

ORDINANCE NO. 626

AN ORDINANCE ADDING CONDITIONAL USE PERMITS TO THE MILLS MUNICIPAL CODE WITHIN THE TOWN OF MILLS, NATRONA COUNTY, WYOMING

WHEREAS, the Town of Mills is expanding its boundaries and growing into Natrona County and adopting matching rules and regulations as set forth by the Natrona County Zoning Board so that land use and regulations of land is consistent within the county; and

WHEREAS, adopting resolutions and ordinances that closely mimic those of other municipalities within the county and state in regulating positive growth and land use in all zoning districts within the Town is beneficial for all landowners; and

WHEREAS, it is in the best interest of the each zoning district to allow Conditional Use Permits if approved to maintain the established zoning district for all occupants within that district, the residents of the area, and the public's health and welfare to add Conditional Use Permits as an permitted option within the Town; and

WHEREAS, if the following items are presented and approved by both the Planning and Zoning Board and Town Council of the Town of Mills then Conditional Use Permits will be added to the Mills Municipal Codes on the effective date:

CHAPTER 18.16 ADMINISTRATION

SECTION 18.16.045 CONDITIONAL USE PERMITS

SECTION 1 PURPOSE

- a. Each zoning district in this Ordinance contains certain designated permitted uses available as a matter of right with no approval necessary from the Planning and Zoning Board and the Town Council. Each zoning district also contains certain conditional uses, neither absolutely permitted as a right nor prohibited by law, which are compatible within the zoning district. They are privileges, in a sense, which must be applied for and approved by the Planning and Zoning Board and the Town Council. The purpose of a Conditional Use Permit is to enable the Town of Mills to exercise some measure of control over the extent of certain activities which, although desirable in limited numbers, could have a detrimental effect within the district if they were permitted in large numbers.
- b. A Conditional Use Permit is an authorization which allows a landowner to use his property in a manner compatible with the zoning district in which it is located, provided he/she demonstrates compliance with all standards and criteria enumerated in this Ordinance and specified by the Planning and Zoning Board and the Town Council.
- c. Unless otherwise specified a Conditional Use Permit is only valid for the landowner making the request. The Conditional Use Permit will terminate when the property is sold or the owner no longer fulfills their obligations of which the Conditional Use Permits was granted. A Conditional Use Permit shall become void one year after it was granted unless use is made thereof.
- d. When acting upon Conditional Use Permits, the Planning and Zoning Board and the Town Council shall be guided by the provisions of Chapter 18.16 Administration, Section 18.04.010, General Provisions Sec. 18.04.020 PURPOSE, SCOPE and APPLICATION.

In addition the Planning and Zoning Board and the Town Council shall require showings concerning all of the following:

- (1) The owner of record or contract purchaser has signed the application.
- (2) Granting the Conditional Use Permit will not contribute to an overburdening of Town services.
- (3) Granting the Conditional Use will not cause undue traffic, parking, population density or environmental problems.
- (4) Granting the Conditional Use permit will not impair the use of adjacent property or alter the character of the neighborhood.
- (5) Granting the Conditional Use Permit will not detrimentally affect the public health, safety and welfare, or nullify the intent of the Land Use Plan or this Ordinance.

SECTION 2. APPLICATION PROCESS

General Provisions for Conditional Use Permits

- a. All applications for a Conditional Use Permit provided to the Planning Department, must be signed by the owner and applicant and must be accompanied by a site plan. Said application must contain the names and mailing addresses of all property owners within a 300' radius, and must be accompanied by any other information determined to be necessary by the Planning Department. Each application submitted to the Town Planner shall be checked for completeness, vetted through each Town of Mills Department and presented to the Planning and Zoning Board. If forwarded by the P&Z Board it will be heard by the Town Council.
- b. In order to provide the Planning Department with sufficient time to make an on-site inspection and forward a recommendation to the Planning and Zoning Board and the Town Council, the application must be filed with the Planning Department a minimum of fifteen (15) working days prior to the Planning and Zoning meeting at which the application is to be considered.
- c. The Town Council may establish a fee sufficient to cover the cost of expenses incidental to the review and processing of the application. The fee must be paid at the time the application is submitted and is not refundable. The fee shall be set by resolution.
- d. The Planning and Zoning Board and the Town Council shall each hold a public hearing regarding the proposed Conditional Use Permit. Notice of the time and place of the hearing may be given by one publication in a newspaper of general circulation in the County at least fourteen (14) days before the date of the hearing. The Planning Department shall be responsible for the legal publication and the cost of publication shall be paid by applicant.
- e. Not less than seven (7) days prior to the Planning and Zoning Board Meeting, the property shall be posted with notice of the application, and the Planning Department will attempt to notify all the property owners within the 300' radius listed on the application with the time, date and place of the hearing before the Planning and Zoning Board. Failure to notify adjacent property owners due to clerical oversight or failure of mail delivery shall not affect the validity of the meeting or the decision of the Planning and Zoning Board.
- f. The Planning Department shall prepare a recommendation on the application for the Planning and Zoning Board and Town Council which shall be made available to the applicant if requested. The Planning and Zoning Board and Town Council shall hear and consider evidence and argument on the application from any person present at the meetings who desires to be heard and may also consider written communication from any person regarding the application.
- g. After receiving the evidence and argument presented, the Planning and Zoning Board shall approve the application as submitted, approve the application subject to such modifications or conditions as it deems necessary, table the application to a date specific, or deny the application. In these cases the Planning and Zoning Board shall specify the reasons for its action.

h. Within three (3) working days following the decision by the Planning and Zoning Board on the application, the Planning Department will notify the applicant of the Planning and Zoning Board action.

i. The Planning Department shall deliver its recommendation on the application and the action of the Planning and Zoning Board to the Town Council. The Town Council shall conduct a public hearing as provided by law. The Town Council shall hear and consider evidence and arguments on the application from any person present at the meeting who desires to be heard and any written communication from any person regarding the application.

j. After closing the public hearing on the application, the Town Council shall approve the application as recommended by the Planning and Zoning Board; approve the application as submitted; approve the application on its own conditions; deny the application; remand the application to the Planning Board for reconsideration or table to a date specific.

k. No application for a Conditional Use Permit or variance which has been denied wholly or in part by the Town Council shall be resubmitted for a period of twelve (12) months from the date of said denial, except on grounds of new evidence or proof of change of conditions found to be valid by the Planning Department.

l. The Planning Department shall review all Conditional Use Permits once a year with the renewal of their business license . The Planning Department or its representatives has the power to inspect the land or structure where any conditional use is located in order to determine if the landowner is complying with the conditions of the Conditional Use Permit. If the landowner is not complying with all of the conditions, the Town Council may revoke the Conditional Use Permit and take such legal action it determines necessary to cause the termination of the activity on the land for which the Conditional Use Permit was authorized.

Once a Conditional Use Permit has been granted and all conditions required are completed, the Planning Department may make a determination that the conditions have been satisfied and record this information in the file. Thereafter, if the landowner continues to meet the conditions, the conditional use permit remains valid and in effect.

THEREFORE: BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING:

That this ordinance adding Conditional Use Permits within the Town of Mills, Natrona County, Wyoming, is approved and shall be recorded in the office of the Natrona County Clerk.

PASSED ON FIRST READING the _____ day of _____, 2014

PASSED ON SECOND READING the _____ day of _____, 2014

PASSED, APPROVED, AND ADOPTED ON THIRD AND

FINAL READING the _____ day of _____, 2014

TOWN OF MILLS, WYOMING

By: _____

Marrolyce Wilson, Mayor

ATTEST: _____

Lisa Whetstone

Deputy Town Clerk

I, Lisa Whetstone, Deputy Town Clerk of the Town of Mills, Wyoming, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 626, entitled "AN ORDINANCE ADDING CONDITIONAL USE PERMITS TO THE MILLS MUNICIPAL CODE WITHIN THE TOWN OF MILLS, NATRONA COUNTY, WYOMING" passed on First Reading by the Town Council of the Town of Mills, Wyoming, at a regular meeting held by the Council Members on the _____ day of _____, 2014.

Lisa Whetstone, Deputy Town Clerk

I, the regularly appointed, duly qualified Deputy Town Clerk of the Town of Mills, Wyoming do hereby certify that signed, attested, sealed, and certified copies of this Ordinance No. 626 approved and passed as certified above, and following its passage by the Town Council, was posted in the Town Clerk's Office and at the Mills Post Office for a period of ten (10) days as required by law; that it took effect and became in force as a legal ordinance of the Town of Mills, Wyoming on the ____ day of _____, 2014.

Lisa Whetstone, Deputy Town Clerk