

Procedures For Special Permit Applications

Section 1. **When Required.** A Special Permit is required for any of the land use changes listed below:

- A. To change Land Use District Boundary Line.
- B. To allow uses not specifically allowed in a Land Use District. (Compatible Use). Compatibility shall be determined on the basis of neighborhood character, parking needs, sign requirements, and traffic congestion possibilities.
- C. To develop parcels which require site plan review by the Land Use District Regulations.
- D. To subdivide
- E. To vacate (abandon) lot lines or rights-of-way
- F. To get property annexed into the Town Limits
- G. To operate a home occupation in a residential zone

Section 2. **Pre-application Procedure (Occupational)**

- A. Prior to filing for a permit, the developer may submit to the Planning Commission a conceptual plan or declaration of intent. This does not require a formal filing or fee.
- B. The Planning Commission shall discuss with the petitioner, or his representative, the plans and shall recommend any possible changes, refer other public services, and provide aid in complying with these procedures.

Section 3. **Administrative Procedures**

- A. Submission Deadline and filing Fee
 - 1. No filing be heard by the Planning Commission unless it has been submitted at least 35 days prior to the regularly scheduled meeting date. All reports, documents, and other supplementary materials required by this code must be included. Filings submitted within 35 days are subject to postponement by the Planning Commission. All filings shall be heard if filed 35 days before hearing: otherwise the petition shall be deemed approved.

2. All filings require that the prescribed permit forms be filled out on or before the final submittal date. These are available in the Town Office.
3. All filings shall be accompanied by a \$50.00 filing fee, plus \$1.00 per lot for subdivisions.
4. All applications which are in full compliance with this section shall be heard by the Planning Commission on the appropriate date or else be deemed to have a favorable recommendation from the Planning Commission.
5. If the Planning Commission determines that changes are necessary in the plan submitted, the developer shall submit a revised plan to the Town Office. If the Planning Commission determines the conditions in the plan are fulfilled, the Planning Commission may approve the modifications. If the Planning Commission determines that the conditions have not been fulfilled the Planning Commission shall review the revised plan in accordance with these procedures.

B. Minimum Requirements

Required number of prints. The Planning Commission may require as many as 12 prints of any plans to be reviewed. The Planning Commission may submit the plans to appropriate federal, state, county and local agencies for their review and recommendations. In the case of subdivisions, the Final Plan and necessary recording fees shall be submitted to the Planning Commission within 12 months after approval of the preliminary plan or the permit shall be revoked.

C. Public Notice

1. Prior to submitting the filing, the developer shall cause a certified letter to be sent to each adjoining property owner by the Town Office. The letter shall state that the adjoining property owner or his representative shall appear in person at the Planning Commission hearing if he desires to make comments regarding the proposed development.

2. The Town Office shall cause the filing and description of the area to be published in the official newspaper at least 15 days prior to the hearing of the filing by the Planning Commission. In the event there is no legal newspaper, it shall be posted in 3 separate public places.
3. The agenda of the Planning Commission meetings shall be made available to the public no later than 3 days prior to the meeting.

D. Action and Procedures of the Planning Commission

1. The Planning Commission shall review each petition at a regularly scheduled public meeting. Prior to any action the Planning Commission shall review the plans, reports, recommendations, and comments from the developer and public. The developer or representative must be present at the hearings.
2. Unless postponed at the request of the developer, the Planning Commission shall vote for or against the filing, and transmit both its vote and finding to the developer and to the Town Council. The Planning Commission may postpone the decision for reasonable cause, for a maximum of 30 days. If action is not taken within 3 days, the permit shall be issued or referred to the Town Council accordingly.
3. The Planning Commission action shall be based upon the purposes and intent of his code and local adopted land use plans in addition to the fulfillment of the minimum requirements herein.
4. Upon any of the above actions or at the expiration of the maximum period for taking action the filing shall be placed on the agenda of the next regularly scheduled meeting of the Town Council which allows time for the proper notice requirements, if any.

E. Action and Procedure of Town Council

1. Upon receipt of a recommendation from the Planning Commission, the Town shall consider the matter and if approved, the Town shall prepare an ordinance effecting the proposed change. If the Council is in receipt of a signed petition against proposed Land Use District

revisions and finds that 20 percent or more of the area of lots included within the revision or within a distance of one hundred forty feet of the boundaries of such revision have petitioned against the revision, an affirmative vote of three fourths (3/4) of all members of the Council shall be required to pass the ordinance. A copy of the ordinance when signed and passed shall be transmitted both to the Planning Commission and the applicant.

2. The Planning Commission shall be responsible for modifying the Official Land Use District Map and duly noting the revision both in its records and upon the Official Land Use District Map.
3. Issuance of Permits: By ordinance the Town of Chugwater may adopt the revised Land Use District and such ordinance shall serve as the special development permit to revise land use district boundary lines. For other filings, permits shall be issued by the Planning Commission with 10 days after final approval.
4. Contested Cases: Contested cases shall be handled by the procedures outline in the Wyoming Administrative Procedures Act and subsequent rules of practice.

F. Ownership

1. All petitions shall contain the signature(s) of each person possessing a present fee simple interest in the property and proof of such legal interest shall be required upon request of the Planning Commission.

Section 4. Appeal Procedure

A. The appeal board for the following types of permit disapproval is the Chugwater Town Council.

1. Special Use Permit (Compatible Uses).
2. Site plans or building plans or off-street parking requirements.
3. Home Occupations
4. Private property in public right-of-way (structures)

B. Appeals for all other actions shall be directed to District Court

- C. Appeals to the Town Council shall be made in writing to the Building Inspector. Each notice of appeal shall be accompanied by a \$50.00 fee for administrative and advertising costs and 4 copies of the documents and proceedings from which the appeal is taken. Appeals shall be filed with 10 days after dated of the decision appealed.

All interested parties shall be given notice of the appeal 15 days prior to any hearing thereon. The Planning Commission shall cause notice of the appeal to be prior to the local newspaper at least 15 days prior to the regularly scheduled meeting date, or posted in 3 public places. The fee shall cover administrative and advertising costs.

- D. Finding of the Town Council

The Town Council has the following powers:

1. To hear and decide appeals when it is alleged there is no error in any order, requirement, decision, or determination made by an administrative official in the enforcement of his article, or of any ordinance adopted pursuant thereto.
2. To hear and decide special exemptions to the term of the ordinance adopted pursuant to this article in the case of an irregular, narrow, shallow, or steep lot or other physical condition applying to a lot or building as a result of which unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. No adjustment in the strict application of any provision of such ordinance may be granted by the Council unless it finds:
 - A. That there are special circumstances or conditions, fully described in the findings of the Council applying to the land or building for which the adjustment is sought, which circumstances or conditions are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of the ordinance

- B. That, for reasons fully set forth in the findings of the Council, the circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land or building, that the granting of the adjustment is necessary for the reasonable use of the land or building, and that the adjustment as granted by the Council is the minimum adjustment that will accomplish this purpose: and
- C. that the granting of the council will be in harmony with the general purposes and intent of the ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- D. To grant exceptions and variances upon request where, after a showing that an illegal construction or a no-conforming building or use existed for a period of at least 5 years in violation of local ordinance or ordinances and the city or town has not taken steps toward enforcement.

H. Action of the Town Council

- 1. Upon review of all relevant documentation, arguments or briefs by the concerned parties, the Town Council will then take under advisement the facts pertaining to the appeal and render a decision.
 - 2. If the Town Council finds in favor of the appellant, a permit shall be issued by the Building Inspector with any conditions desired by the Council included on the permit form.
3. In the event of an adverse decision by the Town Council, further appeal shall be to the District Court.