

# Residential Zoning; Uses; Prohibitions

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## **ORDINANCE 2020-151**

**An Ordinance Repealing Ordinance 2019-146 in Its Entirety  
and Providing Residential Zoning Regulations for the Town of Rolling Hills; Establishing a  
Residential Zone Together with Permitted Uses, Conditional Uses, Prohibited Uses and Minimum  
Standards;**

**Provision for Variances to the Ordinance;**

**Establishment of the Governing Body as a Board of Adjustment and Appeals;**

**Providing for the Zoning and Regulation of Annexed Property; Defining Words and Phrases;  
and Providing Penalties for Violation**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ROLLING HILLS:**

### **Section 1 – Purpose**

The purpose of this Ordinance is to hereby rescind any and all previous ordinances pertaining to zoning including, but not limited to, Ordinance 2019-146, and to re-establish and enact regulations governing all matters pertaining to residential zoning regulations; establishing a residential zone together with permitted uses, conditional uses, prohibited uses and minimum standards; providing a means for applying for a variance to this Ordinance; establishing the Governing Body as a Board of Adjustment and Appeals; providing for the zoning and regulation of annexed property; defining words and phrases contained within this Ordinance; and providing penalties for any violation of this ordinance.

In accordance with the authority granted to the Governing Body by W.S. § 15-1-601, this Ordinance is established for the promotion of the health, safety and general welfare of the residents of the Town of Rolling Hills.

### **Section 2 – Definitions**

A. Alteration. Any change in, or enlargement of, any building or other improvement regulated by this Ordinance that will:

1. upon completion, effect a change in the use thereof; or,
2. enlarge the floor area thereof

B. Building. Any structure used or intended for supporting or sheltering any use or occupancy. When divided by a common wall or walls, it may be deemed to be two separate buildings.

C. Business or Commerce. The engagement in the purchase, sale, barter or exchange of goods, wares, merchandise, animals, or services or operation of offices or recreational or amusement enterprises.

D. Commercial Business. A Commercial Business includes the buying and selling of goods and services in retail businesses, wholesale buying and selling, financial establishments, and any other wide variety of uses that are broadly classified as "business." For purposes of this Ordinance, the definition of "Home Business" is more clearly defined below and should be considered separate from the intent of Commercial Business.

E. Conditional Use. A unique use allowed in a residential zone or area subject to certain restrictions on the location, aesthetics, size, and other performance standards as may be imposed by the committee or council.

F. Construction Equipment. Heavy equipment, heavy machinery or heavy-duty vehicles specially designed for executing construction tasks. For purposes of this Ordinance, "Construction Equipment" shall not include equipment typically used in a residential area to plow driveways, garden, or maintain animal shelters.

G. Dwelling, Single Family. A dwelling having only one kitchen and accommodations for exclusive use by one family. A single family dwelling shall have direct access to a street or thoroughfare and will not

share heating facilities, water services, hot water equipment, septic systems, nor any other essential facility or service with any other dwelling unit. A single-family dwelling may be a site-built or a modular home as defined by the Department of Housing and Urban Development.

H. Family. One or more persons occupying a single-family dwelling unit.

I. Fence. A partition, structure, wall or gate erected as a dividing marker, barrier or enclosure.

J. Home Business. A business-commercial use conducted entirely within a dwelling unit in which no person other than the members of the family residing on the premises is engaged, which is incidental and secondary to residential occupancy, which causes no change in the outside appearance of the building or premises, that provides off-street parking spaces, that does not employ equipment or a process creating noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of the lot owner, and that does not create visual or audible interference in any radio or television fluctuation in line voltage of the premises.

K. Livestock. Any animal kept for sale barter, rent or lease or any other commercial purpose other than as a pet or means of personal transportation for a family member. Any type of fowl, whose number exceeds fifty, shall be presumed to be kept for commercial purposes.

L. Manufactured Home. A residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards which is a unit more than eight and one-half (8-1/2) feet in width which is designed, constructed and equipped as a dwelling place, living abode or place of business to which wheels may be attached for movement upon streets and highways except a unit used primarily as a mobile laboratory or mobile office.

M. Modular Home. Any modular home that is to be used as a single-family dwelling must meet the following requirements:

1. It is partially or entirely manufactured in a factory on or after January 1, 1994, and is in compliance with the current applicable standards of the US Department of Housing and Urban Development at the time of its production.

2. It is not less than twenty-four feet in width and thirty-six feet in length.

3. It has a pitched roof, with a slope of not less than three inch vertical rise for each twelve inch of horizontal run.

4. It shall have a roof material that consists of non-reflective material customarily used for conventional dwellings including, but not limited to, fiberglass shingles, shake shingles, composition shingles or tile materials. Roof material shall not include flat or corrugated sheet metal, except for manufactured roof panels.

5. It shall have a roof overhang not less than eight inches measured from the vertical side of the home. When attached carports, garages, porches or similar structures are an integral part of the home, this overhang may be waived where the accessory structure is attached to the home.

6. It shall have siding material consisting of wood or wood products, stucco, brick, horizontal lap steel or aluminum, horizontal lap vinyl or rock.

7. A modular home must be in compliance with federal modular home construction and safety standards currently in effect, including design roof loads and insulation requirements applicable to the State of Wyoming and must bear an affixed certification label.

8. Any modular home must conform to the same building setback standards and other requirements to which a conventional site build dwelling on the same lot would be subject.

9. The dwelling shall be attached to a permanent foundation system. All wheels, hitches, tongues and axles shall be removed. The foundation system must include a perimeter foundation wall that is closed on four sides. The foundation system must also incorporate piers, columns or footers that extend below the frost level in the ground so that the same will bear the weight of the home. The home must be permanently attached to that foundation and be adequate to resist all load including, but not limited to, resistance to ground movements, seismic shaking, potential shearing, over-turning and uplift due to wind. All foundations shall be constructed of concrete, masonry or masonry block.

a. If caissons are required by manufacturer's specifications, said caissons shall be at least twenty-four inches x twenty-four inches square or have a diameter of twenty-five inches. Any caisson shall be at least thirty-six inches below ground level.

b. Any modular home must be permanently attached to said caissons.

10. The dwelling must be constructed in such a manner that it is taxed as real estate.

11. Electrical service and meter shall be permanently attached to the structure.

N. Motor Vehicle. Every vehicle that is self-propelled except vehicles moved solely by human power, electric bicycles or motorized skateboards.

O. Non-Licensed Vehicle Carcasses and Bodies. Non-licensed vehicle carcasses and bodies, as pertaining to Section 3 of this ordinance are subject to the definitions and laws within Ordinances 2014-118, 2014-119 and 2018-143, and any amendments to the same.

P. Variance. A variation or adjustment of the strict application of this ordinance without which this Ordinance would cause difficulty or an unnecessary hardship that would deprive the owner of the reasonable use of the land involved, and which is not customary to the abutting lots. A variance is not a change to the zoning laws set forth herein; it is a specific waiver of requirements of this zoning ordinance.

1. Area Variance. An area variance involves some physical oddity of the land that makes construction in conformity with zoning restrictions difficult or impossible. Relief granted by an area variance is the relaxation of zoning restrictions to make construction possible.

2. Use Variance. A use variance allows the property to be used in a manner not permitted by the zoning, such as allowing a commercial operation on land that has been zoned as residential.

### **Section 3 – Residential Zone**

Residential lots within the town will be designated on a Zoning Map, which will be adopted by resolution by the Governing Body. Residential lots shall maintain a single-family residential environment with only one building on the lot that is an occupied living space (dwelling), and which preserves substantial amounts of residential space free from other uses except those which are consistent with the residential use.

A. Permitted Uses in Residential Zone. The following buildings and land uses are allowed and subject to Section 4 of this Ordinance, and any other Ordinance pertaining to the same:

1. One single-family dwelling.

2. Outbuildings such as, but not limited to, barns and sheds.

3. Municipally owned structures or improvements.

4. Up to four unlit signs not exceeding four feet by six feet that are used to identify a home business or commercial business, provided a home business or commercial business is approved as set out in Section 3(B) of this Ordinance.

5. Building and land uses as set forth in other adopted Town Ordinances.

B. Conditional Uses. The following uses may be allowed in residential zones following the approval of plans and proposals shown on an appropriate Variance Request form and as submitted to the Governing Body:

1. Municipally owned recreational facilities.
2. Public utility and public service installations.
3. Home daycares and preschools.
4. Home businesses.
5. Commercial uses.

C. Prohibited Uses. The following uses shall not be permitted in residential zones in any circumstances:

1. Husbandry of livestock or any other animals for commercial purposes.
2. Storage of explosives, hazardous materials, flammable gases, solids or liquids or fuel.

This section shall not apply to motor vehicle fuel for private use in amounts less than 500 gallons or fuels utilized for heating a residential structure.

3. Storage of trash, garbage or junk. No person shall utilize property within a residential zone or area for the storage of more than three non-licensed vehicle carcasses or bodies, inoperable appliances, wheels or tires, construction equipment, scrap metal, scrap lumber, used masonry or any other material except those materials or equipment being used for ongoing, on-site construction or maintenance projects. No property shall be utilized for the storage of trash or garbage.

4. Storage or use of manufactured homes. No person shall park for any purpose or permit to be parked for any purpose any manufactured home in the town. This section shall not apply to recreational vehicles owned by the principal resident of a structure within the residential area or zone including a motor home, truck camper, or trailer as defined by further ordinances setting forth the rules and regulations governing manufactured homes, trailers, truck campers and motor homes.

5. Open fires, including any burning of trash, garbage or weeds, regardless as to whether such burning takes place in any type of receptacle, with the exception of fire pits and outdoor fireplaces as defined by further ordinances regulating the same.

6. Conditional uses other than those defined in Section 3(B).

7. Advertising signs, billboards or lighted advertising displays exceeding four feet by six feet that are used to identify a home business or commercial business.

8. Any other use that constitutes a nuisance or a danger to the citizens of the town.

D. Minimum Standards. The following are minimum standards for each residential lot with attendant structures within the town:

1. The lots in Rolling Hills containing a single-family dwelling shall be no smaller than two acres.

2. Lot width shall not be less than one hundred feet.

3. Lot length shall not be less than one hundred feet.

4. Each building or structure, excluding fences, shall be set back at least twenty-five feet from any property line, as designated by survey markers. Regardless of survey lines, any setback must be at

least twenty-five feet from the adjacent edge of a road easement abutting the subject lot, or fifty feet from the edge of the road if no easement exists.

5. Fences may be placed on the property line or anywhere on a residential property but in no circumstance shall be placed within an easement.

#### **Section 4 – Permits**

A. Building Permit. Before any roofed structure that contains one hundred (100) or more square feet of floor space is built within the town, or brought in as a new structure on a property, a building permit must be issued by the town clerk. "Floor Space" is any material that is walked upon, including dirt, and shall include any porch, deck or like structure if that structure is permanently roofed. Application for said permit must be accompanied by a set of plans or drawings that clearly show the type and size of the structure and its location on the described lot. Before construction begins or before the structure is placed onto the property, the site must be inspected by an officer or agent of the town to ensure that the structure is built or placed on the location designated in the plans and that the proposed structure adheres to all town ordinances. Any building proposed pursuant to said building permit shall be foundationally completed within one year from the issuance of said building permit. The fee for the application for a building permit and the building permit form shall be set by resolution.

B. Permit to Move Building. As set out in Ordinance 1990-42, no person shall move any structure on or over any of the streets, alleys or other property within the corporate limits of the Town of Rolling Hills without first having secured a permit from the town clerk to do so.

#### **Section 5 – Variances**

A. Any property owner or resident of the town may apply for a variance or an exception to the terms of this Ordinance by filing an application for the same on a form furnished by the Town Clerk together with a fee set by resolution. Applications for variance will be considered by a Zoning Committee appointed by the Mayor. The Committee shall consider whether the proposed variance is consistent with other state, local and federal laws and existing ordinances and restrictions of record, and whether the exception or variance constitutes a hazard or an impediment to traffic, access or egress. The Zoning Committee will submit their consideration of the variance request to the Town Council, and the Town Council will decide whether to approve the variance based on the Zoning Committee's recommendation. No variance shall be granted to circumvent in any way a prohibited use as the same is described herein.

B. If the individual applying for the variance is a renter of the property, the property owner must sign the variance request as well.

C. If the variance request requires the signatures of surrounding properties, those signatures must be by the owners of record of the properties. A renter's signature is not sufficient as the intent of the variance request will potentially affect the property on a long-term basis.

#### **Section 6 – Appeals**

If an applicant or other person disagrees with the decision of the Zoning Committee or Town Council in granting or denying an application for a variance, that person may submit further evidence and again appeal such a decision to the Town Council who may in turn affirm, reverse or modify their decision. Any such appeal shall be subject to the Wyoming Administrative Procedures Act and shall be treated as a contested case.

#### **Section 7 – House Numbers**

All properties are required to display their house number in a reflective, easily visible manner. If a house number is not properly displayed in a way that is easily visible from the street to emergency response, per Wyoming Statute the town may affix said numbers and charge the property owner for the same.

#### **Section 8 – Septic Systems and Leach Fields**

All homeowners are to maintain a septic system and leach field per the requirements of the Department of Environmental Quality and the Environmental Protection Agency.

### **Section 9 – Annexation**

The Town Council may, when annexing territory to the town, impose such zoning regulations as provided for in this Ordinance upon the territory annexed as it deems necessary. When a public hearing is required prior to annexation, the town engineer shall make a study and recommend the zoning in accordance with a master plan of the surrounding territory. In any case of annexation, the petitioner shall bear the expense of the preparation of the zoning recommendations as well as all other administrative costs of annexation including, but not limited to, engineering fees and legal costs.

### **Section 10 – Interpretation**

In the interpretation of this Ordinance, the feminine gender shall be deemed to include the masculine and neuter and the singular shall include the plural and vice versa.

### **Section 11 – Severability**

If, for any reason, any part, section, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

### **Section 12 – Enforcement**

Any person violating any portion of this Ordinance shall be guilty of a misdemeanor. The maximum penalty shall be a fine of up to \$750 and each day of violation may be considered to be a separate violation.

**PASSED, APPROVED and ADOPTED this 21<sup>st</sup> day of July, 2020.**

Jon O. Maines, Mayor