meeting at which the Development Plan is to be considered. Such applications shall be accompanied by the fee payment and shall include:

(a) A statement certifying that the signatories are the owners of the land area described and agree to be bound by the provisions of the Development Plan, as follows:

It is agreed that the conditions of this Development Plan shall be binding upon the undersigned, their successors and assigns, shall limit and control the issuance and validity of all Zoning Permits, and shall restrict and limit the location, construction and use of all land and structures included within the plan to all of the conditions set forth upon the Plan; and

(Section 11.c.(1) - continued)

utilities to be publicly maintained. (c) The size and location of existing and proposed

services. (d) The size and location of water, sewer and electric

(e) The location of sidewalks and gutters.

(f) The location and height of retaining walls.

(g) Foundation and curb elevations.

chases or other building extensions. (h) All porches, decks, cantilevers, steps, chimney

(i) A vicinity sketch.

(4) The location of each existing and proposed structure in the designated area, together with a notation of the Permitted Uses to be contained in the structure, the height of the structure and the location of the entrances and loading areas.

(5) All curb cuts, driving lanes, parking areas and loading areas.

(6) All pedestrian walks, malls and open areas.

(7) The location and height of all fences and walls and the location, height and size in square feet of all signs.

(8) The total square footage of each of the following: the Zone Lot, building area (including building extensions), parking and driveway area, pedestrian walks and open space.

(9) The type of surfacing, such as paving, turf or gravel.

box units. (10) The location of all fire hydrants and neighborhood (mail)

landscaping materials. (11) The location of landscaping and general type of

Commission, reading: (12) A certificate and date of approval of the Planning

(Section 11.c.(1) - continued)

Approved by the City of Newcastle Planning Commission this _____
day of _____, A.D., 19_____.

Chairman

(13) Certificate for recording with the County Clerk and
Recorder, as follows:

The Development Plan was filed for record in the Office of the Clerk and
Recorded at _____ o'clock, ____ M., _____.

County Clerk

(c) Names and addresses of owners of all lands immediately adjacent
within a distance of one-hundred-forty (140) feet, as shown in the records of the Weston County
Assessor. In determining the one-hundred-forty (140) feet, the width of any intervening street
or alley shall be included.

(2) If the proposed Development Plan involves the dedication of a street or the
platting or replatting of subdivision blocks or lots, the Development Plan shall be accompanied
by a final subdivision plat, meeting all of the requirements of the Subdivision Regulations of the
City of Newcastle.

d. Review and Approval.

(1) The Zoning Administrator shall receive all Development Plans submitted,
pursuant to this Section and shall review the submitted Development Plans for appropriateness
and for compliance with these regulations. During the review of the Development Plan, the
Zoning Administrator may make Development Plan information available to and confer with any
agency or person. Upon completing the review, the Zoning Administrator shall make a written
recommendation for approval or disapproval of the Plan and schedule the Development Plan and
the recommendation for discussion at a regular meeting of the Planning Commission. The
Planning Commission's consideration of the Development Plan shall be based on the following
standards:

(a) The structures noted on the Plan must meet all of the limitations as
to height, setback, open space and regulations governing in the Zoning District in which the
Development Plan is located. However, the Planning Commission may authorize a waiver from
the terms of this Ordinance, only in review and approval of Development Plans, and provided the
Commission finds that all of the following conditions exist:

(Section 11.d.(1) - continued)

- (1) That the waiver will be in harmony with the spirit of this Ordinance and the duly-adopted Comprehensive Plan.
- (2) That the waiver will improve the design, quality and character of the development.
- (3) That the waiver will not adversely affect the public health, safety or welfare.
- (4) That the waiver will not authorize a Permitted Use, other than those specifically enumerated in the Zoning District in which the waiver is sought.
- (5) That the waiver will be in accordance with the character of the neighborhood.
- (6) That the waiver will not conflict with any other City Code or Ordinance.

A waiver request shall be submitted, in writing, along with the Development Plan. Each waiver authorized by the Commission shall not be personal to the applicant but shall apply to a specific use or structure on the approved Development Plan and shall run with the land.

- (b) Adequate provisions must be made for:
 - (1) Proper grading, paving, gutters and treatment of turf to handle storm water and prevent erosion.
 - (2) Pedestrian ways and open spaces which are safe and convenient and separated from vehicular traffic, loading and parking.
 - (3) Safe and efficient vehicular circulation, both on the site and at the entrances to the public street system.
 - (4) Safe play and recreational areas for residential complexes intended for family occupancy.
 - (5) In commercial complexes, screening or planting to shield any adjacent residential areas from the visual encroachment of commercial architecture and activity.
- (c) Buildings shall not be so arranged that any part of any building containing a Permitted Use is closer than ten (10) feet from another building containing a

(Section 11.d.(1) - continued)

Permitted Use.

(d) Buildings shall not be so arranged that any building is inaccessible by emergency vehicles.

(2) After due deliberation, the Planning Commission shall either approve or disapprove the Development Plan. An approved Development Plan shall be recorded by the County Clerk, and a copy filed among the records of the Chief Building Inspector as a reference in issuing the proper Permits. If the Development Plan is disapproved, the Planning Commission shall state, in writing, conditions whereby the Plan might gain approval.

(3) If the Development Plan is accompanied by a final subdivision plat or condominium plat, which is proposed as an integral part of the Development Plan, the Planning Commission shall consider the Development Plan and final plat or condominium plat at the same time. If the Development Plan and the final plat or condominium plat are approved, the Planning Commission, in its recommendation to the City Council, shall comment on the relationship of the approved Development plan to the proposed final plat or condominium plat. If the Development Plan is disapproved by the Planning Commission, the Commission shall notify the Council of any impact the lack of an approved Development Plan might have upon Council's consideration of the final subdivision plat or condominium plat.

(4) Approval of the Development Plan by the Planning Commission shall be effective for thirty-six (36), consecutive months from the date of approval. The planning Commission may, upon written application by the developer and for cause shown, grant up to two (2) extensions of approval, not to exceed twelve (12) months each. All Development Plans approved by the Planning Commission, prior to the effective date of this Ordinance, shall remain valid for thirty-six (36) months after the effective date of this Ordinance.

(5) In the event that a Building Permit for an approved Development Plan has not been issued, and construction has not commenced within the time limit described in the preceding paragraph, the Planning Commission may initiate vacation of the Development Plan. The owner of property for which a Development Plan has been approved may also initiate vacation of the Development Plan, if the proposed development is no longer contemplated. Written notice of the proposed vacation shall be given to the property owner and all adjacent property owners within one-hundred-forty (140) feet, including intervening rights-of-way, prior to Planning Commission consideration of the proposed vacation. After the Planning Commission approves the vacating of the Development Plan, the property owner shall be notified, in writing, and an affidavit referencing the book and page numbers where the vacated Development Plan had been recorded shall be recorded in the Office of the County Clerk.

e. Recreational Vehicle (RV) Park Standards. A Development Plan shall be required for all new RV parks and for expansions of existing RV facilities. For expansions, the Plan shall include the entire site, including existing facilities. The following Development

(Section 11.e. - continued)

standards shall apply for Recreational Vehicle Parks:

- (1) Minimum Park Size - three (3) acres.
- (2) Minimum Width of Zone Lot - one-hundred-fifty (150) feet at Front Setback Line.
- (3) Minimum Yards for Structures and RVs - there shall be a minimum of twenty (20) feet for the Front Yard, Side Yards and the Rear Yard. Where deemed necessary by the Planning Commission, an adequate visual buffer may be required.
- (4) Unit Spaces.
 - (a) Minimum Width - fifteen (15) feet.
 - (b) Minimum Area. There shall be provided and maintained a separately-designated land area of seven-hundred (700) square feet, except that at least twenty-five percent (25%) of the total number of spaces shall be at least one-thousand (1,000) square feet; and twenty-five percent (25%) of the total number of spaces shall be at least one-thousand-six-hundred (1,600) square feet.
- (5) Accessory, commercial uses shall not exceed five percent (5%) of gross park area.
- (6) Common Recreational Area. An adequate playground or other recreational area shall be provided.
- (7) Service Building(s). Each park shall provide one (1) or more service buildings providing:

Number of Unit Spaces	Toilets		Urinals Men	Lavatories		Showers		Other Fixtures
	Men	Women		Men	Women	Men	Women	
1-15	1	2	2	2	2	2	2)
16-30	2	3	3	3	3	2	2) Minimum
31-45	3	4	3	4	4	3	4) one (1)
46-60	4	5	4	5	5	3	5) slop sink
61-80	4	6	4	5	5	5	6)

For parks with more than eighty (80) unit spaces, additional facilities shall be provided as follows:

- (a) Men's toilets, urinals, lavatories and showers - one (1) of each

(Section 11.e.(7) - continued)

per each twenty (20) additional unit spaces.

(b) Women's toilets, lavatories and showers - one (1) of each per each additional fifteen (15) unit spaces.

(8) Water Supply. A potable water supply shall be available, not farther than one-hundred (100) feet from any unit space.

(9) Refuse Disposal. Durable, watertight refuse containers shall be provided at sanitary waste stations, service buildings and within one-hundred-fifty (150) feet of any unit space.

(10) Sanitary Waste Stations. One (1) station shall be provided for each one-hundred (100) unit spaces, or part thereof, not equipped with individual sewer connections. A means for washing down the immediate area of the station shall be provided.

(11) Parking. A minimum of one (1) parking space shall be provided at each unit space. Parking spaces and RV pads shall be surfaced with at least a Grade H gravel for individual unit spaces.

(12) Streets. All streets shall be of an all-weather surface of asphalt or concrete. The following minimum widths shall be required:

- (a) One-way, with no on-street parking - twelve (12) feet.
- (b) One-way, with on-street parking (one side) - twenty (20) feet.
- (c) Two-way, with no on-street parking - twenty (20) feet.
- (d) Two-way, with on-street parking (one side) - twenty-eight (28)

feet.

f. 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 his land impractical, or if the developer contends that disapproval of his Development Plan was a wrongful decision, he may request a hearing before the City Council. The request shall be submitted, in writing, within thirty (30) days of the action or decision appealed from and shall state the specific relief sought. Within thirty (30) days of the receipt of such a request, the City Council shall hold a hearing to determine the proper disposition. At the hearing, the Council shall consider not only the developer's appeal, but also the written or verbal comments of the Commission. The Council shall either reaffirm or modify the decision of the Commission and note the decision in the record of its hearing. This decision shall be binding upon all agencies and administrative personnel of the City of Newcastle.

(Section 11.g.)

g. Significance. Development Plans approved by the Planning Commission and recorded and filed by the County Clerk shall be binding upon the owner or owners of the land included in the Plan, and all Permits and Certificates shall be issued in accordance with the recorded Plan.

h. Amendments. Recorded Development Plans may be withdrawn or may be amended, pursuant to the same conditions and procedures whereby they first gained approval.

SECTION 11-A. ZERO LOT LINE DEVELOPMENTS (ZLL)

a. Purpose. The purpose of these regulations is to permit single-family developments with a Zero Side Yard Building Setback, in order to provide for a more efficient utilization of land, as compared with typical single-family development.

b. Applicable Districts. The Zero Lot Line (ZLL) provisions of this Section shall apply to the development of single-family and two-family residences in the R-2 District.

c. General Regulations.

(1) All applicants of ZLL development proposals shall submit a site plan to the Zoning Administrator for review and approval. ZLL Site Plans must be approved by the Planning Commission and recorded in the Weston County Clerk’s Office prior to the issuance of Zoning Permits. ZLL applications shall be accompanied by the fee payment and include the following:

(a) A statement certifying that the signatories are the owners of the land area described and agree to be bound by the provisions of the ZLL Site Plan, as follows:

It is agreed that the conditions of this Zero Lot Line Site Plan shall be binding upon the undersigned, their successors and assigns, shall limit and control the issuance and validity of all Zoning Permits, and shall restrict and limit the location, construction and use of all land and structures included within the Plan to all of the conditions set forth upon the Plan; and that the Zero Lot Line Site Plan may be amended only upon application to and approval by the Planning Commission.

Executed this _____ day of _____, 19____, by:

STATE OF WYOMING)
) ss.
WESTON COUNTY)

(Section 11-A.c.(1) - continued)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D., 19____, by _____, as a free and voluntary deed.

Witness my hand and official seal.

My Commission expires _____

Notary Public

(b) A twenty-four- (24) inch by thirty-six- (36) inch original linen or mylar and five (5) prints of a plat or plan drawn to scale showing at least the following detail:

(1) Lot lines and the legal descriptions of the lots included in the proposed ZLL development.

(2) The land area to be included within the ZLL development, its zoning classification, the zoning classification of abutting lands and all public or private rights-of-way and easements abutting or crossing the land area which are existing, proposed or to be abandoned. The boundary of the area included within the ZLL development shall be shown in a heavy solid line.

(3) Building setback lines shall be shown on the Site Plan with a dashed line.

(4) A certificate and date of approval for the Planning Commission, reading:

Approved by the City of Newcastle Planning Commission, this _____ day of _____, A.D., 19____.

Chairman

(5) A certificate for recording with the County Clerk and Recorder, as follows:

The Zero Lot Line Site Plan was filed for record in the Office of the County Clerk and Recorder at _____ o'clock, _____. m., _____.

County Clerk

(Section 11-A.c.(1) - continued)

(c) Submittal of a declaration of covenants, conditions and restrictions pertaining to easements and maintenance of Side Yards to the Zoning Administrator for review and recording in the County Clerk's Office, along with the ZLL Site Plan.

(d) Submittal of an ownership and encumbrance report or commitment for title insurance prepared by an abstract company.

(e) If the proposed ZLL Site Plan involves the dedication of a street or the platting or re-platting of subdivision blocks or lots, the ZLL Site Plan shall be accompanied by a final subdivision plat, meeting all of the requirements of the Subdivision Regulations of the City of Newcastle.

(2) Minimum Size of ZLL Development - four (4) adjacent, platted lots.

(3) Minimum Area of Platted Lot - six-thousand (6,000) square feet in the R-1 District and four-thousand (4,000) square feet in the R-2 District for ZLL dwellings.

(4) Minimum Width of Platted Lot.

(a) R-1 District - forty-five (45) feet at the Front Setback Line, except corner lots must be fifty-five (55) feet.

(b) R-2 District - thirty-five (35) feet at the Front Setback Line, except corner lots must be forty-five (45) feet.

(5) Minimum Yards for Structures.

(a) Front Yards - twenty (20) feet, except that on a corner lot, any Front Yard not directly adjacent to the primary entrance of a main building may be reduced to fifteen (15) feet.

(b) Rear Yards - twenty (20) feet.

(c) Interior Side Yards. One Side Yard shall be a minimum of ten (10) feet, and the other Yard must be zero (0) feet, except accessory structures shall observe setback requirements as otherwise provided in the R-1 and R-2 Districts.

(d) A ten - (10) foot setback shall be maintained between single-family dwelling units in a ZLL development.

(e) Perimeter Yards - all Yards within the ZLL Site Plan, adjacent to property not included in the ZLL Site Plan, shall comply with requirements of the underlying District, except that if the adjacent property is included in a previously-approved and recorded

(Section 11-A.c.(5) - continued)

ZLL Site Plan, the Side Yard may be reduced to zero (0) when the adjacent Side Yard is ten (10) feet.

(6) Maximum Height of Structures - thirty-five (35) feet.

(7) Maximum Lot Coverage - sixty percent (60%).

(8) Walls constructed adjacent to the zero (0) Side Yard lot line shall be solid, with no doors, windows or other openings. No eaves, overhangs, gutters, cornices, exterior columns, chimneys or other building accessories shall extend beyond the property line.

(9) A perpetual maintenance easement, a minimum of four (4) feet in width, shall be provided adjacent to the property line in the required Side Yard. It must be shown on the Zero Lot Line Site Plan and/or on the subdivision plat. The covenants shall dedicate this easement and govern the rights and restrictions to its use. This easement shall be kept clear of all structures, except fences and/or retaining walls, provided access by the adjacent property owner is not unduly restricted.

(10) Except as provided herein, all other provisions of the underlying Zoning District shall apply to property developed as part of the ZLL Site Plan.

d. Review and Approval.

(1) The Zoning Administrator shall receive all Zero Lot Line Site Plans submitted, pursuant to this Section. The Zoning Administrator shall review the submitted Site Plan for appropriateness and for compliance with these regulations. During the review of the Site Plan, the Zoning Administrator may make the Plan information available to and confer with any agency or person. Upon completing the review, the Planning Commission shall either approve or disapprove the ZLL Site Plan.

(2) An approved ZLL Site Plan and covenants shall be recorded with the County Clerk, and a copy of the Site Plan filed among the records of the Chief Building Inspector as a reference in issuing the proper Permits. The petitioner shall be responsible for payment of the recording fees. Upon approval and recording of a ZLL development Site Plan, the Zoning Administrator shall note the lots approved for "ZLL" on the official Zoning Map. Appeals shall be handled in the same manner as Section 5.f. of this Ordinance.

SECTION 12. AMENDMENT PROCEDURES

a. Statement of Policy. It is the intent of the City of Newcastle that these regulations, which include this Ordinance and the DISTRICT ZONING MAP, have been established for the purpose of promoting sound and desirable development and for maintaining stable land use patterns. In harmony with this purpose, the Ordinance and Map shall not be

(Section 12.a. - continued)

amended, except to (1) correct an obvious error or oversight in the regulations, or to (2) recognize changing conditions in the City, which require that amendments be adopted for the promotion of the public health, safety and general welfare. In conformity with this statement of policy, the City Council and the Planning Commission may initiate amendments, or any person, firm or corporation may initiate amendments in the manner hereinafter set forth.

b. Amendments - Type and How Made.

(1) Amendments shall be of two (2) types:

(a) Language amendments which seek to change the wording of the Zoning Ordinance.

(b) Map amendments which seek to change the district boundary lines on the District Zoning Map.

(2) Applications for amendments of either type shall be made to the Zoning Administrator. The Zoning Administrator may develop forms for this purpose. The application shall include, among other things:

(a) The name and address of the applicant.

(b) The applicant's interest in the application, i.e., whether owner of the land or structure affected, or agent.

(c) The name and address of any other interested parties, such as owner or developer.

(d) The nature and effect of the proposed amendment.

(e) A statement of the legal basis for such an amendment, whether to correct an error or to recognize changing conditions.

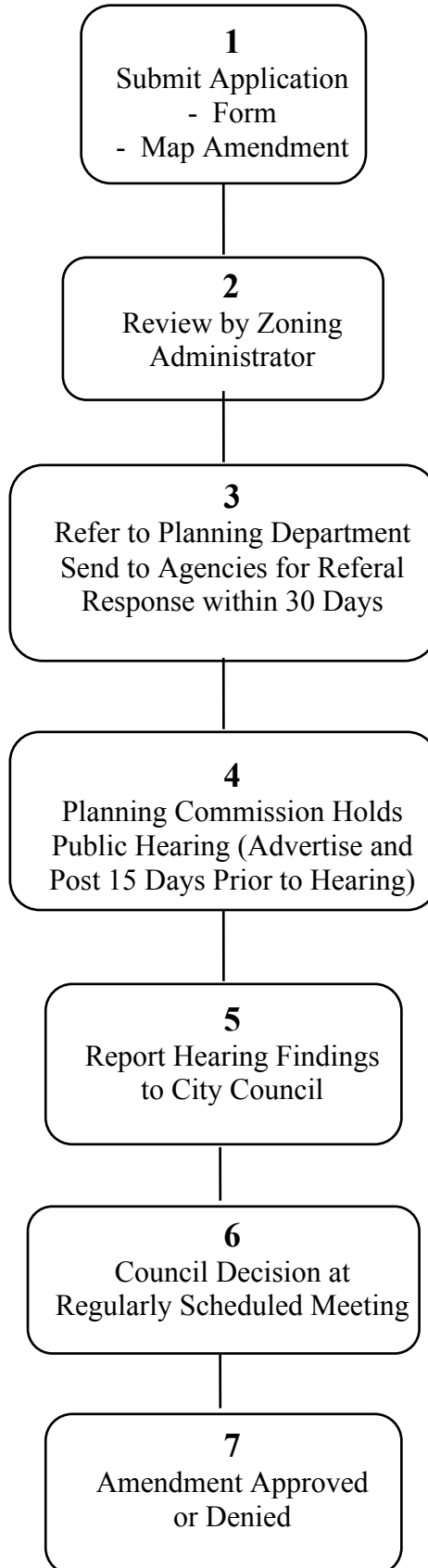
(3) Amendments to the District Zoning Map shall, in addition, include:

(a) A legal description and a map of the area sought to be rezoned. The map shall show the relationship of the property to abutting properties.

(b) The existing Zoning District designation and the proposed District designation.

(c) A time schedule for development.

ZONE AMENDMENT PROCESS



(Section 12.b.(3) - continued)

(d) The names and addresses of all owners of land within the area proposed for rezoning and within one-hundred-forty (140) feet, the width of any intervening street or alley shall be included.

(4) The Zoning Administrator shall review the application for correctness and completeness and shall report to the City Council concerning the nature of the application and the date of its filing. The Zoning Administrator shall refer a copy of the application to the Planning Commission for its recommendation and may refer a copy to any other agency which might be affected by the amendment, for comment.

(5) The Zoning Administrator shall seek a timely response from agencies in regard to the application. If a response, or notification that a response will be given, is not forthcoming within thirty (30) days from the date on which the application was sent, then the agency not responding will be considered to have no objection.

(6) The Zoning Administrator shall assemble all comments and schedule the matter for a public hearing before the Planning Commission and for later consideration at a regular meeting of the City Council.

c. Public Hearing.

(1) The Planning Commission shall hold a public hearing on all amendments to this Ordinance and to the District Zoning Map, at which all interested parties shall have an opportunity to be heard. Notice of the time and place of the public hearing, and the nature of the amendment sought, shall be given by one (1) publication in a newspaper of general circulation in the City at least fifteen (15) days prior to the date of such hearing. Also, the area which is to be the subject of the hearing shall be posted for at least fifteen (15) days prior to the hearing. The posted notices shall be in number, size and location as prescribed by the Zoning Administrator and shall state the present zoning classification, the proposed zoning classification and the time and place of the public hearing, on standard signs provided by the City. Notices shall be posted by a designated City official and removed by the same within fifteen (15) days after the public hearing has been held.

(2) After its public hearing and after due deliberation, the Planning Commission shall certify its findings and recommendations on any proposed amendments to this Ordinance or to the District Zoning Map to the City Council, in writing.

(3) No zoning amendment shall be considered by the Council until after it has been the subject of a public hearing before the Planning Commission and the Commission has forwarded its findings and the recommendations to the Council. In its deliberations on zoning matters before it, the Council shall take into consideration any evidence and material available to it, comments of public agencies and the findings and recommendations of the Planning Commission. No zoning change shall be put into effect unless a majority of the Council votes in favor of its adoption.

(Section 12.c.(4))

(4) In the event of a protest to a proposed amendment to the District Zoning Map, duly signed and acknowledged by 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 amendment shall not become effective, except by the affirmative vote of two-thirds (2/3) of all the members of the City Council. In determining the one-hundred-forty (140) feet, the width of any intervening street or alley shall not be included.

(5) All protests to a proposed amendment to the District Zoning Map, or any withdrawals from such a protest, shall be filed with the Zoning Administrator at least twenty-four (24) hours before the time set by notice for the Council meeting at which the proposed amendment will be considered.

d. Amendments for Mineral Extraction or Production.

(1) All mineral extraction and/or production activity shall take place in an I-2 District.

(2) Applications for amendments to allow mineral extraction and production shall follow the amendment procedures outlined in Sections 12.b. and 12.c. of this Chapter.

(3) After the required public hearing has been held, and after due deliberation by the City Council, the City Council may:

(a) Request that State or Federal approvals be withheld, pending recommended modifications.

(b) Impose such additional conditions and safeguards as they deem necessary to protect the surrounding environment or adjacent uses of land, while yet permitting the reasonable extraction and production of the minerals in question.

e. Limitations on Filing. No application for the change of a Zoning District Classification shall be made by a property owner or his agent for any land area which has been the subject of a public hearing conducted by the City Council within the immediately-preceding twelve- (12) month period, and which hearing resulted in a rejection of the proposed zoning. This limitation shall not apply to land for which a different zoning classification is sought than the one rejected by the Council.

f. Minimum Size of Area.

(1) Intent. It is the intent of this Ordinance that all Zoning Districts be of such size as to function effectively when developed to the Use for which the District was intended and to be of substantial benefit to significant segments of the populace of the City of Newcastle. For that reason, no amendment to this Ordinance shall be adopted whereby a zoning classification is

(Section 12.f.(1) - continued)

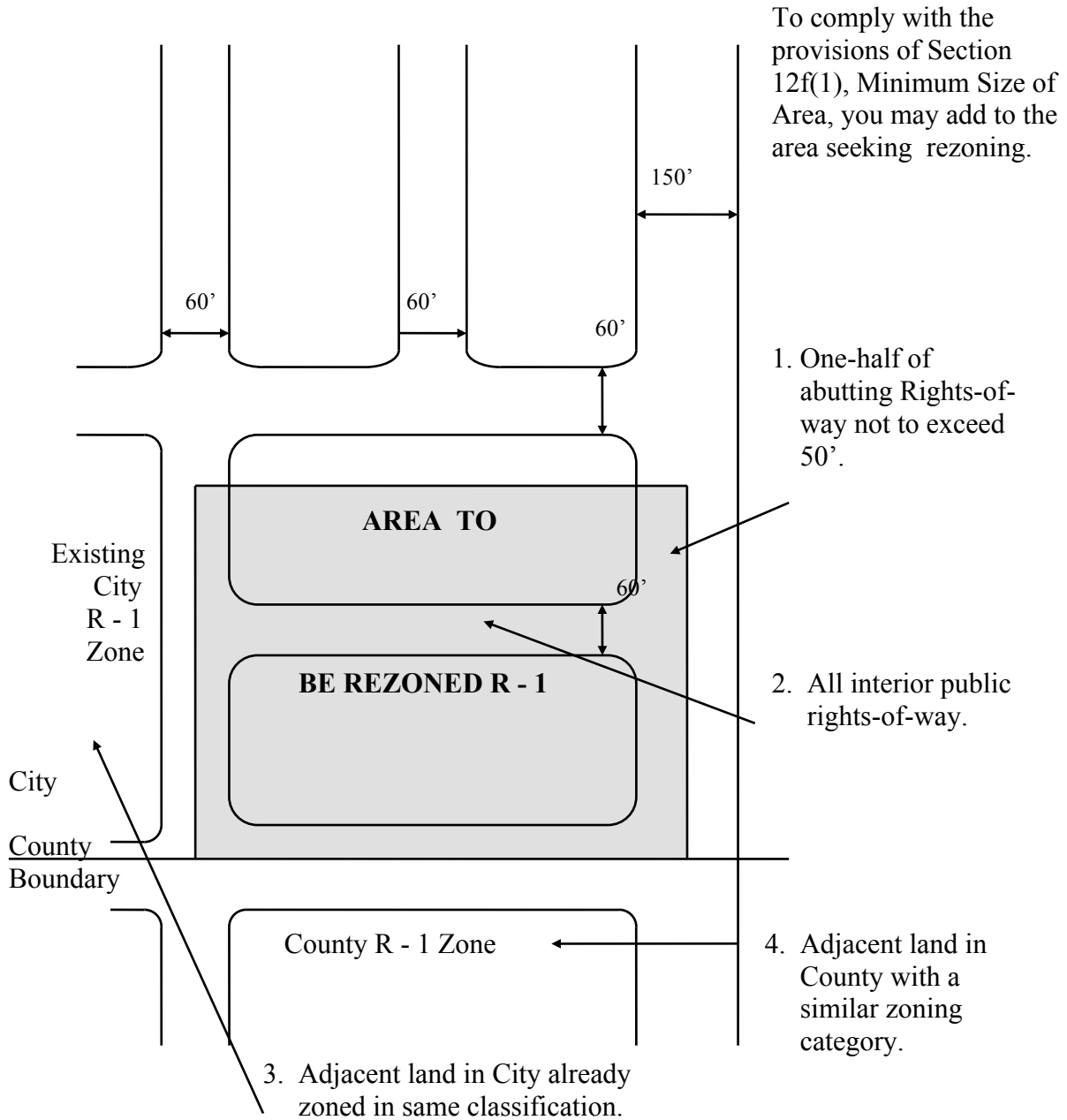
established for any land area, unless the area to be zoned meets the following minimum-size requirements for the Zoning Districts, as noted:

- (a) A, Agricultural District - 10 acres.
- (b) R-S, Suburban Residential District - 10 acres.
- (c) R-1, Single-family Residential District - 10 acres.
- (d) R-2, Single- and Two-family Residential District - 3 acres.
- (e) R-3, Multi-family Residential District - 2 acres.
- (f) M-H, Mobile Home District - 5 acres.
- (g) C-O, Office and Institutional District - 1 acre.
- (h) C-P, Planned Neighborhood Business District - 1 acre.
- (i) C-1, General Commercial District - 4 acres.
- (j) C-2, Central Business District - 20 acres.
- (k) C-3, Business/Services District - 10 acres.
- (l) I-1, Light Industrial District - 5 acres.
- (m) I-2, Heavy Industrial District - 10 acres.

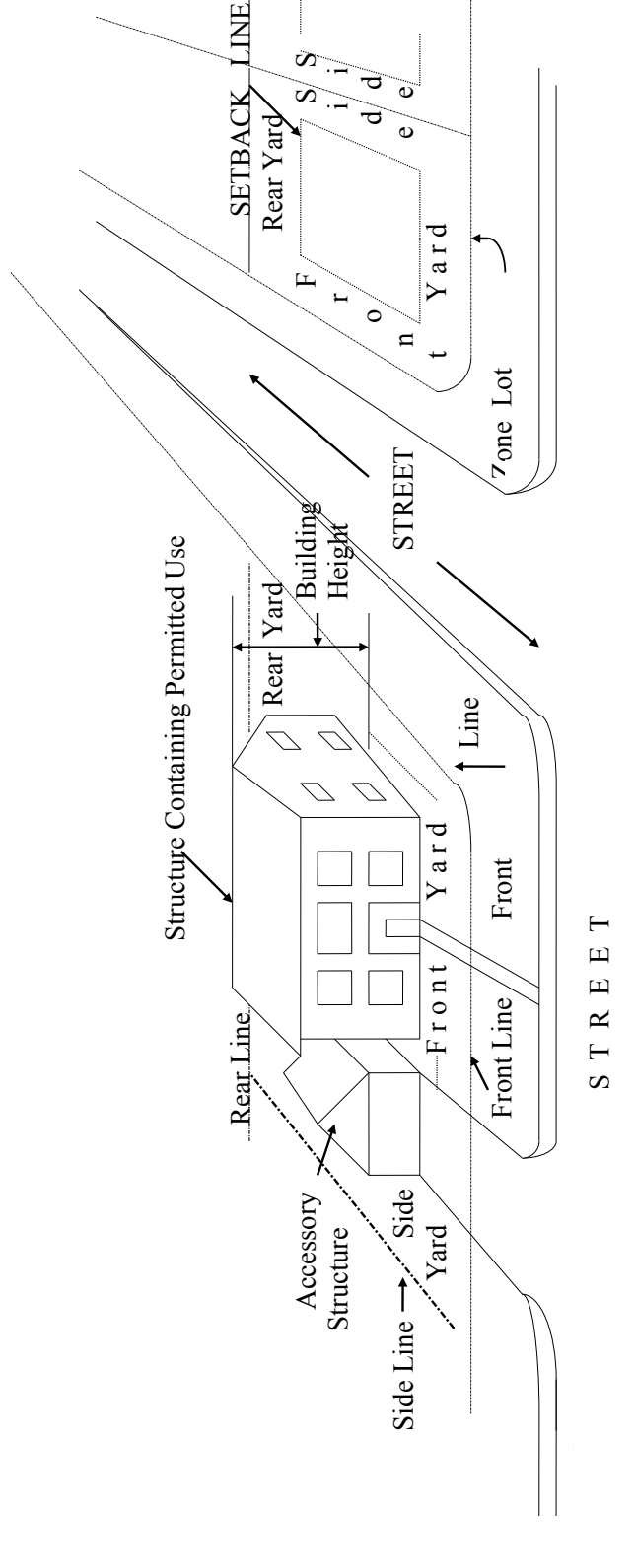
(2) How measured. For the purpose of computing the size of an area for compliance with Section 12.f.(1) above, there shall be included:

- (a) One-half (1/2) of the area of abutting rights-of-way, not however, to exceed a dimension of fifty (50) feet to the centerline.
- (b) All of the area of public rights-of-way interior to the area being changed.
- (c) Adjacent and contiguous land within the City already zoned in the zoning classification being sought for the new area.
- (d) Adjacent and continuous land in the surrounding county that is zoned in a similar category or is used substantially for uses similar to those being sought by the applicant.

MINIMUM SIZE OF AREA TO BE ZONED
How Measured



ZONING TERMINOLOGY



SECTION 13. DEFINITIONS

The following words, terms and phrases are hereby defined and shall be interpreted in the same fashion throughout this Ordinance. The word “shall” is always mandatory. The word “may” is permissive. Words used in the present tense shall include the future tense, and words used in the singular shall include the plural. Terms not herein defined shall have the meaning customarily assigned to them.

a. **ACCESSORY STRUCTURE:** A subordinate building, the use of which is incidental to that of a main building located on the same Zone Lot.

b. **ACCESSORY USE:** Not a Permitted Use, as authorized by these regulations, 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.

c. **ALLEY:** A public or private thoroughfare, which provides only a secondary means of access to abutting property.

c1. **ANIMAL:** Any nonhuman living creature.

d. **BOARD:** The Board of Adjustment of the City of Newcastle, Wyoming.

e. **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.

f. **BUILDING.** Any permanently affixed, covered structure intended for the shelter, housing or enclosure of persons, animals or goods.

g. **BUILDING FRONTAGE:** That facade of a structure containing a Permitted Use, which is generally parallel to and closet to the Front Line of a Zone Lot.

h. **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.

i. **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 shall 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, shall be allowed to be stored, nor any part thereof. No hazardous materials shall be allowed to be stored.

(Section 13.j.)

j. COMMISSION: The Planning Commission of the City of Newcastle, Wyoming.

k. CONDOMINIUM: Real estate, portions of which are designated for separate ownership, and the remainder of which is designated for common ownership by the owners of those portions.

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

m. CORNER LOT: A Zone Lot situated at the intersection of two (2) or more streets.

n. COUNCIL: The City Council of the City of Newcastle, Wyoming.

o. DAY CARE: An activity regulated by the State of Wyoming and providing care for children out of their own home for two (2) hours or more but less than twenty-four (24) hours a day. Categories of day care specified in this Ordinance include:

(1) FAMILY DAY CARE HOME: Allows for the care of three (3) to six (6) children.

(2) GROUP DAY CARE HOME: Allows for the care of seven (7) to eleven (11) children.

(3) GROUP DAY CARE CENTER: Allows for the care of twelve (12) or more children.

p. DISTRICTS: Any Section or area of the City of Newcastle for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform.

q. 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.

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

s. 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.

t. 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 Ordinance include:

(Section 13.t. - continued)

- (1) FOSTER HOME: Allows for the care of up to six (6) children.
- (2) GROUP FOSTER HOME: Allows for the care of seven (7) to eleven (11) children.
 - t1. FOWL: Domesticated chickens, poultry, guinea fowl, turkeys, ducks, geese, peacocks, pigeons and other similar sized and/or type of animal.
 - u. 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.
 - v. 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 or body work nor the sale of butane or propane fuels.
 - w. 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.
 - x. GROUP CARE FACILITY: A facility of dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. May include halfway houses, recovery homes, shelters for abuse victims and homes for the developmentally disabled.
 - y. HOME OCCUPATION: A gainful operation conducted by members of the family, only within the dwelling, which is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof.
 - z. HOSPITAL: An institution intended primarily for the medical diagnosis, treatment and care of patients being given medical treatment. A hospital shall be distinguished from a clinic by virtue of providing for bed and patient care.
 - aa. INSTITUTION: A building, or building complex, occupied by a non-profit establishment for public or semi-public use.
 - bb. JUNK YARD: 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 collecting, dismantling, storing and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.
 - cc. LICENSED VEHICLE: An operable vehicle, with a currently valid license.
 - cc1. LIVESTOCK: Domesticated hoofed mammals such as equines (horses, mules, donkeys), sheep, swine, cattle, goats, llamas, alpacas and similar sized and/or type of animal.

(Section 13.dd.)

dd. **LOADING SPACE:** A space within the main building, or on the same Zone Lot, providing for the standing, locating or unloading of a vehicle.

dd.1 **MANUFACTURED HOME:** A single family residential dwelling structure transportable in one or more dependent sections, which when assembled equals or exceeds twenty-four feet (24') in width and thirty-six feet (36') in length. Said structure shall be attached to a permanent, frost-free foundation. The structure must: (i) comply with all of the United States Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards in effect at the time of manufacture; (ii) be manufactured within the past five (5) years; (iii) comply with all City codes as they relate to wind load and snow load; (iv) provide evidence that the title has been surrendered at the office of the Weston County Clerk and the unit converted to real property at the Office of the Weston County Assessor prior to issuance of a Certificate of Occupancy; and (v) comply with the following design criteria:

(1) Each manufactured home to be located in the City shall comply with all building permit approval requirements applicable to all single-family dwellings prior to arrival at the site; including, but not 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.

(2) Each manufactured home shall conform to the building setback, open space, parking and other district standards and requirements of the zoning district in which the home is located. No more than one manufactured home may be placed on a zone lot.

(3) The manufactured home shall have a pitched roof with a slope of not less than a three inch (3") vertical rise for each twelve inches (12") of horizontal run.

(4) The load bearing foundation system for the manufactured home shall be constructed in accordance with the manufacturer's specifications or with the United States Department of Housing and Urban Development's Permanent Foundations Guide for Manufactured Housing and applicable sections of the Uniform Building Code.

(5) The perimeter of the manufactured home shall be fully enclosed from the lower edge of the manufactured home to the ground with a perimeter skirt wall of a minimum of four inches (4") masonry or six inches (6") of concrete centered on a footer twelve inches (12") wide and twelve inches (12") below finish grade. An unobstructed minimum eighteen inches (18") high and twenty-four inches (24") wide plumbing access door shall be provided. Ventilation in accordance with the Uniform Building Code specifications shall be provided.

(6) The manufactured home shall be permanently connected to all utilities in a manner consistent with residential housing and in accordance with the adopted City codes.

(Section 13.dd.1 – continued)

(7) Roof material on the manufactured home shall consist of non-reflective material customarily used for residential dwellings including, but not limited to, asphalt, fiberglass, shake, tile shingles or metal.

(8) Siding material on the manufactured home shall 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.

(9) A roof overhang exclusive of gutters of not less than six inches (6”) as measured from the vertical side of the manufactured home is required. When an attached carport, garage, porch or similar structure is an integral part of the manufacture home, this overhang may be waived by the City’s Building Inspector where the attachment occurs provided that the exterior perimeter of the roof line contains the required overhang.

(10) Unless the foundation perimeter wall is load bearing, no attachments, additions, alterations or modifications to the exterior walls of the manufactured home are allowed except those approved by the manufacturer for the specific home. 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 home itself and in accordance with applicable City regulations.

(11) All wheels, hitches, tongues and axles shall be removed from the manufactured home and from the site at the time the home is placed on the permanent foundation. (Ord. #6, Series 2000)

ee. MOBILE HOME: Subject to the exceptions hereinafter provided in this subsection, the term “mobile home” means a structure: (i) transportable in one (1) or more sections; (ii) built on a permanent chassis; (iii) designed to be used for permanent year round residential occupancy, with or without a permanent foundation, when connected to residential utility services (water, sewer, natural gas and/or electricity) and includes plumbing, heating and electrical systems, bathroom facilities, kitchen facilities, sleeping room(s) and living areas consistent with residential occupancy; (iv) was manufactured not more than twenty (20) years prior to set-up or installation within the City; (v) is certified to have been manufactured in accordance with and meeting the Manufactured Housing Construction and Safety Standards of the United States Department of Housing and Urban Development (24 C.F.R. Chapter XX, Part 3280 et seq.) in effect at the time of manufacture; and (vi) when set-up or installed is seven hundred twenty (720) or more square feet in size. Calculations used to determine the number of square feet in a mobile home will include the total of square feet for each transportable section comprising the completed structure and will be based on the structure’s exterior dimensions measured at the largest horizontal projections when set-up or installed on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. Mobile homes may be placed on permanent or nonpermanent foundations constructed in accordance with the manufacture’s specifications or in accordance with applicable specifications promulgated by the U.S. Department of Housing and Urban Development and approved by the City building inspector.

(Section 13.ee - continued)

Exceptions: (A) The above definition shall not apply to any structure, transportable in one (1) or more dependant sections, designed for use as a single family residential dwelling unit, but which does not meet the requirements for either a “manufactured home” or “modular home” as defined in this Section, nor meet the requirements for “mobile home” as defined above, which structure was permitted and set-up or installed on an individual Zone Lot prior to May 1, 2013. Such structure shall be permitted to remain on the individual Zone Lot, but may not be moved and set-up or installed on another individual Zone Lot within the City. Any transportable structure replacing such existing transportable structure must meet all current applicable requirements under this Zoning Ordinance and other ordinances, rules and regulations of the City in effect at the time of set-up or installation.

(B) The above definition shall not apply to transportable structures set-up or to be set-up on a space in a mobile home court or park, which space in such mobile home court or park existed on May 1, 2013; but shall apply to any space in any mobile home court or park not existing on May 1, 2013. The City shall keep and maintain a public record of the location of each existing mobile home court or park and all existing spaces therein as of May 1, 2013. A structure, transportable in one (1) or more dependent sections, designed for use as a single family residential dwelling unit, may be set-up on said existing space in an existing mobile home court or park. Changes in ownership of such existing spaces in existing mobile home courts or parks after May 1, 2013 shall not affect this exception.

ff. **MOBILE HOME SUBDIVISION:** A subdivision consisting of two (2) or more lots and meeting all of the requirements of the Subdivision Regulations of the City of Newcastle; the lots of which are intended to be sold, leased or assigned for use by mobile homes to create a suitable environment for long-term, residential occupancy.

gg. **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 manufacture 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 Uniform Building Code for residential dwelling units in effect in the City at the time of installation. (Ord. #6, Series 2000)

hh. **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.

ii. **MULTIPLE-FAMILY DWELLING:** A structure containing three (3) or more dwelling units on one (1) Zone Lot.

jj. **NEIGHBORHOOD RECREATIONAL FACILITY:** A facility which provided, 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 and shall not produce or create offensive noise, vibration, smoke, dust, odor, heat or glare at or beyond the property line.

kk. **OPEN SPACE:** That portion of a Zone Lot not occupied by a structure, not

(Section 13.kk - continued)

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.

ll. 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.

mm. PERMITTED USE: A Use enumerated for a Zoning District.

mm1. PET: Domesticated dogs and house cats; small mammals customarily sold in pet shops such as guinea pigs, hamsters, gerbils, rats, mice, chinchillas, ferrets and rabbits; small birds customarily sold in pet shops such as parakeets, parrots and doves; reptiles, amphibians and arachnids customarily sold in pet shops such as lizards, nonpoisonous snakes, iguanas, frogs, turtles, salamanders, and tarantulas; and fish customarily sold in pet shops. "Pet" does not include livestock, fowl or wild animals.

nn. 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.

oo. REAR LINE: (1) on any Zone Lot, with but one (1) Front Line, the Rear Line shall 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 Department of Planning and Development, 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.

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

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

rr. 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.

ss. RESTAURANT: A retail establishment engaged in the sale of prepared food and drink, which is served to customers entirely within the structure housing the Permitted Use.

tt. 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 shall be allowed.

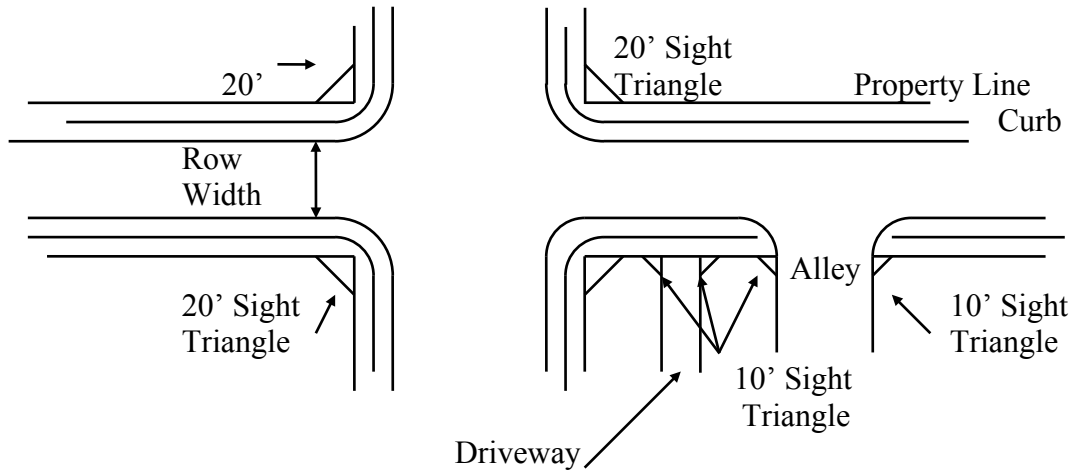
uu. SETBACK LINES: The lines defining the buildable area of the Zone Lot and the inside limits of the required Yards.

(Section 13.vv)

vv. SIDE LINE: Any boundary of a Zone Lot, not a Front Line or a Rear Line.

ww. SIGHT TRIANGLE: A triangular portion of land at the intersection of two streets, a street and commercial or multi-family driveway, or a street and an alley in which nothing is erected, placed or planted which would obstruct the view of motorists entering or leaving the intersection.

Required Sight Triangles



xx. SIGN: Any device or display of letters, words, models, banners, flags, pennants, symbols or other representations which are in the nature of an announcement of 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 unit. Types of signs authorized by this resolution include:

(1) BILLBOARD: A billboard is a board, panel or tablet used for the display of posters, printed or painted 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.

(2) BUILDING SIGN: A sign which directs attention to the building to which it is attached. The following signs are building signs:

(a) 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.

(b) PROJECTING SIGN: A sign attached to or erected on a wall of a building, with the face perpendicular to the building wall.

(c) ROOF SIGN: Any sign erected upon, against or directly above a roof or on top of the parapet of a building.

(Section 13.xx (2) - continued)

(d) UNDER-CANOPY SIGN: Any sign attached to or constructed under a canopy.

(e) 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.

(f) WINDOW SIGN: A sign installed or painted on a window for purposes of viewing from outside the premises.

(3) BULLETIN: A notice or message typically erected by a church or a public institution, not advertising a commercial product, goods or services.

(4) CANOPY: A permanent, roof-like shelter extending from part or all of the building face and constructed of some durable material.

(5) CENTER 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 shall be the only acceptable applicant for a center sign.

(6) CHANGEABLE COPY: A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters.

(7) FLASHING SIGN: Any illuminated sign on which the artificial light is not constant in intensity and color at all times.

(8) FOR SALE SIGN: A sign advertising real estate for lease, rental or sale.

(9) 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.

(10) 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.

(11) ILLUMINATED SIGN: A sign designed to give forth artificial light or designed to reflect light derived from any source.

(12) OFF-PREMISE SIGN: Any sign advertising goods, products or services, not located or sold on the premises on which the sign is located.

(13) ON-PREMISE 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.

(14) 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.

(Section 13.xx – continued)

(15) SANDWICH 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.

(16) 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.

(17) 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.

yy. SINGLE-FAMILY DWELLING: A single, detached structure, complying with the provisions of the Uniform Building Code for dwellings, having but one (1) dwelling unit for the residential occupancy of persons individually or cohabitating in domestic relationships as families (including foster families authorized by the State of Wyoming) and/or roommates; but excluding occupancy as group homes, residential treatment facilities, half-way houses and similar residential uses except to the extent specifically required by local, state or federal law. Unless otherwise indicated, the term single-family dwelling as used in connection with district zoning regulations within the City includes modular homes and manufactured homes as defined in this Section, but excludes mobile homes as defined in this Section. (Ord. #6, Series 2000)

zz. STRUCTURE: Anything constructed or erected, the use of which requires a more or less permanent location on the ground. Fences, signs, utility poles and lines, railways, monuments, statuary, flagpoles, roadways and bridges shall not be considered structures for the purposes of this Ordinance. A carport is considered a structure for the purpose of this Ordinance. A carport is a structure consisting of a roof made of any material with support columns, primarily designed and actually used for vehicle shelter and protection from weather. A carport may be freestanding or attached to a building, and can have one or more walls. Notwithstanding any provision of this Ordinance to the contrary, a carport shall not exceed fifteen feet (15’) at its highest point, and shall not occupy more than fifty percent (50%) of a Zone Lot. Except as may be specifically otherwise provided in this Ordinance, the minimum yards for structures apply to carports.

aaa. 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.

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

ccc. 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.

ccc1. WILD ANIMAL: Any mammal, bird, fowl, fish, reptile, amphibian or arachnid which is not customarily bred and raised in captivity, not customarily kept within a suburban

(Section 13.ccc1 - continued)

environment, not customarily kept as a pet, and not customarily considered domestic livestock or fowl. Wild animals include those animals generally referred to as exotic animals, such as monkeys, emus, ostriches, and undomesticated felines.

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

eee. YARD, 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 shall be considered Front Yards.

fff. YARD, REAR: The required open space between the Rear Lot Line and a structure containing a Permitted or an Accessory Use.

ggg. YARD, SIDE: The required open space between the Side Line of the Zone Lot and an authorized structure on the Zone Lot.

hhh. ZONE LOT: A single parcel of contiguous land occupied, or intended to be occupied, by structures and uses, as permitted by this Ordinance, together with the open spaces required by this Ordinance. All Zone Lots shall abut on a public street or an officially-approved way.

Approved by the City Council of the City of Newcastle, Wyoming, this

_____ day of _____, 19 _____.

City Clerk

Mayor

AMENDMENTS

Ordinance	Reference Page
1) Ordinance No. 10, Series 1987 -	Page 13
2) Ordinance No. 3, Series 1988 -	Page 11
3) Ordinance No. 7, Series 1990 -	Page 65
4) Ordinance No. 6, Series 1997 -	Page 9
5) Ordinance No. 7, Series 1997 -	Page 12
6) Ordinance No. 1, Series 2000 -	Page 86
7) Ordinance No. 6, Series 2000 -	Pages 19, 108, 109, 110, 114
8) Ordinance No. 1, Series 2002 -	Page 61
9) Ordinance No. 11, Series 2004 -	Pages 106, 108, 111, 115
10) Ordinance No. 2, Series 2010 -	(Section 2-38(a) Article VII, Chapter 2 of the Code of the Town of the City of Newcastle, Wyoming 1961: Decrease Number of Planning Commission Board)
11) Ordinance No. 2, Series 2012 -	Pages 15, 18, 20, 23, 27, 30, 38, 44, 54, 58, 115
12) Ordinance No. 7, Series 2012 -	Page 44
13) Ordinance No. 1, Series 2013 -	Pages 31, 110
14) Ordinance No. 1, Series 2016 -	Pages 83, 88, 89, 115
15) Ordinance No. 7, Series 2017 -	(Section 1: Chapter 2 of the Code of the Town of the City of Newcastle, Wyoming 1961; Article VIII, Sec. 2-46: Application Costs)
16) Ordinance No. 2, Series 2018 -	Pages 40, 42, 43, 103
17) Ordinance No. 2, Series 2019 -	Page 86

ORDINANCE NO. 10, SERIES 1987

* * *

ORDINANCE AMENDING SECTION 5.K.(4) OF
ORDINANCE 13, SERIES 1985, TO INCREASE
THE APPLICATION FEE FOR APPEALS AND
VARIANCES.

* * *

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
NEWCASTLE, WESTON COUNTY, WYOMING:

COPY

SECTION 1: Section 5.K.(4) of Ordinance No. 13, Series 1985,
Code of the Town of the City of Newcastle, Wyoming, 1961, is
hereby amended to read in complete form as follows:

"(4) Appeals and Variances \$100.00"

SECTION 2: This Ordinance shall become effective after
passage and upon publication in accordance with law.

Passed on first reading: June 15, 1987

Passed on second reading: July 6, 1987

PASSED, APPROVED, and ADOPTED on third reading this 20th
day of July, 1987.

CITY OF NEWCASTLE:

Attest:

Patricia Trosello
Patricia Trosello
City Clerk

Wayne Burr
ROBERT W. FOWLER
Mayor
Mayor Protem

CERTIFICATE OF PUBLICATION

I, Patricia Trosello, City Clerk of the City of Newcastle,
Wyoming, hereby certify that Ordinance No. 10, Series 1987, was
published in the News Letter Journal, Newcastle, Wyoming on

July 23, 1987.

Patricia Trosello
Patricia Trosello
City Clerk

ORDINANCE NO. 3, SERIES 1988

* * *

ORDINANCE AMENDING SECTION 5.J.(1), OF ORDINANCE NO. 13, SERIES 1985, OF THE CODE OF THE TOWN OF THE CITY OF NEWCASTLE, WYOMING, 1961, TO PROVIDE THAT ONLY THE PROPERTY OWNER OR HIS DULY AUTHORIZED AND DESIGNATED AGENT OR ATTORNEY MAY APPLY FOR A VARIANCE FROM THE STRICT APPLICATION OF THE ZONING REGULATIONS

COPY

* * *

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, WESTON COUNTY, WYOMING:

SECTION 1: Section 5.J.(1), of Ordinance No. 13, Series 1985, of the Code of the Town of the City of Newcastle, Wyoming, 1961, is hereby amended to read in complete form as follows:

Section 5.J.(1)

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, Department or Agency of the City affected by any decision of the Zoning Administrator; provided, however, that only the property owner, or his duly authorized and designated agent or attorney, may apply for a variance from the provisions of the Zoning Ordinance affecting his property. Such appeal shall be made in writing on forms provided and shall be taken within ten (10) days from the date of the decision appealed from.

SECTION 2: This Ordinance shall become effective after passage and upon publication in accordance with law.

Passed on first reading: June 6, 1988

Passed on second reading: June 20, 1988

PASSED, APPROVED, and ADOPTED on third reading this 5th day of July, 1988.

CITY OF NEWCASTLE:

Attest:

Patricia Trosello
Patricia Trosello
City Clerk

Robert W. Fowler
ROBERT W. FOWLER
Mayor

CERTIFICATE OF PUBLICATION

I, Patricia Trosello, City Clerk of the City of Newcastle, Wyoming, hereby certify that Ordinance No. 3, Series 1988, was published in the News Letter Journal, Newcastle, Wyoming on July 14, 1988.

Patricia Trosello
Patricia Trosello
City Clerk

ORDINANCE NO. 7, SERIES 1990

* * *

ORDINANCE AMENDING SECTION 7.c.(4)
OF ORDINANCE NO. 13, SERIES 1985,
OF THE CODE OF THE TOWN OF THE
CITY OF NEWCASTLE, WYOMING, 1961,
TO INCLUDE C-1, GENERAL COMMERCIAL
DISTRICTS, AS DISTRICTS WITHIN
WHICH PRODUCE STANDS ARE PERMITTED

COPY

* * *

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE,
WESTON COUNTY, WYOMING:

SECTION 1: Section 7.c.(4) of Ordinance No. 13, Series 1985
of the Code of the Town of the City of Newcastle, Wyoming, 1961,
is hereby amended to read in complete form as follows:

Sec. 7.c. Uses by Temporary Permit. Subject to the
requirements listed above, the following
Uses may be operated as Uses by Temporary
Permit:

(4) Produce stand--shall be permitted only in
the A, Agricultural; R-S, Suburban Residential; and
C-1, General Commercial, Districts. Each Permit shall
be valid for a period of ninety (90) days and may be
renewed for an additional thirty- (30) day period.

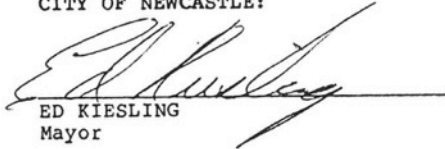
SECTION 2: This Ordinance shall become effective after passage
and upon publication in accordance with law.

Passed on first reading: July 16, 1990

Passed on second reading: August 8, 1990

PASSED, APPROVED, and ADOPTED on third reading this 20th
day of August, 1990.

CITY OF NEWCASTLE:



ED KIESLING
Mayor

Attest:


Patricia Trosello
City Clerk

CERTIFICATE OF PUBLICATION

I, Patricia Trosello, City Clerk of the City of Newcastle,
Wyoming, hereby certify that Ordinance No. 7, Series 1990, was
published in the News Letter Journal, Newcastle, Wyoming on
August 30, 1990.


Patricia Trosello
City Clerk

ORDINANCE NO. 6, SERIES 1997

* * *

ORDINANCE AMENDING SECTION 5.g.(1) OF ORDINANCE NO. 13, SERIES 1985, THE CITY COMPREHENSIVE ZONING ORDINANCE, TO PROVIDE THAT THE MEMBERS OF THE CITY PLANNING COMMISSION SHALL SERVE AS THE CITY BOARD OF ADJUSTMENT

* * *

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, WESTON COUNTY, WYOMING, that:

SECTION 1: The provisions of Section 5 (g)(1) of Ordinance No. 13, Series 1985, the City Comprehensive Zoning Ordinance, shall be, and hereby is, amended to read as follows:

"g. Board of Adjustment - Creation.

- (1) The members of the City Planning Commission shall serve without compensation as the Board of Adjustment for the City."

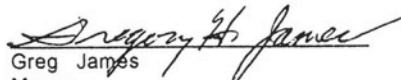
SECTION 2: This Ordinance shall become effective after passage and upon publication as provided by law.

Passed on first reading: June 16, 1997

Passed on second reading: July 7, 1997

PASSED, APPROVED AND ADOPTED on third reading this 21ST day of July, 1997.

CITY OF NEWCASTLE:



Greg James
Mayor

Attest:


Paul Scheck
City Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Paul Scheck, City Clerk/Treasurer of the City of Newcastle, Wyoming, hereby certify that Ordinance No. 6, Series 1997 was published in the Newsletter Journal, Newcastle, Wyoming on this 31ST day of July, 1997.


Paul Scheck
City Clerk/Treasurer

COPY

ORDINANCE NO. 7, SERIES 1997

ORDINANCE AMENDING SECTION 5.j.(2)(h) OF ORDINANCE NO. 13, SERIES 1985, THE CITY COMPREHENSIVE ZONING ORDINANCE, TO PROVIDE FOR MAJORITY VOTE OF THE BOARD OF ADJUSTMENT

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, WESTON COUNTY, WYOMING, that:

SECTION 1: The provisions of Section 5.j.(2)(h) of Ordinance No. 13, Series 1985, the City Comprehensive Zoning Ordinance, shall be, and hereby is, amended to read as follows:

"h. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant upon any matter upon which it is required to pass concerning this Ordinance, or to affect any variation in this Ordinance."

SECTION 2: This Ordinance shall become effective after passage and upon publication as provided by law.

Passed on first reading: June 16, 1997

Passed on second reading: July 7th, 1997

PASSED, APPROVED AND ADOPTED on third reading this 21st day of July, 1997.

CITY OF NEWCASTLE:

Gregory H. James
Greg James
Mayor

Attest:
Paul Scheck
Paul Scheck
City Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Paul Scheck, City Clerk/Treasurer of the City of Newcastle, Wyoming, hereby certify that Ordinance No. 7, Series 1997 was published in the Newsletter Journal, Newcastle, Wyoming on this 31st day of July, 1997.

Paul Scheck
Paul Scheck
City Clerk/Treasurer

ORDINANCE NO. 1, SERIES 2000

* * *

ORDINANCE AMENDING THE FIRST PARAGRAPH OF SECTION 10.f.(3) OF SECTION 10 OF ~~ORDINANCE NO. 13,~~ SERIES 1985 (NEWCASTLE ZONING ORDINANCE) TO INCREASE THE MAXIMUM PERMITTED HEIGHT OF FREE-STANDING SIGNS FROM TWENTY (20) FEET TO TWENTY-FIVE (25) FEET; AND PROVIDING FOR AN EFFECTIVE DATE

* * *

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, WESTON COUNTY, WYOMING, that:

SECTION 1: The first paragraph of Section 10.f.(3) of Section 10 of Ordinance No. 13, Series 1985 shall be and hereby is amended to read as follows:

"Sec. 10.f.(3) Free-standing Sign.

Where allowed, one (1) free-standing sign for individual businesses conducted on a Zone Lot shall be allowed, not to exceed twenty-five (25) feet in height nor twenty (20) feet in width and not to exceed three hundred fifty (350) square feet in surface area. Up to fifty percent (50%) of its area may be of manual changeable copy."

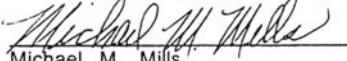
SECTION 2: This Ordinance shall become effective after passage and upon publication as provided by law.

Passed on first reading: February 7, 2000

Passed on second reading: February 22, 2000

PASSED, APPROVED AND ADOPTED on third reading this 16th day of March, 2000.

CITY OF NEWCASTLE:


Michael M. Mills
Mayor

Attest:


Greg James
City Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Greg James, City Clerk/Treasurer of the City of Newcastle, Wyoming, hereby certify that Ordinance No. 1, Series 2000 was published in the Newsletter Journal, Newcastle, Wyoming on this 16th day of March, 2000.


Greg James
City Clerk/Treasurer

ORDINANCE NO. 6, SERIES 2000

* * *

AN ORDINANCE AMENDING ORDINANCE NO. 13,
SERIES 1985 (NEWCASTLE ZONING ORDINANCE)
TO ALLOW OFF-SITE MANUFACTURED
TRANSPORTABLE HOMES TO BE PERMITTED
WITHIN THE CITY OF NEWCASTLE; AND
PROVIDING FOR AN EFFECTIVE DATE

* * *

WHEREAS the Planning Commission of the City of Newcastle, after duly publishing notice for a public hearing as required, held a public hearing to consider changes to the Newcastle Zoning Ordinance as regards where off-site manufactured transportable homes should be permitted to be placed within the City of Newcastle; and

WHEREAS following said public hearing the Planning Commission of the City of Newcastle voted to recommend that the Governing Body of the City of Newcastle make changes to the Newcastle Zoning Ordinance to allow off-site manufactured transportable homes to be permitted to be placed within the City of Newcastle; and

WHEREAS the Governing Body of the City of Newcastle, after duly publishing notice for a public hearing as required, held a public hearing to consider changes to the Newcastle Zoning Ordinance as regards where off-site manufactured transportable homes should be permitted to be placed within the City of Newcastle pursuant to the recommendations of the Planning Commission; and

WHEREAS at said public hearing no objections were made to the changes recommended by the Planning Commission of the City of Newcastle as regards where off-site manufactured transportable homes should be permitted to be placed within the City of Newcastle.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, WESTON COUNTY, WYOMING, that:

SECTION 1: Section 6.c.(2)(a) of Ordinance No. 13, Series 1985, shall be and hereby is amended to read in complete form as follows:

Section 6. DISTRICT REGULATIONS

c. R-1 - Single-family Residential District.

(2) Permitted Uses. The following Uses may be operated as Permitted Uses in the District:

(a) Single-family dwelling, excluding manufactured homes - may include the rooming and/or boarding of up to two (2) persons, provided no separate kitchen is involved.

SECTION 2: Section 13 of Ordinance No. 13, Series 1985 shall be and hereby is amended to include as Section 13.dd.1 the following:

Section 13. DEFINITIONS.

dd.1 MANUFACTURED HOME: A single family residential dwelling structure transportable in one or more dependent sections, which when assembled equals or exceeds twenty-four feet (24') in width and thirty-six feet (36') in length. Said structure shall be attached to a permanent, frost-free foundation. The structure must: (i) comply with all of the United States Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards in effect at the time of manufacture; (ii) be manufactured within the past five (5) years; (iii) comply with all City codes as they relate to wind load and snow load; (iv) provide evidence that the title has been surrendered at the office of the Weston County Clerk and the unit converted to real property at the Office of the Weston County Assessor prior to issuance of a Certificate of Occupancy; and (v) comply with the following design criteria:

(1) Each manufactured home to be located in the City shall comply with all building permit approval requirements applicable to all single-family dwellings prior to arrival at the site; including, but not 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.

(2) Each manufactured home shall conform to the building setback, open space, parking and other district standards and requirements of the zoning district in which the home is located. No more than one manufactured home may be placed on a zone lot.

(3) The manufactured home shall have a pitched roof with a slope of not less than a three inch (3") vertical rise for each twelve inches (12") of horizontal run.

(4) The load bearing foundation system for the manufactured home shall be constructed in accordance with the manufacturer's specifications or with the United States Department of Housing and Urban Development's Permanent Foundations Guide for Manufactured Housing and applicable sections of the Uniform Building Code.

(5) The perimeter of the manufactured home shall be fully enclosed from the lower edge of the manufactured home to the ground with a perimeter skirt wall of a minimum of four inches (4") masonry or six inches (6") of concrete centered on a footer twelve inches (12") wide and twelve inches (12") below finish grade. An unobstructed minimum eighteen inches (18") high and twenty-four inches (24") wide plumbing access door shall be provided. Ventilation in accordance with the Uniform Building Code specifications shall be provided.

(6) The manufactured home shall be permanently connected to all utilities in a manner consistent with residential housing and in accordance with the adopted City codes.

(7) Roof material on the manufactured home shall consist of non-reflective material customarily used for residential

dwellings including, but not limited to, asphalt, fiberglass, shake, tile shingles or metal.

(8) Siding material on the manufactured home shall 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.

(9) A roof overhang exclusive of gutters of not less than six inches (6") as measured from the vertical side of the manufactured home is required. When an attached carport, garage, porch or similar structure is an integral part of the manufactured home, this overhang may be waived by the City's Building Inspector where the attachment occurs provided that the exterior perimeter of the roof line contains the required overhang.

(10) Unless the foundation perimeter wall is load bearing, no attachments, additions, alterations or modifications to the exterior walls of the manufactured home are allowed except those approved by the manufacturer for the specific home. 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 home itself and in accordance with applicable City regulations.

(11) All wheels, hitches, tongues and axles shall be removed from the manufactured home and from the site at the time the home is placed on the permanent foundation.

SECTION 3: The definition of "mobile home" in Section 13.ee of Ordinance No. 13, Series 1985 shall be and hereby is amended to read in complete form as follows:

Section 13. DEFINITIONS.

ee. MOBILE HOME: A structure, transportable in one or more dependent sections, designed for use as a single family residential dwelling unit, which does not meet the definitional criteria of a manufactured home or a modular home as defined in this Section.

SECTION 4: The definition of "modular home" in Section 13.gg of Ordinance No. 13, Series 1985 shall be and hereby is amended to read in complete form as follows:

Section 13. DEFINITIONS.

gg. 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 manufacture 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 Uniform Building Code for residential dwelling units in effect in the City at the time of installation.

SECTION 5: The definition of "single-family dwelling" in Section

13.yy of Ordinance No. 13, Series 1985 shall be and hereby is amended to read in complete form as follows:

Section 13. DEFINITIONS.

yy. SINGLE-FAMILY DWELLING: A single, detached structure, complying with the provisions of the Uniform Building Code for dwellings, having but one (1) dwelling unit for the residential occupancy of persons individually or cohabitating in domestic relationships as families (including foster families authorized by the State of Wyoming) and/or roommates; but excluding occupancy as group homes, residential treatment facilities, half-way houses and similar residential uses except to the extent specifically required by local, state or federal law. Unless otherwise indicated, the term single-family dwelling as used in connection with district zoning regulations within the City includes modular homes and manufactured homes as defined in this Section, but excludes mobile homes as defined in this Section.

SECTION 6: This Ordinance shall become effective after passage and upon publication as provided by law.


Passed on first reading: October 2, 2000

Passed on second reading: October 16, 2000

PASSED, APPROVED AND ADOPTED on third reading this 6th day of November, 2000.

CITY OF NEWCASTLE:

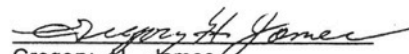
Attest:


Michael M. Mills
Mayor


Gregory H. James
City Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Gregory H. James, City Clerk/Treasurer of the City of Newcastle, Wyoming, hereby certify that Ordinance No. 6, Series 2000 was published in the Newsletter Journal, Newcastle, Wyoming on this 16th day of November, 2000.


Gregory H. James
City Clerk/Treasurer

ORDINANCE NO. 1, SERIES 2002

AN ORDINANCE AMENDING ORDINANCE NO. 13, SERIES 1985 (NEWCASTLE ZONING ORDINANCE) TO ALLOW ANY PERMITTED USE IN A I-1 (LIGHT INDUSTRIAL) DISTRICT TO BE PERMITTED IN A I-2 (HEAVY INDUSTRIAL) DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS the Planning Commission of the City of Newcastle, after duly publishing notice for a public hearing as required, held a public hearing to consider changes to the Newcastle Zoning Ordinance as regards permitting I-1 District uses in I-2 Districts; and

WHEREAS following said public hearing the Planning Commission of the City of Newcastle voted to recommend that the Governing Body of the City of Newcastle make changes to the Newcastle Zoning Ordinance to allow any permitted use in a I-1 (Light Industrial) District to be permitted in a I-2 (Heavy Industrial) District; and

WHEREAS the Governing Body of the City of Newcastle, after duly publishing notice for a public hearing as required, held a public hearing to consider changes to the Newcastle, Zoning Ordinance as regards allowing any permitted use in a I-1 (Light Industrial) District to be permitted in a I-2 (Heavy Industrial) District; and

WHEREAS at said public hearing no objections were made to the changes recommended by the Planning Commission of the City of Newcastle as regards allowing any permitted use in a I-1 (Light Industrial) District to be permitted in a I-2 (Heavy Industrial) District; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, WESTON COUNTY, WYOMING, that:

SECTION 1: Section 6.m.(2) of Ordinance No. 13, Series 1985 shall be and hereby is amended to include as subsection (ii) the following:

"(ii) Any use permitted in a I-1 (Light Industrial) District, including any permitted accessory use."

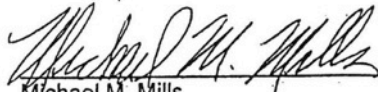
SECTION 2: This Ordinance shall become effective after passage and upon publication as provided by law.

Passed on first reading: March 4, 2002

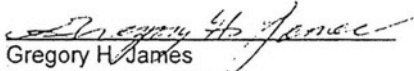
Passed on second reading: March 18, 2002

PASSED, APPROVED AND ADOPTED on third reading this 1st day of April, 2002.

CITY OF NEWCASTLE:

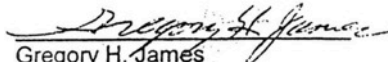

Michael M. Mills
Mayor

Attest:


Gregory H. James
City Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Gregory H. James, City Clerk/Treasurer of the City of Newcastle, Wyoming, hereby certify that Ordinance No. 1, Series 2002 was published in the Newsletter Journal, Newcastle, Wyoming, on this 11th day of April, 2002.


Gregory H. James
City Clerk/Treasurer

ORDINANCE NO. 11, SERIES 2004

ORDINANCE AMENDING SECTION 13 OF ORDINANCE NO. 13, SERIES 1985 (ZONING ORDINANCE), OF THE CITY OF NEWCASTLE, WYOMING, TO INCLUDE DEFINITIONS FOR ANIMAL, PET, LIVESTOCK, FOWL AND WILD ANIMAL; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, WESTON COUNTY, WYOMING, that:

Section 1: The provisions of Section 13 of Ordinance No. 13, Series 1985, of the City of Newcastle, Wyoming, shall be and hereby are amended to include the following definitions:

"ANIMAL: Any nonhuman living creature.

PET: Domesticated dogs and house cats; small mammals customarily sold in pet shops such as guinea pigs, hamsters, gerbils, rats, mice, chinchillas, ferrets and rabbits; small birds customarily sold in pet shops such as parakeets, parrots and doves; reptiles, amphibians and arachnids customarily sold in pet shops such as lizards, nonpoisonous snakes, iguanas, frogs, turtles, salamanders and tarantulas; and fish customarily sold in pet shops. "Pet" does not include livestock, fowl or wild animals.

LIVESTOCK: Domesticated hoofed mammals such as equines (horses, mules, donkeys), sheep, swine, cattle, goats, llamas, alpacas and similar sized and/or type of animal.

FOWL: Domesticated chickens, poultry, guinea fowl, turkeys, ducks, geese, peacocks, pigeons and other similar sized and/or type of animal.

WILD ANIMAL: Any mammal, bird, fowl, fish, reptile, amphibian or arachnid which is not customarily bred and raised in captivity, not customarily kept within a suburban environment, not customarily kept as a pet, and not customarily considered domestic livestock or fowl. Wild animals include those animals generally referred to as exotic animals, such as monkeys, emus, ostriches, and undomesticated felines."

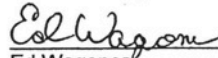
Section 2: This Ordinance shall become effective after passage and upon publication as provided by law.

Passed on first reading: April 19, 2004

Passed on second reading: May 3, 2004

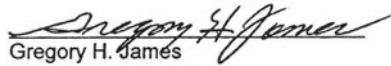
PASSED, APPROVED AND ADOPTED on third reading this 17th day of May, 2004.

CITY OF NEWCASTLE:



Ed Wagener
Mayor

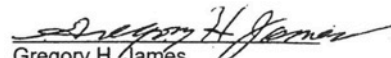
Attest:



Gregory H. James
City Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Gregory H. James, City Clerk/Treasurer of the City of Newcastle, Wyoming, hereby certify that Ordinance No. 11, Series 2004 was published in the Newsletter Journal, Newcastle, Wyoming, on this 27th day of May, 2004.



Gregory H. James
City Clerk/Treasurer

722501

ORDINANCE NO. 2, SERIES 2010

COPY

ORDINANCE AMENDING SECTION 2-38(a) OF ARTICLE VII, CHAPTER 2 OF THE CODE OF THE TOWN OF THE CITY OF NEWCASTLE, WYOMING 1961 TO DECREASE THE NUMBER OF PLANNING COMMISSION - BOARD OF ADJUSTMENT MEMBERS FROM SEVEN (7) TO FIVE (5); AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, WESTON COUNTY, WYOMING that:

SECTION 1: Section 2-38(a) of Article VII, Chapter 2 of the Code of the Town of the City of Newcastle, Wyoming 1961, shall be and hereby is amended to provide as follows:

"(a) The city planning commission shall have five members, and members shall serve three-year terms. All members shall be appointed by the mayor with the consent of the city council. Members shall be residents of the city."

SECTION 2: This Ordinance shall become effective after passage and upon publication as provided by law.


Passed on first reading: December 7, 2009

Passed on second reading: December 21, 2009

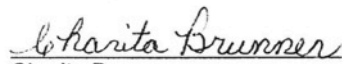
PASSED, APPROVED AND ADOPTED on third reading this 4th day of January,



CITY OF NEWCASTLE:


Greg James
Mayor


ATTEST:


Charita Brunner
City Clerk/Treasurer

00324

CERTIFICATE OF PUBLICATION

I, Charita Brunner, Clerk/Treasurer of the City of Newcastle, Wyoming, hereby certify that Ordinance No. 2 Series 2010 was published in the Newsletter Journal, Newcastle, Wyoming on this 14th day of January, 2010.


Charita Brunner
City Clerk/Treasurer

735333

ORDINANCE NO. 2, SERIES 2012

COPY

* * *

ORDINANCE AMENDING SECTION 13.zz OF NEWCASTLE ZONING ORDINANCE NO.13, SERIES 1985 TO CLASSIFY A CARPORT AS A STRUCTURE; AMENDING SECTIONS 6.a(6)(d), 6.b(6)(c)(2), 6.c(6)(c)(2), 6.d(6)(c)(2), 6.e(6)(c)(2), 6.f(6)(d), 6.h(7)(c), 6.i(7)(c), 6.k(7)(c) AND 6.l(7)(c) OF NEWCASTLE ZONING ORDINANCE NO.13, SERIES 1985 TO PERMIT CARPORTS WITHOUT WALLS IN REAR YARDS ENTERED FROM AN ALLEY TO BE LOCATED NO CLOSER THAN FIVE FEET (5') FROM THE ALLEY; AND PROVIDING FOR AN EFFECTIVE DATE.

* * *

WHEREAS the Planning Commission of the City of Newcastle has recommended the amendments to Newcastle Zoning Ordinance No. 13, Series 1985 as hereinafter set forth; and

WHEREAS the Governing Body of the City of Newcastle, after duly publishing notice for a public hearing as required under Wyoming Statute Section 15-1-602(b), held the public hearing on April 2, 2012 to consider the amendments to Newcastle Zoning Ordinance No. 13, Series 1985 as hereinafter set forth; and

WHEREAS at the public hearing held on April 2, 2012 no objections were made to the amendments to Newcastle Zoning Ordinance No. 13, Series 1985 as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, WESTON COUNTY, WYOMING that:

SECTION 1: Sections 13.zz, 6.a(6)(d), 6.b(6)(c)(2), 6.c(6)(c)(2), 6.d(6)(c)(2), 6.e(6)(c)(2), 6.f(6)(d), 6.h(7)(c), 6.i(7)(c), 6.k(7)(c) and 6.l(7)(c) of Newcastle Zoning Ordinance No. 13, Series 1985 shall be amended to read in complete form as follows:

Section 13.zz –

“zz. **STRUCTURE:** Anything constructed or erected, the use of which requires a more or less permanent location on the ground. Fences, signs, utility poles and lines, railways, monuments, statuary, flagpoles, roadways and bridges shall not be considered structures for the purposes of this Ordinance. A carport is considered a structure for the purpose of this Ordinance. A carport is a structure consisting of a roof made of any material with support columns, primarily designed and actually used for vehicle shelter and protection from weather. A carport may be freestanding or attached to a building, and can have one or more walls. Notwithstanding any provision of this Ordinance to the contrary, a carport shall not exceed fifteen feet (15') at its highest point, and shall not occupy more than fifty percent (50%) of a Zone

Lot. Except as may be specifically otherwise provided in this Ordinance, the minimum yards for structures apply to carports.”

Section 6.a(6)(d) –

“(d) Structures containing Accessory Use only – five (5) feet; provided however, that a garage entered from an alley shall be located no closer than ten (10) feet from the alley. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.”

Section 6.b(6)(c)(2) –

“(2) Structures containing Accessory Use only – ten (10) feet. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.”

Section 6.c(6)(c)(2) –

“(2) Structures containing Accessory Use only – five (5) feet; provided however that a garage entered from an alley shall be located no closer than ten (10) feet from the alley. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.”

Section 6.d(6)(c)(2) –

“(2) Structures containing Accessory Uses only – five (5) feet; provided however that a garage entered from an alley shall be located no closer than ten (10) feet from the alley. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.”

Section 6.e(6)(c)(2) –

“(2) Structures containing Accessory Uses only – five (5) feet; provided however, that a garage entered from an alley shall be located no closer than ten (10) feet from the alley. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.”

Section 6.f(6)(d) –

“(d) Accessory Structures – not permitted in the Front Yard and not to be located closer than ten (10) feet to the mobile home and no closer than five (5) feet from any property line, except that a garage entered from an alley be located no closer than ten (10) feet from the alley. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.”

Section 6.h(7)(c) –

“(c) Rear Yards – ten (10) feet. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.”

Section 6.i(7)(c) –

“(c) Rear Yards – fifteen (15) feet. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.”

Section 6.k(7)(c) –

“(c) Rear Yards – fifteen (15) feet. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.”

Section 6.l(7)(c) –

“(c) Rear Yards – fifteen (15) feet. A carport entered from an alley may be located no closer than five (5) feet from the alley provided that the carport is freestanding and all sides are open and completely uncovered so that the view through the carport is unobstructed except by a vehicle parked therein.”

SECTION 2: This Ordinance shall become effective after passage and upon publication as provided by law.


Passed on first reading: April 2, 2012

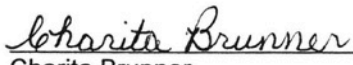
Passed on second reading: April 16, 2012

PASSED, APPROVED AND ADOPTED on third reading this 7th day of May, 2012.



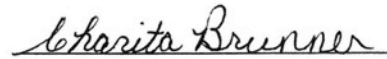
CITY OF NEWCASTLE:


Greg James
Mayor


Charita Brunner
City Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Charita Brunner, City Clerk/Treasurer of the City of Newcastle, Wyoming, hereby certify that Ordinance No. 2, Series 2012 was published in the Newsletter Journal, Newcastle, Wyoming, on this 17th day of May, 2012.


Charita Brunner
City Clerk/Treasurer

ORDINANCE NO. 7, SERIES 2012

AN ORDINANCE AMENDING SECTION 6.L(2) OF ORDINANCE NO. 13, SERIES 1985 (NEWCASTLE ZONING ORDINANCE) TO ALLOW ANY PERMITTED USE IN AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT, R-2 (SINGLE AND TWO FAMILY RESIDENTIAL) DISTRICT OR R-3 (MULTI-FAMILY RESIDENTIAL) DISTRICT TO BE PERMITTED IN A C-1 (GENERAL COMMERCIAL) DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS the Planning Commission of the City of Newcastle, after duly publishing notice for a public hearing as required, held a public hearing to consider changes to the Newcastle Zoning Ordinance as regards permitting R-1 (Single Family Residential) District, R-2 (Single and Two Family Residential) District and R-3 (Multi-Family Residential) District uses in a C-1 (General Commercial) District; and

WHEREAS following said public hearing the Planning Commission of the City of Newcastle voted to recommend that the Governing Body of the City of Newcastle make changes to the Newcastle Zoning Ordinance to allow any permitted use in an R-1 (Single Family Residential) District, R-2 (Single and Two Family Residential) District or R-3 (Multi-Family Residential) District in a C-1 (General Commercial) District; and

WHEREAS the Governing Body of the City of Newcastle, after duly publishing notice for a public hearing as required, held a public hearing to consider changes to the Newcastle Zoning Ordinance as regards allowing any permitted use in an R-1 (Single Family Residential) District, R-2 (Single and Two Family Residential) District or R-3 (Multi-Family Residential) District in a C-1 (General Commercial) District; and

WHEREAS at said public hearing no objections were made to the changes recommended by the Planning Commission of the City of Newcastle as regards allowing any permitted use in an R-1 (Single Family Residential) District, R-2 (Single and Two Family Residential) District or R-3 (Multi-Family Residential) District in a C-1 (General Commercial) District; and

WHEREAS the Governing Body of the City of Newcastle finds that it is consistent with the purposes of the Newcastle Zoning Ordinance and in the best interest of the citizens of Newcastle to allow any permitted use in an R-1 (Single Family Residential) District, R-2 (Single and Two Family Residential) District, or R-3 (Multi-Family Residential) District in a C-1 (General Commercial) District.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, WESTON COUNTY, WYOMING, that:

SECTION 1: Section 6.i.(2) of Ordinance No. 13, Series 1985 shall be and hereby is amended to include as subsection (ssss) the following:

"(ssss) Any use permitted in an R-1 (Single Family Residential) District, R-2 (Single and Two Family Residential) District or R-3 (Multi-Family Residential) District, including any permitted accessory use."

SECTION 2: This Ordinance shall become effective after passage and upon publication as provided by law.

Passed on first reading November 19, 2012

Passed on second reading December, 3, 2012

PASSED, APPROVED AND ADOPTED on third reading this

17th day of December, 2012.



Attest

Charita Brunner
Charita Brunner City Clerk/Treasurer

CITY OF NEWCASTLE:

Gregory B. James
Gregory B. James
Mayor

CERTIFICATE OF PUBLICATION

I, Charita Brunner, City Clerk/Treasurer of the City of Newcastle, Wyoming, hereby certify that Ordinance No. 7, Series 2012 was published in the Newsletter Journal, Newcastle, Wyoming, on this 27th day of December, 2012.

Charita Brunner
Charita Brunner City
Clerk/Treasurer

COPY

ORDINANCE NO. 1, SERIES 2013

* * *

ORDINANCE AMENDING SECTION 13.ee OF NEWCASTLE ZONING ORDINANCE NO.13, SERIES 1985 TO CHANGE DEFINITION OF MOBILE HOME FOR INDIVIDUAL ZONE LOTS AND SPACES IN MOBILE HOME PARKS AFTER MAY 1, 2013; AMENDING SECTION 6.f.(14) OF NEWCASTLE ZONING ORDINANCE NO.13, SERIES 1985 TO SPECIFY TYPE OF SKIRTING REQUIRED FOR MOBILE HOMES ON INDIVIDUAL ZONE LOTS; AND PROVIDING FOR AN EFFECTIVE DATE

* * *

WHEREAS the Planning Commission of the City of Newcastle has recommended the amendments to Newcastle Zoning Ordinance No. 13, Series 1985 as hereinafter set forth; and

WHEREAS the Governing Body of the City of Newcastle, after duly publishing notice for a public hearing as required under Wyoming Statute Section 15-1-602(b), held the public hearing on March 18, 2013 to consider the amendments to Newcastle Zoning Ordinance No. 13, Series 1985 as hereinafter set forth; and

WHEREAS at the public hearing held on March 18, 2013 there were no public comments regarding the recommended amendments to Newcastle Zoning Ordinance No. 13, Series 1985 as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, WESTON COUNTY, WYOMING that:

SECTION 1: Section 13.ee of Newcastle Zoning Ordinance No. 13, Series 1985 shall be and hereby is amended to read in complete form as follows:

“ee. MOBILE HOME: Subject to the exceptions hereinafter provided in this subsection, the term “mobile home” means a structure: (i) transportable in one (1) or more sections; (ii) built on a permanent chassis; (iii) designed to be used for permanent year round residential occupancy, with or without a permanent foundation, when connected to residential utility services (water, sewer, natural gas and/or electricity) and includes plumbing, heating and electrical systems, bathroom facilities, kitchen facilities, sleeping room(s) and living areas consistent with residential occupancy; (iv) was manufactured not more than twenty (20) years prior to set-up or installation within the City; (v) is certified to have been manufactured in accordance with and meeting the Manufactured Housing Construction and Safety Standards of the United States Department of Housing and Urban Development (24 C.F.R. Chapter XX, Part 3280 et seq.) in effect at the time of manufacture; and (vi) when set-up or installed is seven hundred twenty (720) or more

square feet in size. Calculations used to determine the number of square feet in a mobile home will include the total of square feet for each transportable section comprising the completed structure and will be based on the structure's exterior dimensions measured at the largest horizontal projections when set-up or installed on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. Mobile homes may be placed on permanent or nonpermanent foundations constructed in accordance with the manufacturer's specifications or in accordance with applicable specifications promulgated by the U.S. Department of Housing and Urban Development and approved by the City building inspector.

Exceptions: (A) The above definition shall not apply to any structure, transportable in one (1) or more dependent sections, designed for use as a single family residential dwelling unit, but which does not meet the requirements for either a "manufactured home" or a "modular home" as defined in this Section, nor meet the requirements for "mobile home" as defined above, which structure was permitted and set-up or installed on an individual Zone Lot prior to May 1, 2013. Such structure shall be permitted to remain on the individual Zone Lot, but may not be moved and set-up or installed on another individual Zone Lot within the City. Any transportable structure replacing such existing transportable structure must meet all current applicable requirements under this Zoning Ordinance and other ordinances, rules and regulations of the City in effect at the time of set-up or installation.

(B) The above definition shall not apply to transportable structures set-up or to be set-up on a space in a mobile home court or park, which space in such mobile home court or park existed on May 1, 2013; but shall apply to any space in any mobile home court or park not existing on May 1, 2013. The City shall keep and maintain a public record of the location of each existing mobile home court or park and all existing spaces therein as of May 1, 2013. A structure, transportable in one (1) or more dependent sections, designed for use as a single family residential dwelling unit, may be set-up on said existing space in an existing mobile home court or park. Changes in ownership of such existing spaces in existing mobile home courts or parks after May 1, 2013 shall not affect this exception."

SECTION 2: Section 6.f. (14) of Newcastle Zoning Ordinance No. 13, Series 1985 shall be and hereby is amended to read in complete form as follows:

"(14) Skirting: All mobile homes not in mobile home courts or parks shall have a skirting of a rigid type material, such as masonry, masonite, metal or wood but such skirting shall not permanently attach the mobile home to the ground or create a fire hazard. Such skirting must be in place within sixty (60) days after the mobile home is set on the Zone Lot."

SECTION 3: This Ordinance shall become effective after passage and upon publication as provided by law.

Passed on first reading: March 18, 2013

Passed on second reading: April 1, 2013

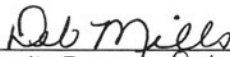
PASSED, APPROVED AND ADOPTED on third reading this 15th day of April, 2013.

CITY OF NEWCASTLE:






Attest:


Charita Brunner *Deb Mills, Dep*
City Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Charita Brunner, City Clerk/Treasurer of the City of Newcastle, Wyoming, hereby certify that Ordinance No. 1, Series 2013 was published in the Newsletter Journal, Newcastle, Wyoming, on this 25th day of April, 2013.


Charita Brunner
City Clerk/Treasurer.....

ORDINANCE NO. 1, SERIES 2016

* * *

ORDINANCE REPEALING SECTION 10.d.(5) OF NEWCASTLE ZONING ORDINANCE NO.13, SERIES 1985 PROHIBITING SANDWICH SIGNS; AMENDING SUBSECTIONS (b) AND (f) OF SECTION 10.f.(9) OF NEWCASTLE ZONING ORDINANCE NO. 13, SERIES 1985 PROVIDING TEMPORARY SIGN STANDARDS; AMENDING SECTION 13.xx.(16) OF NEWCASTLE ZONING ORDINANCE NO. 13, SERIES 1985 DEFINING TEMPORARY BUSINESS SIGN; AND PROVIDING FOR AN EFFECTIVE DATE

* * *

WHEREAS the Planning Commission of the City of Newcastle has recommended the amendments to Newcastle Zoning Ordinance No. 13, Series 1985 as hereinafter set forth; and

WHEREAS the Governing Body of the City of Newcastle, after duly publishing notice for a public hearing as required under Wyoming Statute Section 15-1-602(b), held the public hearing on April 18, 2016 to consider the amendments to Newcastle Zoning Ordinance No. 13, Series 1985 as hereinafter set forth; and

WHEREAS at the public hearing held on April 18, 2016 there were no public comments regarding the recommended amendments to Newcastle Zoning Ordinance No. 13, Series 1985 as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, WESTON COUNTY, WYOMING that:

SECTION 1: Section 10.d.(5) of Newcastle Zoning Ordinance No. 13, Series 1985, shall be and hereby is repealed.

SECTION 2: Subsections (b) and (f) of Section 10.f.(9) of Newcastle Zoning Ordinance No. 13, Series 1985 shall be and hereby are amended to read in complete form as follows:

“(b) Excluding sidewalks, the sign shall not be located on any public right-of-way nor be located in a manner which constitutes a traffic or pedestrian hazard. The sign may be located on a public sidewalk with consent of the owner or occupant of the land which abuts the sidewalk where the sign is located and provided that the sign is located in a manner which does not constitute a traffic or pedestrian hazard. The sign must be secured in place to reduce the risk of the sign being moved by

wind. The location and the method of securing the sign must be approved by the Zoning Administrator.”

“(f) Each display face of the sign shall not exceed four (4) feet in height when measured from the ground to the tallest point of the display face, nor exceed eight (8) feet in width when measured from the widest points of the display face. If the sign has more than one (1) display face, the combined total area of all display faces shall not exceed sixty-four (64) square feet. Display faces are measured in accordance with Section 10.g. of this Code.”

SECTION 3: Section 13.xx.(16) of Newcastle Zoning Ordinance No. 13, Series 1985 shall be and hereby is amended to read in complete form as follows:

“(16) TEMPORARY BUSINESS SIGN: A sign which is portable and does not have a permanent location, and which is used to advertise special purpose business activities. Temporary business signs include sandwich signs, T-frame signs, wire frame signs, single stake frame signs, and double stake frame signs.”

SECTION 4: This Ordinance shall become effective after passage and upon publication as provided by law.

Passed on first reading: May 2, 2016

Passed on second reading: May 16, 2016

PASSED, APPROVED AND ADOPTED on third reading this 6th day of June, 2016.

CITY OF NEWCASTLE:





Gregory H. James
Mayor


Attest:



Charita Brunner
City Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Charita Brunner, City Clerk/Treasurer of the City of Newcastle, Wyoming, hereby certify that Ordinance No. 1, Series 2016 was published in the Newsletter Journal, Newcastle, Wyoming, on this 16th day of June, 2016.


Charita Brunner
City Clerk/Treasurer

ORDINANCE NO. 7, SERIES 2017

* * *

AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF THE TOWN OF THE CITY OF NEWCASTLE, WYOMING, 1961 TO INCLUDE AS SECTION 2-46, ARTICLE VIII, PROVISIONS REQUIRING THAT PERSONS MAKING APPLICATIONS TO THE CITY, IN ADDITION TO SUCH FILING FEES AS ESTABLISHED, BE REQUIRED TO REIMBURSE THE CITY OF NEWCASTLE FOR THE COSTS AND EXPENSES INCURRED IN CONNECTION WITH SUCH APPLICATION, OR DIRECTLY PAY SUCH COSTS AND EXPENSES; PROVIDING FOR EXCEPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE

* * *

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, WESTON COUNTY, WYOMING, that:

Section 1: The provisions of Chapter 2 of the Code of the Town of the City of Newcastle, Wyoming, 1961 shall be, and hereby are, amended to include as Section 2-46, Article VIII, the following:

“Article VIII. Application Costs.

Sec. 2-46. Application costs.

- (a) As used in this Section, the following terms shall have the following meanings:
1. Application shall mean any application, petition or other request made to the City or to any department thereof, excluding the City court, by a person or entity wherein the person or entity is requesting specific action by the City, whether such application is made pursuant to the laws of the State of Wyoming and/or the ordinances of the City; including for illustration but not limited to applications relating to liquor licenses, applications for annexation, applications under the City Zoning Code, applications to vacate public streets, alleys and public ways, and applications relating to subdivisions.
 2. Applicant shall mean any person or entity who files an application with the City.

3. Costs and expenses shall mean all costs and expenses in connection with an application filed with the City which would not otherwise be incurred by the City but for the application; including for illustration but not limited to costs to publish notices and ordinances, costs to file documents with Weston County and/or the State of Wyoming, and costs for services provided by third parties not employees of the City, such as for surveys.

(b) In addition to any filing fee required to be paid pursuant to the laws of the State of Wyoming and/or the ordinances of the City, any applicant who files an application with the City shall additionally be required to directly pay or reimburse the City for any and all costs or expenses incurred in connection with such application. The City Clerk shall establish protocols to ensure compliance with this Section, which protocols need not be uniform as between different types of applications.

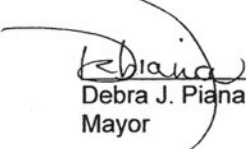
Section 2: This Ordinance shall become effective after passage and upon publication as provided by law.

Passed on first reading: August 21, 2017


Passed on second reading: September 5, 2017

PASSED, APPROVED AND ADOPTED on third reading this 18th day of September, 2017.

CITY OF NEWCASTLE:

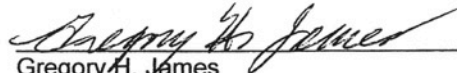

Debra J. Piana
Mayor

ATTEST:


Gregory H. James
City Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Gregory H. James, City Clerk/Treasurer of the City of Newcastle, Wyoming, hereby certify that Ordinance No. 7 Series 2017 was published in the Newsletter Journal, Newcastle, Wyoming, on this 28th day of September, 2017.



Gregory H. James
City Clerk/Treasurer

ORDINANCE NO. 2, SERIES 2018

AN ORDINANCE AMENDING SECTION 6.i.(2) OF NEWCASTLE ZONING ORDINANCE NO. 13, SERIES 1985 REGARDING GENERAL COMMERCIAL DISTRICT TO DELETE RESTRICTIONS PERTAINING TO THE NUMBER OF EMPLOYEES IN A PERMITTED USE, ADD ELECTRICIAN SHOP WITH ELECTRICAL REPAIR SHOP, INCLUDING WHOLESALE AND RETAIL SALES OF ELECTRICAL SUPPLIES, AS A PERMITTED USE, AND ALLOW WHOLESALE AND RETAIL SALES OF PLUMBING SUPPLIES BY PLUMBING SHOP; AMENDING SECTION 12.c OF NEWCASTLE ZONING ORDINANCE NO. 13, SERIES 1985 REGARDING AMENDMENTS TO THE NEWCASTLE ZONING CODE TO NOT REQUIRE PUBLIC HEARINGS BY NEWCASTLE PLANNING AND ZONING COMMISSION, REQUIRE COMPLIANCE WITH PUBLIC HEARING AND OTHER STATE STATUTES BE BY NEWCASTLE GOVERNING BODY AND NOT NEWCASTLE PLANNING AND ZONING COMMISSION, AND DELETE FILING DEADLINES FOR PROTESTS AND WITHDRAWAL OF PROTESTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS the Planning and Zoning Commission of the City of Newcastle has recommended the amendments to Newcastle Zoning Ordinance No. 13, Series 1985 as hereinafter set forth; and

WHEREAS the Governing Body of the City of Newcastle, after duly publishing notice for a public hearing as required under Wyoming Statute Section 15-1-602(b), held the public hearing on June 4, 2018 to consider the amendments to Newcastle Zoning Ordinance No. 13, Series 1985 as hereinafter set forth; and

WHEREAS at the public hearing held on June 4, 2018 no objections were made to the amendments to Newcastle Zoning Ordinance No. 13, Series 1985 as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, WESTON COUNTY, WYOMING that:

SECTION 1: Section 6.i.(2) of Newcastle Zoning Ordinance No. 13, Series 1985 shall be, and hereby is amended as follows:

1. All references to the maximum allowed number of employees in a permitted use in Subsections (p), (aa), (sss), (cccc), (gggg) and (kkkk) in Section 6.i.(2) shall be, and hereby are, deleted.
2. Subsection (bb) in Section 6.i.(2) shall be, and hereby is, amended to read: "Electrician shop and electrical repair shop, including wholesale and retail sales of electrical supplies".
3. Subsection (sss) in Section 6.i.(2) shall be, and hereby is, amended to read: "Plumbing shop, including wholesale and retail sales of plumbing supplies".

SECTION 2: Section 12.c of Newcastle Zoning Ordinance No. 13, Series 1985 shall be, and hereby is, amended to read in complete form as follows:

"c. Public Hearing.

- (1) The Planning and Zoning Commission may hold a public hearing on any proposed amendment to this Ordinance and to the District Zoning Map. Notice of any such hearing shall be given in the manner determined by the Planning and Zoning Commission as appropriate under the circumstances of the proposed amendment, to include but not be limited to publication in a newspaper of general circulation within the City. After public hearing, if any, and after due deliberation, the Planning and Zoning Commission shall submit its findings and recommendations on any proposed amendment to this Ordinance or to the District Zoning Map to the City Governing Body in writing.
- (2) No proposed amendment to this Ordinance or to the District Zoning Map shall be considered by the City Governing Body until after receipt of the findings and recommendations thereon from the Planning and Zoning Commission as provided in subsection (1) above; provided, however, this requirement can be waived by an affirmative vote of three-fourths (¾) of all members of the City Governing Body.
- (3) The City Governing Body shall comply with all requirements set forth by state statutes which govern amending this Ordinance or the District Zoning Map, including Wyoming Statute Section 15-1-602 and Wyoming Statute Section 15-1-603."

SECTION 3: This Ordinance shall become effective after passage and upon publication as provided by law.

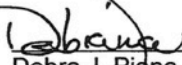
Passed on first reading:

June 4, 2018.

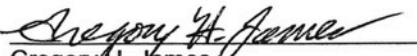
Passed on second reading: June 18, 2018.

PASSED, APPROVED AND ADOPTED on third reading this 2nd day of July, 2018.

CITY OF NEWCASTLE:


Debra J. Piana
Mayor

Attest:


Gregory H. James
City Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Gregory H. James, City Clerk/Treasurer of the City of Newcastle, Wyoming, hereby certify that Ordinance No. 2, Series 2018 was published in the News Letter Journal, Newcastle, Wyoming on this 12th day of July, 2018.


Gregory H. James
City Clerk/Treasurer

ORDINANCE NO. 2, SERIES 2019

*** * ***

AN ORDINANCE AMENDING THE SECOND PARAGRAPH OF SECTION 10.f(3) OF NEWCASTLE ZONING ORDINANCE NO. 13, SERIES 1985 REGARDING FREE STANDING SIGNS; AND PROVIDING FOR AN EFFECTIVE DATE.

*** * ***

WHEREAS the Planning and Zoning Commission of the City of Newcastle has recommended an amendment to the second paragraph of Section 10.f(3) of Newcastle Zoning Ordinance No. 13, Series 1985 as hereinafter set forth; and

WHEREAS the Governing Body of the City of Newcastle, after duly publishing notice for a public hearing as required under Wyoming Statute Section 15-1-602(b), held the public hearing on December 17, 2018 to consider the amendment to the second paragraph of Section 10.f(3) of Newcastle Zoning Ordinance No. 13, Series 1985 as hereinafter set forth; and

WHEREAS at the public hearing held on December 17, 2018 no objections were made to amending the second paragraph of Section 10.f(3) of Newcastle Zoning Ordinance No. 13, Series 1985 as hereinafter set forth; and

WHEREAS the amendment to the second paragraph of Section 10.f(3) of Newcastle Zoning Ordinance No. 13, Series 1985 as hereinafter set forth will recognize changing conditions in the City of Newcastle and is in harmony with the purpose of Newcastle Zoning Ordinance No. 13, Series 1985;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWCASTLE, WESTON COUNTY, WYOMING that:

SECTION 1: The second paragraph of Section 10.f(3) of Newcastle Zoning Ordinance No. 13, Series 1985 shall be, and hereby is amended to read in complete form as follows:

"A second free-standing sign, not to exceed one-hundred-fifty (150) square feet in surface area, may be permitted on a Zone Lot if authorized by the Newcastle Planning and Zoning Commission. The second free-standing sign shall be at least one-hundred-fifty (150) feet from any other free-standing sign and shall not be used for off-premise advertising."

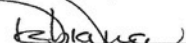
SECTION 3: This Ordinance shall become effective after passage and upon publication as provided by law.

Passed on first reading: December 17, 2018.

Passed on second reading: January 7, 2019.


PASSED, APPROVED AND ADOPTED on third reading this 22th day of January, 2019.

CITY OF NEWCASTLE:



Debra J. Piana
Mayor

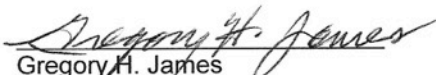
Attest:



Gregory H. James
City Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Gregory H. James, City Clerk/Treasurer of the City of Newcastle, Wyoming, hereby certify that Ordinance No. 2, Series 2019 was published in the News Letter Journal, Newcastle, Wyoming on this 31st day of January, 2019.



Gregory H. James
City Clerk/Treasurer