

EXHIBIT 1, Revisions Recorded 02-08-2010

| <i>Old Section</i> | <i>New Section</i> | <i>Description</i> |
|---------------------|--------------------|--|
| Certification page | | Changed format; removed from last page of document and placed at the front. |
| Title page | | Changed title reference to: "Rules and Regulations Governing Planned Unit Development, Sheridan County, Wyoming" |
| Throughout document | | Corrected spacing. |
| Throughout document | | Added page numbers. |
| Part III, V. Fees | | Replaced language to read "All applications shall be accompanied by the applicable fee(s) as set by the Board of County Commissioners. These fees may be revised periodically by the Board of County Commissioners." |



RULES AND REGULATIONS
GOVERNING
PLANNED UNIT DEVELOPMENT

SHERIDAN COUNTY, WYOMING

EFFECTIVE FEBRUARY 8, 2010

Adopted: October 5, 1988

Amended: December 15, 2009

PREFACE

In recent years, a new method of subdivision, called a Planned Unit Development has emerged solving contemporary development problems.

Planners and developers for many years have been concerned with development, the rigid utilization of land and the result thereof. After considerable study and progressive examples, the concept of Planned Unit Development (PUD) and its potential for conserving natural landscape, providing open space, and providing alternative life styles emerges as a healthy system to provide better solutions for the home buyer, the developer and the community.

A PUD in its simplest definition is a project which is pre-planned in its entirety with variation permitted in the rigid subdivision regulations. Although it may function in any land use zone, its primary emphasis is residential. The uniqueness in the PUD approach is the variety, flexibility, creativity and order in establishing development patterns. Variety is achieved by permitting a mixture of uses within one development. Flexibility is achieved by permitting variations of the subdivision regulations, such as building setbacks, street width, sidewalk location, height restrictions. Creativity allows for originality, expressiveness and imagination in design. Order is achieved by requiring advance considerations of all the aspects of land development, including conservation of land, traffic flow, utilities and services and the evaluation of each project for and on its own merits in relationship to long-range goals and/or objectives.

PART I

GENERAL PROVISIONS

PLANNED UNIT DEVELOPMENT

I. PURPOSE

- A. Encourage the total planning of land tracts consistent with the goals and objectives and/or long-range general plan;
- B. Encourage innovative approaches to urban design and the sound application of proven design methods;
- C. Provide flexibility in the application of zoning regulations so as to maximize the opportunities available to qualified professionals to utilize good design;
- D. Provide a basic flexible framework in which a variety of private and public activities can co-exist harmoniously;
- E. Provide for the integration of the Planned Unit Development (PUD) into the total fabric of development which makes up a community;
- F. Provide for PUD as a special use by permit within a zoning district allowing PUD as a special use.

II. CONSISTENCY WITH THE GENERAL PLAN

No planned unit shall be approved unless the final PUD plan is found to be consistent with current goals and objectives and/or the long-range comprehensive plan for Sheridan County.

III. RELATIONSHIP TO THE SUBDIVISION REGULATIONS

The uniqueness of each PUD may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards may be subject to modifications from the specifications established in the subdivision regulations adopted by Sheridan County, if the reasons are well documented. Modifications may be incorporated only with the approval of the Planning Commission as a part of its review of the development plan for a PUD and shall conform to acceptable engineering, architectural, and planning principles and practices.

IV. GENERAL INTENT FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS

The Planning Commission shall consider the proposed PUD from the point of view of the relationship and compatibility of the individual elements which make up the development. No PUD shall be approved that contains elements which in the view of the Planning Commission cannot for any reason exist compatibly or provide an environment of lasting stability. It is the intent of this provision to recognize the fact that individual land uses, regardless of their adherence to all the design elements provided in this section, may not, due to any number of factors, exist compatibly with one another. Therefore, in addition to the review of the individual land uses involved in a PUD the Planning Commission must find that the total development can exist as an integrated whole.

In making its review of a PUD the Planning Commission may in any area where, in its opinion, conflicts may result due to possible friction between the various types of land uses, require setbacks or other standards of design in excess or in lieu of these standards normally applicable.

V. PHASING OF NON-RESIDENTIAL CONSTRUCTION

If a PUD contains non-residential uses, of a commercial or industrial nature, these uses may be constructed first, but only if the Planning Commission finds—and records findings on the final PUD Plan—that the non-residential uses are consistent with the goals and objectives and/or the comprehensive plan for the community even though the residential areas of the planned unit are not built or not completed.

VI. STAGING OF DEVELOPMENT

Each stage within a PUD shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the PUD or its surroundings at any stage of the development.

VII. DEFINITIONS

- A. Common Open Space. Common open space shall mean a parcel or parcels of land, an area or water, or a combination of land and water within the site designated for a PUD, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the PUD.
- B. Plan. A plan means the provisions for development of a PUD which may include, but need not be limited to, easements, covenants, and restrictions relating to use, location, and bulk of buildings and other structures, intensity of use or density of

development, utilities, private and public streets, ways, roads, pedestrian areas and parking facilities, common open space and other public facilities.

- C. Planned Unit Development. A PUD means an area of land, controlled by one or more landowners to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations. The proposed design of the signs shall be approved by the Planning Commission.
- D. Green Belt. A buffer area of native vegetation left substantially intact or supplemented by additional plant materials, as well as walkways and rest areas.
- E. Gross Density. The average number of dwelling units per acre for the development.
- F. Intensity of Use. The qualitative and quantitative levels of activity anticipated for any use of the given parcel of land.
- G. Net Density. The average number of dwelling units per acre excepting all areas of dedicated public use.
- H. Undeveloped Open Space. An area left completely in its natural state or the same condition in which it was found. (This does not preclude the reclaiming and rehabilitation of land to a natural state.)

THE PLANNED UNIT DEVELOPMENT APPROVAL PROCESS

Step 1A

The applicant shall meet with the Planning Commission and/or its staff for a pre-application conference concerning the proposed development prior to filing any formal application.

Step 1B

The first mandatory step in the approval process is the formal filing with the Planning Commission of the Schematic Planned Unit Development Plan covering the entire proposed development. No change in zoning is required since PUD is a special use permit as opposed to a specific zoning classification.

Step 2

The Planning Commission considers the Schematic Planned Unit Development Plan and prepares a report which is submitted to the County Commissioners along with the Planning Commission's recommendation that the plan be approved or disapproved and reasons therefore.

Step 3

The governing body of the County considers the Schematic PUD Plan and the Planning Commission's recommendation concerning the plan. A public hearing is then held on the proposed plan by the Planning Commission and County Commissioners prior to approval of a special use permit by the county.

Step 4

Once the Schematic PUD Plan has been approved the applicant may proceed to prepare a final PUD Plan. Unlike the schematic plan which must encompass the entire development the Final PUD Plan may be submitted in sections or stages and shall be substantially the same as the approved schematic.

Step 5

Upon approval of a Final PUD Plan and a preliminary subdivision plat for any portion of the property contained within the area encompassed by the Final PUD Plan which is to be subdivided, the applicant may proceed with Filing of a Final Subdivision Plat on that portion as per established practice.

Step 6A

Only after approval and filing of a final subdivision plat may the developer proceed with construction, sale of lots and transfer title to a property shown on the approved plat. Approval of a final subdivision plat shall include having receipt of proper surety to insure completion of public improvements.

Construction of dwelling units or structures on the final plat should not be allowed until the filing of that document.

Step 6B

Before any special use permit shall be issued for PUD development, the County Commissioners shall require that the applicant furnish evidence of a bank letter of credit or bond, or a certified check, in an amount calculated by the governing body of the county to secure all or part of the proposed site improvements in a workmanlike manner, and in accordance with specifications and construction schedules established or approved by the governing body.

1. In the event that the PUD is to be developed by stages, the governing body of the county may require such commitment, bond or check at the stage or stages when appropriate.
2. Any such commitments, bonds or checks shall be payable to and held by the county.

PART II
ADMINISTRATIVE PROCEDURE GOVERNING
APPROVAL OF PLANNED UNIT DEVELOPMENTS

I. PRE-APPLICATION CONFERENCE

Prior to actual submission of the Schematic PUD Plan and before any site improvements are made, the landowners shall confer with the Planning Commission and/or its staff to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data. This discussion shall concern, but not be limited to the following:

A. The Site

1. The placement of buildings or structures in floodable areas.
2. The location.
3. The existing zoning.
4. The surrounding type of development and land use.
5. The size of the site.
6. The accessibility of the site.
7. Any development proposal shall be accompanied by physiographic studies of the proposed site.

These studies shall be performed, and attested to by qualified professional authorities in the following fields: soil quality, slope and topography, geology, water rights and availability, sewage and solid waste disposal.

Plans for implementation must be reviewed and commented upon, such review and comments to be limited to Thirty (30) days by the appropriate agencies as follows:

U.S. Soil Conservation Service

Montana-Dakota Utilities (MDU)

City Water, Sewer and Street Department (Where applicable)

State water engineer for well water

Mountain Bell (Telephone Company)

State Department of Environmental Quality (DEQ)

County Engineer town/city planning commission if within the community comprehensive plan.

B. The Development

1. The type of development proposed (residential, commercial, industrial, combined) land use.
2. The density of the development.
3. The quantity and location of parking areas.
4. The location, type and method of maintenance of open space.
5. Proposed landscaping or other treatment of the tract.
6. Proposed internal circulation system, including pedestrian ways.
7. Area of ground coverage of roads, parking and buildings.

C. Community Facility Considerations

1. The effect of the proposed development will have upon schools, fire and police services, etc.
2. The proximity and adequacy of utilities, fire protection, major traffic arteries, etc.
3. The effect of the development on the downstream utility uses and the effects of the runoff downstream.

D. Development Schedule

The estimated time span for construction of the proposed development including any anticipated staging.

II. THE SCHEMATIC PLANNED UNIT DEVELOPMENT PLAN

- A. It is the intent of this section to provide for a schematic plan and written statement which will give approving agencies and neighboring property owners enough information to inform them of basic policy decision required by the proposal. The schematic plan must cover all property which is to be included in the total proposed development and must be sufficiently detailed to allow for effective review. However, detailed site plans are not necessary at this stage of the submission process and residential and others can be shown schematically. The written statement affords the developer an opportunity to express his intentions and elaborate on his plan in writing.
- B. The maps which are part of the Schematic PUD Plan must be generalized from and must contain as an absolute minimum the following information:
1. The location and name of the proposed development to include a locator map of appropriate scale.
 2. The name and address of the landowners (as defined by this article) and of the designers of the development.
 3. Information regarding the physical characteristics of the surrounding area and the developments within at least 300 feet of the proposed PUD or as otherwise required.
 4. The size in acres of the proposed development.
 5. Existing zoning and land use both within the area encompassed by the development and the area within at least three hundred (300) feet of the periphery.
 6. Adjacent streets and proposed points of access.
 7. The existing topographic character of the land and existing natural feature.
 8. The property lines and names of adjoining landowners.
 9. Location and description of any existing utilities or easements in the area encompassed by the proposed development.
 10. North Arrow and graphic scale.
 11. Existing and proposed land use and the approximate location of building and structures.

12. The character and approximate density of all dwellings.
 13. The proposed circulation system.
 14. Public uses, including schools, parks, playgrounds and other open spaces. This shall specifically include common open spaces which are reserved for use of the residents of the proposed development.
- C. The written statement to accompany the Schematic PUD Plan may offer any additional supportive information which the applicant was unable to present graphically. However, as an absolute minimum the written statement must contain the following information:
1. An explanation of the character of the PUD and the manner in which it has been planned to take advantage of the PUD regulations.
 2. A general statement of expected financing.
 3. A statement of the present ownership of all land included within the PUD.
 4. A general indication of the expected schedule of development indicating: (1) the approximate date when construction of the project can be expected to begin; (2) the stages in which the project will be built and the approximate date when the construction of each stage can be expected to begin; (3) the common open space that will be provided at each stage. It is intended that the development schedule required by this section shall provide a general time span for development of an entire project and cannot in most instances involve stage developments and be highly accurate.

However, it is imperative that the Planning Commission have some general idea of the time span in which the the proposed development can be expected to materialize.

5. The substance of proposed covenants, grants of easement or other restrictions to be imposed upon the use of the land, including common open areas, buildings and other structures within the development.
6. A general statement of the anticipated legal treatment of common ownership and maintenance of such areas.

III. APPROVAL OF THE SCHEMATIC PLANNED UNIT DEVELOPMENT PLAN

- A. An applicant shall make initial application for approval of a PUD to the County Planning Commission office.
- B. The completed Schematic PUD Plan must be submitted to the Planning Commission office Thirty (30) or more working days prior to the Planning Commission meeting at which it will be presented. Seven copies of the plan and related documents will be required.
- C. Within Sixty (60) days after the formal filing of the Schematic PUD Plan, the Planning Commission shall forward the plan to County Commissioners, along with a written report recommending that the plan be approved or disapproved.

Specifically this written report shall include but not be limited to, such items as those covered by Section II, B and C and in conformance with the legislative purpose and intent and consistent with the adopted and accepted standards of development, as well as goals and objectives and/or policies and/or long-range plan.

- D. Upon receipt of the written report prepared in accordance with Section II, C. above, the County Commissioners shall consider said report, the Schematic PUD Plan and such other data as may be required. Prior to the issuance of any special use permit a public hearing as required by law shall be held. This hearing may be held jointly with the Planning Commission. The Planning Commission report must be made available to the public at least ten (10) days prior to the public hearing.

Within thirty (30) days after the public hearing the County Commissioners either approve the plan and grant the necessary special use permit or disapprove the plan.

- E. Action Upon Disapproval. Should a development plan be disapproved, the County Commissioners shall submit in writing detailed reasons for its action to the landowners within Ten (10) days after said action. A copy of these comments shall be forwarded to the Planning Commission.
- F. No zoning permits may be issued and no final plat be approved on land within the PUD zone until the Final PUD has been approved and filed.

IV. THE FINAL PLANNED UNIT DEVELOPMENT PLAN

- A. Application for Final Approval. Within one year following the approval of the Schematic PUD Plan, the applicant shall file with the information required by paragraph "C" below. In its discretion and for good cause shown the Planning Commission may extend the time period for the filing of the PUD Plan. However,

prior to any such extension, the landowner shall be required to show cause for the requested extension.

In the event the Planning Commission finds that conditions of the Schematic PUD Plan have changed so as to raise reasonable question regarding the landowners ability to continue with the plan, it may withdraw approval of the plan. Should the Planning Commission withdraw approval of the plan, a report of this action shall be sent immediately to the County Commissioners along with its recommendation for disposition.

- B. Final Approval of Stages. In accordance with the schedule presented in the Schematic Plan, the landowner may elect to seek final approval of only a geographic section or sections of the land included with the total development.
- C. Contents of the Final Planned Unit Development Plan. The Final PUD Plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development, or portion thereof, and shall include, but not be limited to, all the following:
 - 1. Final Planned Unit Development. Plan drawings at a scale of 1"=200' indicating:
 - a. The anticipated finished topography of the area involved as well as existing topography at intervals suitable to the type of terrain for clarity as determined by the Planning Commission.
 - b. A circulation diagram indicating the proposed movement and volume of vehicles, goods and pedestrians within the PUD and to and from existing thoroughfares. This shall specifically include:
 - i. Width of proposed streets;
 - ii. A plan of any sidewalks or proposed pedestrian ways;
 - iii. Any special engineering features and traffic regulation devices need to facilitate or insure the safety of the circulation pattern. All facilities shall conform to standards of the county.
 - c. An off-street parking and loading plan indicating general coverage of parking areas.

- d. Areas proposed to be conveyed, dedicated or reserved for parks, parkways, and other public or semi-public open space uses including any improvements which are to be deeded as part of any common use area.
 - e. Information regarding the physical characteristics of the surrounding area and developments within three hundred (300) feet of the proposed PUD.
 - f. A plot plan showing the location of all buildings, structures, and improvements open spaces, legal descriptions and locator map.
 - g. A plan for proposed utilities including sewers, both sanitary and storm, including treatment plants capacity and type, gas lines, water lines, and electric lines showing proposed connections to existing utility systems and drainage plan showing estimated run-off and impoundments. Public water and sewer systems are required.
2. A plan showing the use, approximate height, bulk and location of all buildings and other structures. Any drawings used to meet this requirement need not be the result of final architectural decisions and need not be in detail.
 3. A generalized land use map and a tabulation of land area to be devoted to various uses and activities.
 4. A tabulation of proposed densities to be allocated to various parts of the area to be developed. This tabulation is to be both in numbers of dwelling units and in projected population.
 5. Ratios of parking, landscaped open space and building coverage.
 6. Final details of all proposed covenants and grants or easement (particularly those pertaining to common open space) and the maintenance responsibilities thereof.
- D. Relationship to the Subdivision Regulations. In any instance where land is to be subdivided or streets are to be dedicated the following procedure will be utilized. At the time application is made for approval of a Final PUD Plan, application shall also be made for preliminary approval of a subdivision plat. Both the Final PUD and preliminary plat will be considered simultaneously by the Planning Commission. A Final PUD Plan approved by the Planning Commission may form the basis for granting modification with respect to the subdivision regulations. Final subdivision plats may be submitted to the Planning Commission on any portion of a development which lies within the area encompassed by an approved Final PUD

Plan and which consists of all or a portion of the property within the area encompassed by an approved preliminary subdivision plat.

- E. Prior to approval of any Final PUD Plan the applicant shall insure that all land within the portion of the development proposed for final approval is owned or controlled by the applicant.
- F. Procedure for Approval of the Final Planned Unit Development Plan.
 - 1. Within Thirty (30) days after final submission the Planning Commission shall either approve or disapprove the Final PUD Plan.
 - 2. In the course of its consideration and prior to any final approval the Planning Commission shall give notice and provide each of the following an opportunity to be heard.
 - a. Any person who is on record as having appeared at the final public hearing on the Schematic PUD Plan.
 - b. Any other person who has indicated to the Planning Commission in writing that he wished to be notified.
 - 3. The Planning Commission may approve the Final PUD Plan if it finds:
 - a. The Final PUD Plan is in substantial compliance with the Schematic PUD Plan; and
 - b. That the plan complies with all other standards for review which were not considered when the Schematic PUD Plan was approved.
 - 4. If the Planning Commission finds that the Final PUD Plan is not in substantial compliance with the Schematic PUD or does not comply with all other standards of review then it shall disapprove the plan. In the event of disapproval a written report shall be prepared by the Planning Commission and sent to the applicant. This report shall detail the grounds on which the plat was denied to include specifically ways in which the Final PUD Plat was not in substantial compliance with the Schematic PUD Plan or other standards of review which the Final PUD Plan failed to meet.

5. In the event a Final PUD Plan is disapproved the Planning Commission may allow the applicant to resubmit a revised plan within Thirty (30) days.

V. FILING FOR APPROVED FINAL PLANNED UNIT DEVELOPMENT PLAN

Upon approval of a Final PUD Plan said plan and all maps, covenants and other portions thereof shall be filed with the Planning and Engineering Office.

VI. FAILURE TO BEGIN PLANNED DEVELOPMENT

If no construction has begun or no use established in the PUD within one year from the date of approval of the Final PUD Plan, the Planning Commission may require the landowner to appear before it and to present evidence substantiating that he has not abandoned the project and possesses the willingness and ability to continue its development.

In the event the Planning Commission finds that conditions in support of the granting of approval of the Final PUD Plan have changed so as to raise reasonable questions regarding the landowner's ability to continue with the plan it may withdraw its approval of the plan. Should the Planning Commission withdraw its approval of the plan a report of this action should be sent immediately to the County Commissioners along with a recommendation the PUD Zone be withdrawn.

In its discretion and for good cause shown the Planning Commission may extend the period for initiation of the development, but at least annually it must again require the landowner to demonstrate that he has not abandoned the project.

VII. ENFORCEMENT OF THE DEVELOPMENT SCHEDULE

The construction and provision of all common open spaces and public utilities and recreational facilities which are shown on the final PUD Plan must proceed at no slower rate than the construction of dwelling units. From time to time the Planning Commission shall compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, then the Planning Commission may take either or both of the following actions:

1. Cease to approve any additional final plats.

2. Instruct the building official or other agent as approved by the Planning Commission the issuance of building permits.

In any instance where the above actions are taken the Planning Commission shall gain assurance that the relationship between the construction of dwellings or other structures of a commercial or industrial nature and the provisions of common open spaces and public-recreational facilities are brought into adequate balance prior to the continuance of construction.

VIII. MINOR CHANGES AND AMENDMENTS TO AN ADOPTED FINAL PLANNED UNIT DEVELOPMENT PLAN

The terms, conditions, and the adopted Final PUD Plan may be changed from time to time as provided in the following paragraph.

- A. Minor Modifications. The building official or other agent as authorized by the Planning commission may approve minor modifications in the location, sizing, and height of buildings and structures if required by engineering or other circumstances not foreseen at the time the Final Planned Unit Development Plan was approved so long as no modification violates any standard or regulation set forth in the article including bulk and open space regulations. The total of such modifications approved by the building official or other agent as authorized by the Planning Commission shall not in aggregate result in:
 1. An increase of more than One (1%) percent in the residential density;
 2. An increase of more than Three (3%) percent in the floor area proposed for non-residential use of a commercial or industrial nature;
 3. An increase of more than Two (2%) percent in the total ground area covered by buildings; and
 4. A reduction of more than one (1%) percent in the area set aside for common open space. Minor modifications in the location of streets and underground utilities may be approved under this section.
- B. Amendments. Any uses not authorized by the approved Final PUD Plan but allowable in the zoning district as a permitted use may be added to the Final PUD Plan upon approval of any such alteration by the Planning Commission. In the courses of its consideration of any alteration to be approved under the provisions of this paragraph the Planning Commission shall hold a public hearing for all residents

and owners within the PUD and for all other parties who have an interest in the amendment in the judgment of the Planning Commission.

All other changes in the adopted Final PUD Plan exceeding those limits established above must be made by the County Commissioners under the regular procedures. However, prior to any action by the County Commissioners on a proposed amendment the Planning Commission shall study the proposed amendment and shall prepare a report which will detail its recommendation on the proposed alteration and the reasons therefore.

PART III
SPECIFIC USES AND REQUIREMENTS FOR
PLANNED UNIT DEVELOPMENT

I. PERMITTED USES

A planned unit development may include the uses allowed by right, and the conditional uses allowed, in the zoning district in which said PUD is located. The land use shall be in accordance with the Land Use Element of the Comprehensive Plan. In addition the PUD may include the following uses, separately or in combination, subject to the density and design standards designated below:

1. Single, double and multi-family residences;
2. Sale or rental of commercial grounds and services;
3. Recreation facilities;
4. Offices;
5. Convention facilities;
6. Eating and drinking places in connection with recreational facilities; for which the PUD is intended;
7. Public offices, utilities and facilities pertinent to the primary uses for which the PUD is intended;
8. Lodging places, including motels, hotels, lodges, and dormitories;
9. Schools;
10. Churches;
11. Mobile home parks;
12. Resort mobile home parks and tent camping parks;
13. Light industry;
14. A PUD designed for an industrial park will be primarily industrial and commercial in character.

II. REQUIREMENTS REGARDING DENSITY AND DESIGN

A. Open Space. A minimum of twenty-five (25) percent of the total PUD area shall be devoted to open air recreation or other useable public open space. "Useable public open space" shall be defined as open area developed and designed for use by the occupants of the development or by others for uses including, but not limited to, recreation, courts, gardens, parks, and walkways. The term shall not include space devoted to streets and parking and loading areas and accessory structures.

B. Residential Density. The density of the net residential area shall not exceed Ten (10) units per acre. "Net residential area" shall mean the area devoted to residential uses, and the term shall not include streets and parking areas, or required useable open space areas.

C. Density of Other Uses. The overall average net density of the total area devoted to all other permitted uses shall not exceed a floor-to-land ratio of Fifty (50%). "Net Density" shall apply to the area devoted to uses excluding streets and their right-of-way, and required useable open space.

III.

The maximum height of buildings may be designated by the Planning Commission in relation to the following characteristics of the proposed building.

- A. Its geographical location;
- B. The probable effect on surrounding slopes and mountainous terrain;
- C. Adverse visual effect to adjacent sites or other areas in the immediate vicinity;
- D. Potential problems for adjacent sites caused by shadows, loss of air circulation, or closing of view;
- E. Influence on the general vicinity, with regard to extreme contrast, vistas, and open space;
- F. Uses within the proposed building.

IV.

Parking spaces shall be provided in the PUD according to the following:

- A. Assembly Halls. For auditoriums, arenas, gymnasiums, exhibition halls, theatres, and other similar recreational or public gathering places, at least One (1) space for each One Hundred (100) square feet of gross floor area, One (1) parking space for each Four (4) seats,

whichever is greater, plus One (1) additional space for every Two (2) employees thereof. When individual seats are not provided, Twenty-two (22) inches of undivided seating shall constitute One (1) seat.

B. Bowling Alleys. At least Four (4) parking spaces for each alley, plus One (1) additional space for every Two (2) employees.

C. Churches. There shall be One (1) parking space for each Six (6) seats in the principal auditorium, Twenty-two (22) inches of undivided seating shall constitute One (1) space.

D. Educational Institutions. For high schools and colleges, One (1) parking space for every Four (4) persons in the faculty and student body, and for elementary, primary and junior high school, Two (2) parking spaces for every classroom plus sufficient off-street space for safe and convenient loading and unloading of students.

E. Hospitals. One (1) parking space for every Three (3) beds.

F. Hotels. For hotels, boarding houses, rooming houses, clubs, dormitories, lodges, and other similar structures, at least One (1) parking space for each dwelling unit or One (1) parking space for each Two (2) guest rooms, whichever is greater.

G. Libraries and Museums. One (1) parking space for each One Thousand (1000) square feet of gross floor area, plus One (1) parking space for every Two (2) employees.

H. Markets. For markets, retail bakeries, grocery stores, delicatessen and liquor stores, One (1) parking space for every One Hundred (100) square feet of space dedicated exclusively for the sale and display of such merchandise, plus One (1) parking space for every Two (2) employees.

I. Medical Clinics. For medical and dental clinics, Two (2) spaces per doctor, plus One (1) parking space for every Two (2) employees.

J. Professional Offices. For professional offices, banks, lending institutions and to include sales, management and rental offices, One (1) parking space for every Three Hundred (300) square feet of gross floor area.

K. Residential Use. Two (2) parking spaces for each single family equivalent dwelling unit, efficiency unit, townhouse or condominium. One (1) space for every Two (2) units of elderly and space for expansion in case of change in tenants.

L. Restaurants. For restaurants, bars, and taverns, One (1) parking space for each One Hundred (100) square feet of gross floor area.

M. Retail business. One (1) parking space for each Four Hundred (400) square feet of gross floor area, plus One (1) additional space for each Two (2) employees, occupants, or tenants thereof.

N. Tourist Courts. For tourist courts and motels, One (1) parking space per unit.

O. Off-Street Parking. The intentions of the off-street parking regulation are to insure the provision and maintenance of adequate off-street parking in order to develop a proper flow of traffic, to reduce congestion, and to provide for the safety and general welfare of its inhabitants as follows:

1. Responsibility. The duty to provide and maintain off-street parking areas shall be the joint and several responsibility of the operator and owner of the land use (s) and the land for which the off-street parking areas are required to be provided and maintained.
2. New Structure Uses. For structures and/or uses established or placed into operation after the effective date of this Final PUD Plan there shall be provided the amount or number of off-street parking spaces set forth herein.
3. Alteration or Additions to Existing Structures or Uses. For all structures or uses meeting the parking requirements of this resolution, but that are subsequently moved, converted, extended, enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats shall maintain the existing amount of parking spaces for the increment of increase, at least the amount or number of off-street parking spaces that would be required hereunder if the increment were a separate land use or structure. If the existing land use or structural use is converted to a different use, off-street parking spaces shall be provided to meet the requirements of the different use as hereinafter set forth.
4. Location. All required off-street parking spaces shall be provided within Four Hundred (400) feet of the structure or use generating the parking need.
5. Combined Off-Street Parking Areas. Off-street parking spaces may be provided in the areas that jointly serve Two (2) or more structures or uses provided that the total number of off-street parking spaces shall not be less than that required for the total combined number of structures and/or uses. When Two (2) or more businesses, structures and/or uses whose peak parking requirements occur at different periods of the day, they may apply for special parking review, subject to the approval of the Planning Commission.

6. **Parking Limitations.** In residential areas, off-street parking spaces shall be used by vehicles up to but not exceeding Three-fourths (3/4) ton manufacturer's capacity rating.
7. **Storage Restrictions.** In residential areas off-street parking spaces shall not be used for the parking or storage of automobile trailers, boats, detached campers or any other object that will render the parking space unusable according to the intent and purpose of this ordinance.
8. **Sales or Service Restriction.** No off-street parking space shall be used for the sale, repair, dismantling or servicing of any vehicle, equipment, material or supplies.
9. All off-street parking spaces shall be graded for proper drainage maintaining grades from a minimum of One-half of One percent (.5%) to Four percent (4%). They shall be surfaced with asphalt, asphaltic concrete, gravel or an equivalent material.
10. **Obstructions.** All off-street parking spaces shall be unobstructed and free of other uses.
11. **Snow Stacking.** (If applicable). Additional snow stacking space equal to One Hundred (100) square feet shall be provided adjacent to each off-street parking space. Alternative approaches will be considered by the Planning Commission upon complete written presentation of snow removal methods, techniques, and the proposed size and location of snow stacking areas. If the applicant or woners intend to utilize private snow removal equipment, a written guarantee of permanent, ongoing snow removal services shall be necessary.
12. **Design Standards.** The following minimum design standards shall be required:
 - a. **Size of Parking Spaces.** Each parking space shall have dimensions equal to Ten (10) by twenty (20) feet exclusive of space required for maneuvering.
 - b. **Accessibility.** Each parking space shall be easily accessible during both ingress and egress. All non-residential parking areas shall have sufficient maneuvering spaces so that all vehicles can head directly onto exit drives leading to public streets, alleys or highways.
 - c. **Intersections.** No portion of any entrance or exit driveway leading to or from a public street or highway for the purpose of off-street parking shall be closer than Thirty-five (35) feet to an intersection of Two (2) or more public streets or highways.

d. Width of driveways. The width of any driveway connecting a public street or highway shall be at least Twenty-two (22) feet in width but shall not exceed thirty-five (35) feet at its intersection with the property line and/or curb line on the physically established edge of the street. Divided driveways may be accepted upon review of the Planning Commission.

e. Frequency of Driveways. No Two (2) driveways connection a public street or highway to an off-street parking area shall be within Thirty (30) feet of one another at their intersections with the property line and/or curb line or the physical edge of the street.

F. Traffic. The location and number of driveways must be so arranged that they will reduce the possibility of traffic hazards as much as possible.

g. Set Back. No portion of a parking space shall be closer than Five (5) feet in both directions along the curb line or the physically established edge of the street or highway.

h. Visual Clearance. All driveways leading to and/or from off-street parking spaces that intersect public pedestrian ways shall be visually unobstructed for a distance of Thirty-five (35) feet in both directions along the curb line or the physically established edge of the street or highway.

i. Discretion for Exception. In the case of any structure or use not specifically mentioned herein or any special circumstances affecting the off-street parking requirements, variances or special allowances may be granted by the Sheridan County Planning Commission.

V. FEES

All applications shall be accompanied by the applicable fee(s) as set by the Board of County Commissioners. These fees may be revised periodically by the Board of County Commissioners.

PART IV
SPECIAL CONDITIONS FOR
PLANNED UNIT DEVELOPMENT

I. MAINTENANCE OF COMMON OPEN SPACE

IN the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the PUD fail to maintain the common open space in reasonable order and condition in accordance with the plan, the county may serve written notice upon such organization or upon the residents of the PUD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within Thirty (30) days thereof and shall state the date and place of a hearing thereon which shall be held within Fourteen (14) days of the notice. At such hearing the county may modify the terms of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof are not cured within said Thirty (30) days or any extension thereof, the county in order to preserve the taxable values of the properties within the PUD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the county or municipality shall, upon its initiative or upon the written request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization or to the residents of the PUD, to be held by the board designated by the county, at which hearing such organization or the residents of the PUD shall show cause why such maintenance by the county shall not, at the election of the county continue for a succeeding year. If the board designated by the county shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the county shall cease to maintain such common open space at the end of said year.

If the board designated by the county shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the county may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

The cost of such maintenance by the county shall be paid by the owners of properties within the PUD that have a right of enjoyment of the common open space, and any unpaid assessments shall become a tax lien on said properties. The county shall file a notice of such

lien in the office of the County Clerk and Recorder, upon the properties affected by such lien within the PUD, and shall certify such unpaid assessments to the Board of County Commissioners and County Treasurer for collection, enforcement and remittance of general property taxes.