

D R A F T #1

Proposed Zoning Resolution Amendments-Text

**Carbon County
Planning and Zoning Commission**

**Meeting Date:
Monday, May 4, 2020**

CHAPTER 2

APPLICATION OF REGULATIONS

Section 2.1 NONCONFORMING USES, BUILDINGS AND STRUCTURES

A. Purpose and Intent.

It is recognized that there may exist, within the zone districts established by this Resolution, uses, buildings and structures which were lawfully established ("grandfathered") before this Zoning Resolution was adopted or amended that now do not conform to the standards of this Zoning Resolution. It is the intent of this Resolution to permit those nonconforming uses, buildings and structures to continue in accordance with the following provisions:

B. Repairs and Maintenance.

Normal maintenance and repairs of a building or other structure containing a nonconforming use is permitted, provided it does not extend the floor area occupied by the nonconforming use.

C. Alteration or Addition.

The alteration or addition to any existing building or structure for the purpose of effecting any change in use shall be in conformity with the provisions of this resolution.

D. Tenancy or Ownership.

There may be a change of tenancy, ownership or management of a nonconforming lot, structure or use provided there is not a change in the nature or character of said non-conformity.

E. Relocation.

A nonconforming structure or a structure housing a nonconforming use shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless it shall thereafter conform to the provisions of the Zone District in which it is moved.

F. Termination.

1. If a nonconforming use is discontinued any future use of such land, building or structure shall be in conformity with the provisions of this resolution. A nonconforming use shall be deemed to have been terminated and shall not thereafter be reinstated:
 - a. When it has been discontinued for a period of twelve (12) consecutive months.
 - b. Intent to resume a nonconforming use shall not be considered continuance of the nonconforming use.
2. Damage to Structures. If a nonconforming structure is damaged or destroyed in any manner from any cause, and the cost of repairing such damage exceeds sixty percent (60%) of the value of improvements or replacement cost of such structure on the date of such damage, it shall not be repaired or restored except in conformance with this Zoning Resolution.
 - a. In determining the value of improvements or replacement cost of any nonconforming structure, the cost of land or any factors other than the nonconforming structure itself shall not be included.
 - b. Value of Improvements or replacement cost shall be calculated by using the most recent County Assessor's-Notice of Assessment.

Section 2.2 NONCONFORMING LOTS

A. Definition.

A lawful nonconforming ("grandfathered") lot is a platted lot or lot of record which existed prior to July 1, 2001, on the effective date of this Resolution or as a result of subsequent amendments thereto, and does not comply with the lot size requirements for the District in which the lot is located. For purposes of this Section, the definition of Lot shall include the term Parcel.

B. Lot of Record.

In any district in which a proposed use is permitted, notwithstanding limitations imposed by other provisions of this Resolution, said use may be conducted and necessary customary buildings may be erected on any vacant single lot of record after the effective date of this Resolution. This provision shall apply even though such lot fails to meet the requirements for minimum lot size applicable to the zone, providing the use and buildings must comply with all the regulations for the zone in which such lot is located.

C. Merger.

If separately created, contiguous lots are merged by a recorded instrument, combining two or more lots into a single legal description, the new combined lot shall be regarded as a single lot.

D. Rezone of Nonconforming Parcel.

The Planning Director may waive the application fee when the record owner is requesting a Zone Change or Conditional Use Permit, which would bring the nonconforming lot, structure or use into conformance.

Section 2.3 EXTRACTION OR PRODUCTION OF MINERAL RESOURCES

A. In accordance with State Statutes, this Resolution shall not prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources in or under any lands subject thereto. However, prior to actual extraction of the mineral, the area shall be properly zoned and all other applicable requirements of this Zoning Resolution shall be met.

A-B. The prohibition against preventing any use or occupancy reasonably necessary for the extraction or production of the mineral resources does not apply to sand, gravel, rock and limestone.

Section 2.4 ZONE DISTRICTS

For the purposes of this Resolution, the County is divided into nine (9) classes of zoning districts as follows:

Section 4.4 RAM Zone	Ranching, Agriculture, Mining (Formally Open Range (OR))
Section 4.5 FPSR Zone	Forestry Production and Seasonal Recreation (Formally Forest Production & Recreation (FPR))
Section 4.6 RRA Zone	Rural Residential Agriculture
Section 4.7 RD Zone	Residential
Section 4.8 C-1 Zone	Neighborhood Commercial
Section 4.9 C-2 Zone	Highway Commercial
Section 4.10 IL Zone	Limited Industrial
Section 4.11 IH Zone	Heavy Industrial (Formally Industrial)
Section 4.12 PUD Zone	Planned Unit Development

Section 2.5 DISTRICT BOUNDARIES

- A. The boundaries of each zone district are established as shown on the Carbon County Zoning Map and in the official records of the Zoning Officer.
- B. The District boundary lines are intended generally to follow the centerline of streets and similar right-of-way or lot lines, or straight line projections of such lines, or County boundary lines, Township or Section lines all as shown in the records of the Zoning Officer by a specific dimension expressing its distance in feet from a street line or another boundary line as indicated.
- C. In case of uncertainty as to the true location of a District boundary line in a particular instance, the determination thereof shall be made by the Zoning Officer. An appeal may be taken to the Commission and the Board, as provided in Chapter 6.

Section 2.6 RELATION OF ZONING RESOLUTION TO OTHER PROVISION OF LAW, COVENANTS AND AGREEMENTS

- A. Nothing contained in this Resolution shall be taken to repeal, abrogate, annul, or in any way impair or interfere with any provisions of law or ordinance or regulations, existing or as may be adopted in the future. Nor is it intended by this Resolution to interfere with or abrogate or annul any easements, covenants or other agreements between parties.
- A.B. Where this Resolution imposes a greater restriction upon the use of buildings, structure, premises, lots or land, or upon the height of buildings or structures or requires larger lots, yards, courts, or other open spaces than imposed or required by such other provisions of law, ordinance, or regulation, or by such easement, covenants or agreement, the provisions of this Resolution shall control.
- B.C. No provisions contained in this Resolution shall be construed as justifying the encroachment of any building or structure within any street lines now or hereafter laid down or officially mapped.
- D. Specifically, in regards to the Subdivision Regulations of Carbon County of 1980, as amended, creation of an improper subdivision is cause to deny a zone change.
- E. Public Lands: The government of the United States and the Sate of Wyoming and their agencies, departments and political subdivisions are exempt from the requirements of these regulations when undertaking governmental development activities on their lands, except when compliance with these regulations is required by the same government, agencies and departments.

Section 2.7 VALIDITY

If any article, section, subsection, paragraph, clause, phrase or provision of this Resolution of the location of any District boundary shown in the records of the Zoning Officer that forms a part hereof shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Resolution or records of the Zoning Officer as a whole or any part of provisions hereof other than the part so adjudged to be invalid or unconstitutional.

CHAPTER 3

DEFINITIONS

AGRICULTURE, INDUSTRIAL

Agricultural enterprises of an intensive scope and corporate nature that are designed to produce and distribute farm products on a large scale and may produce significant levels of waste. Industrial agricultural uses may include feedlots, animal feeding operations, ~~confined~~concentrated animal feeding operations, slaughterhouses, hog farms, fur farms, poultry farms, frog farms, fertilizer works, plants for the reduction of animal matter, commercial greenhouses, and stockyards.

**CHAPTER 4
ZONE DISTRICT REGULATIONS**

NOTE: The wording “Extraction or production of mineral resources” applies to the following zone districts: RAM, RRA, RD, C-1, C-2, IL and IH and will replace “Oil, gas and mineral exploration, development and production.”

Section 4.4 RANCHING, AGRICULTURE AND MINING ZONE (RAM)

The purpose of this District is to preserve historic uses and open space areas of the County while at the same time permit ranching, agriculture, animal husbandry, forestry, and mining in a manner that attains this purpose. All of the unincorporated area of the County not otherwise zoned is designated as the Ranching, Agriculture and Mining Zone.

Residential uses accessory to a preexisting Commercial or General Agricultural operation are permitted in this zone. If residential uses not covered above are desired, a conditional use permit or a zone change should be sought. The Carbon County Land Use Plan contains land use policies which encourage the development of new residential development and commercial sites in close proximity to municipalities and developed areas. The purpose of this policy is to ensure that future land development is fiscally responsible, to strengthen existing communities and to make maximum use of the services already established for police and fire protection, trash collection, snow removal and other public services. A criterion used in deciding whether or not to grant a zone change or a conditional use permit for residential uses will be considerations as to whether the establishment of a new zoning district is unavoidable because of the remote location of new employment.

A. Principally Permitted Uses:

1. Commercial or General Agriculture including ranching and farming, their related uses and facilities and animal husbandry relative to above activities.
2. Residential uses that are accessory to a preexisting Commercial or General Agricultural operation, as defined in Chapter III including accessory dwelling unit, bed & breakfast facility, home occupation, and cottage industries.
3. Public parks and playgrounds, including public rest rooms.
4. Cemeteries.
5. Ore beneficiation, milling and quarrying with proof of state permit. Said operations if above ground are not permitted within 1,000 feet of a residential district. Ore processing is principally permitted only if directly associated with an adjacent extraction operation.
6. ~~Oil, gas and Extraction or production of mineral resources exploration, development and production.~~
7. Timberland and Timber Production, but not including wood pulp mills or paper processing.
8. Timber Products, Non-Commercial.
9. Highway Construction Facilities.
10. Gravel mines and accessory facilities.
11. Habitat management.
12. Kennels on parcels 35 acres or greater.
13. Animal Crematorium-when located on-site and accessory to an agricultural operation.
14. Meteorological (MET) Tower with tower height being less than 300 feet.
15. Non-commercial nurseries and greenhouses.

B. Conditionally Permitted Uses:

The following uses are permitted subject to the review and approval pursuant to Chapter 5 – General Regulations Applying to all Districts and Uses:

1. Residential uses if accessory to a commercial or general agricultural operation if the operation is not preexisting.
2. Public Uses and Civic Use(s).
3. Public facilities and utilities limited to above ground structures including sewage treatment and water supply facilities, municipal solid waste landfill, all conforming to Wyoming Department of Environmental Quality requirements.
4. Compressor, regulator, distribution stations and gas processing plants.
5. Oilfield Wastewater Disposal Facilities (OWDF).
6. Commercial Storage Yards.
7. Industrial Uses, processing plants and related uses.
8. Agriculture Industrial Uses.
9. Guest Ranch or Resort.
10. Commercial recreation areas and facilities, including campgrounds.
11. Boarding house and recreation lodge.
12. Recreational Vehicle Park and Trailer Camp.
13. Churches and Sunday schools.
14. Labor camps including agricultural or farm labor camps.
15. Temporary Living Facilities.
16. Recycling Center and Recycling Plant.
17. Kennels on parcels less than 35 acres.
18. Roadside Stand.
19. Commercial Nurseries and Greenhouses.
20. Pulp and paper processing, related facilities and accessory uses.
21. Timber Products Processing Plants.
22. Radio transmitting stations.
23. Crematorium. See Chapter 5.
24. Animal Crematorium-when not located on-site of an agricultural operation and not accessory to an agricultural operation. See Chapter 5.
25. Telecommunication Towers and Facilities. See Chapter 5.
26. Electrical Substations and Transmission Lines. See Chapter 5.
27. Non-Commercial Wind Energy Collection Systems. See Chapter 5.
28. Commercial Scale Energy Facilities. See Chapter 6.
29. Low Hazard-Low Volume Treatment, Processing, Storage and Transfer Facility. See Chapter 5.

C. Accessory Uses:

1. Customary accessory structures and uses.
2. Signs, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.
3. Parking, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.

D. Building Setbacks:

See Chapter 5-General Regulations Applying to all Districts and Uses.

E. Other Regulations:

1. Minimum Parcel Size 35 acres:

~~A. Lot of Record\Pre-Existing Parcels. Any Lot of Record, less than 35 acres in size, created by any legal means prior to July 01, 2001, may continue to be used in accordance with Chapter 2, Application of Regulations, Non-conforming uses, building and structures. See Section 2.1~~

~~A. Any lot or parcel of land less than 35 acres in size created by any legal means prior to the adoption of this Resolution, may continue to be used for the existing use if such use was legally permitted under the prior Zoning District. In addition to allowing the continuation of a legally permitted existing use, those lots or parcels shall also be entitled to all of those principally permitted uses under the Ranching, Agriculture, Mining (RAM) Zoning District as described in this Resolution and may also be considered for those conditionally permitted uses and accessory uses as provided in the RAM Zoning District.~~

~~B. Exceptions Exemptions from Minimum Parcel Size:~~

- ~~1. The division of land into smaller than 35 acres parcels in accordance with W.S. 18-5-303 Exemption From Provisions and the exemption provisions contained within the Carbon County Subdivision Regulations may not require a zone change when the division is not the beginning of a subdivision or it is not the beginning of the general conversion of the use of the subject lands. The purpose of the minimum parcel\lot size exception is to retain ranching and agriculture as the preferred land use in rural area of the county and as further provided for in W.S. 18-5-303 and the Carbon County Subdivision Regulations.~~

~~The following exceptions from the RAM minimum lot size of 35 acres are intended to allow the land owner to create smaller parcels without requiring a zone change when the purpose is not the beginning of a general conversion of the use of the subject lands.~~

~~The desired benefit of the exemption is to protect the economic viability of the historic uses of the county's ranching, agricultural, and mining lands.~~

~~The exemptions apply to any creation of a smaller land parcel(s) that:~~

- ~~1. Is created outside of platted subdivisions for the purpose of a single gift or sale to a member of the landowner's immediate family, subject to the following requirements:
 - ~~a. A member of the immediate family is limited to any person who is a natural or adopted child, stepchild, spouse, sibling, grandchild, grandparent or parent of the landowner; and~~
 - ~~b. The purpose of the parcel(s) is to provide for the housing, business or agricultural needs of the grantee; and~~
 - ~~c. Parcels created under this paragraph shall be titled in the name of the immediate family member for whom the division is made for a period of not less than five (5) years unless such parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy; and~~~~

- ~~2. May be created by any court of this state pursuant to the law of eminent domain, by operation of law or by order of any court in this state;~~
- ~~3. Is created by the record owner giving a mortgage, lien, deed of trust or any other security instrument, and a subsequent foreclosure;~~
- ~~4. Is created for an easement or right-of-way;~~
- ~~5. Is created by the sale or other disposition of land to the State of Wyoming or any political subdivision thereof;~~
- ~~6. Affects railroad rights-of-way;~~
- ~~7. Is a sale or other disposition of land for commercial agricultural purposes or affects the alignment of property lines for commercial agricultural purposes;~~
- ~~8. Is created by boundary line adjustments where the parcel subject of the sale or other disposition is adjacent to and merged with other land owned by the grantee;~~
- ~~9. Creates cemetery lots;~~
- ~~10. Is created by the acquisition of an interest in land in the name of the husband and wife or other persons in joint tenancy or as tenants in common, and the interest shall be deemed for purposes of this subsections as only one (1) interest.~~

The above exemptions do not apply when the intent of the creation of smaller parcel(s) is to evade the purpose of this Section.

Section 4.6 RURAL RESIDENTIAL AGRICULTURE ZONE (RRA)

The Rural Residential Agriculture or RRA Zone is intended to be applied in areas of the County which are particularly suited to large-lot development that allow both agricultural and residential uses intermingled. In all cases, agricultural uses shall have supremacy over residential uses.

A. Principally Permitted Uses:

1. General Agricultural activities.
2. Single-family dwellings and their accessory uses.
3. One (1) employee dwelling and/or one (1) accessory dwelling unit.
4. Timber Products, Non-Commercial.
5. Home occupations and home offices.
6. Cottage industries.
7. ~~Oil, gas and~~ Extraction or production of mineral ~~resources~~ exploration, development and production.
8. Roadside Stand.

B. Conditionally Permitted Uses:

The following uses are permitted subject to the review and approval pursuant to Chapter 5 – General Regulations Applying to all Districts and Uses:

1. More than one (1) employee dwelling and/or more than one (1) accessory dwelling unit.
2. Businesses that will not substantially distract from the agricultural or residential character of the area.
3. Public Use and Civic Use(s).
4. Private institutions.
5. Commercial Recreation including golf courses.
6. Bed and breakfast establishments and boarding house.
7. Recreation lodges and campgrounds.
8. Kennels and Animal Hospitals.
9. Timber Production.
10. Public utilities limited to above ground structures including sewage treatment and water supply facilities all conforming to Wyoming Department of Environmental Quality requirements.
11. Mobile Home Parks. See Chapter 5.
12. Telecommunication Towers and Facilities. See Chapter 5.
13. Electrical Substations and Transmission Lines. See Chapter 5.
14. Non-Commercial Wind Energy Collection Systems. See Chapter 5.
15. Commercial Scale Energy Facilities. See Chapter 6.

C. Accessory Uses:

1. Crop, garden and 4-H type non-commercial livestock uses.
2. Customary accessory structures and uses.
3. Signs, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.
4. Parking, pursuant to Chapter 5-General Regulations Applying to all Districts and Uses.

D. Other Regulations:

1. Minimum Lot Area: Five (5) acres if private water and septic system is employed; one (1) acre if public sewer and water are available.
It is the intent of this Resolution that new parcels created in the RRA Zone be 5 acres or larger.

Lot Size Exemption:

a. A lot created by any legal means prior to the adoption of this Resolution, less than 5 acres in size, meeting the criteria for a zone change to RRA, may be considered conforming in regard to size.

b. Any lot in an approved subdivision.

~~4.2.~~ Minimum Yard Setback and Maximum Building Height – See Chapter 5-General Regulations Applying to all Districts and Uses.

~~2.3.~~ Density: In order to avoid potential illegal subdivision creation, the zoning designation shall specify a density (i.e., RRA-10) meaning one principally permitted dwelling unit per 10 acres.

**CHAPTER 5
GENERAL REGULATIONS APPLYING TO ALL DISTRICTS AND USES**

Section 5.1 SUPPLEMENTARY REGULATIONS

A. Placement of Uses and Structures.

The placement of buildings, structures or uses, shall be subject to the following requirements:

1. Nothing contained herein shall prevent the construction of a private garage as a structural part of a main dwelling, provided that when so constructed, the exterior garage walls shall be regarded as the walls of the main dwelling in applying the front, rear, and side yard regulations of this Resolution.
2. No private garage or other accessory building shall be located within a required front yard nor within a required side yard.
3. Any access driveway may be located within a required side yard or required front yard provided that the access driveway does not at any point have a grade in excess of 10 percent (10%).
4. Required accessory buildings and uses shall be on the same lot with the main building or buildings or on an adjacent or abutting lot in the same ownership.

B. Yard(s) and Setbacks.

An open space, other than a court, that lies between the principal building or buildings and structures and the nearest lot line. The minimum required yard is unoccupied and unobstructed from the ground upward except as may be specifically allowed in this Zoning Resolution.

Yards are further defined as follows:

1. Yard, Front: Means a space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closet point to the front lot line.
2. Yard, Rear: Means a space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at the closet point to the rear lot line.
3. Yard, Side: Means a space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closet point of the principal building.
4. Every part of a required yard shall be open to the sky except for the following:
 - a. Retaining walls and at grade terrace's or patio's;
 - b. Projections of sills, belt courses and ornamental features projecting no more than six inches (6");
 - c. Pilasters and roof overhangs/eaves may project no more than thirty inches (30");

- d. Chimneys and open or lattice enclosed fire escapes or stairways that are required by law may extend into a required yard/setback no more than four feet (4’);
- e. The front yard shall be open and unobstructed except for an unroofed balcony projecting no more than eight feet (8’) or steps providing access to a porch or first floor entry door.

MINIMUM SETBACKS									
Setbacks are the distance between a building or structure and any lot line. The setback lines define the building area and establish the required yards.									
Zone District	RAM	FPSR (1)	RRA (1)	RD (1)	C-1 (2)(3)	C-2 (2)(3)	IL (4)	IH (4)	PUD Site Specific
Front (5)	40’	20’	20’	20’	25’	25’	50’	50’	
Rear(6)(7)	40’	20’	20’	20’	25’	25’	25’	25’	
Side	40’	10’	10’	10’	25’	25’	25’	25’	
NOTES									
Through or Double Frontage Lot	See Lot Layout Diagram								
Corner Lot	See Lot Layout Diagram								
Irregular shaped lots	Setbacks shall be determined by the Zoning Officer, subject to review by the Planning & Zoning Commission (Commission).								
Scenic By-Way or Back Way	One hundred feet (100’) from the edge of the right-of-way of a scenic by-way or back way.								
Stream Setback For the purpose of protecting water resources Does not apply to agricultural related activities	<p>A thirty (30’) foot strip of land measured horizontally from the identifiable high water mark on each side of any stream shall be protected in its natural state. Certain improvements may be located within the stream setback as long as site disturbance is minimized to the greatest extent possible, including but not limited to the following: improvements pursuant to a floodplain development permit, footpaths and trails intended for non-motorized use, bridges, fences, all irrigation related construction and structures, hydroelectric facilities, including piping and ditches, flood control and bank stabilization devices.</p> <p>Utilities may be located within the stream setback if designed by a professional engineer licensed in Wyoming and approved as part of the county review process.</p>								

<u>Skyline Acres Industrial Subdivision</u>					
<u>Setbacks</u>					
	<u>Existing Setbacks</u> <u>IL and IH</u>	<u>Proposed Setbacks</u>	<u>Proposed Setbacks</u> <u>Block 4</u>	<u>Original Protective Covenants*</u>	<u>Comments</u> <u>See Chapter 5 for additional standards</u>
<u>Front</u>	<u>50'</u>	<u>25'</u>	<u>20'</u>	<u>30'</u>	
<u>Rear</u>	<u>25'</u>	<u>25'</u>	<u>10'</u>	<u>30'</u>	
<u>Side</u>	<u>25'</u>	<u>25'</u>	<u>10'</u>	<u>10'</u>	
				<u>*Protective Covenants Expired 02-04-07</u>	
<u>(4) Fifty (50) feet Rear and Side setback if adjacent to a Residential Zone – Not Applicable to platted lots within the Skyline Acres Industrial Subdivision.</u>					

<u>Skyline Acres Industrial Subdivision</u>			
<u>Maximum Height</u>			
	<u>Existing</u>	<u>Proposed</u>	
<u>Maximum Height</u>	<u>IL=75'</u> <u>IH=n/a</u>	<u>55'</u> <u>55'</u>	

NOTES/EXPLANATIONS	
(1) Accessory buildings and structures in the FPSR, RRA, and RD Zone Districts: A) No accessory building or structure shall be located closer than twenty-five feet (25') from the front lot line. B) If a building is intended to house livestock, the side and rear setback shall be increased to twenty five (25').	
(2) C-1, C-2	(50') Fifty feet Front setback if adjacent to a State Highway or Interstate.
(3) C-1, C-2	(50') Fifty feet Front, Rear and Side setback if adjacent to a Residential Zone.
(4) IL and IH	(50) Fifty feet Rear and Side setback if adjacent to a Residential Zone.
(5) Front Setback	When a lot or building site is bounded by a public street and one (1) or more alleys or private easements or private streets, the front lot line shall be the lot line that is nearest to the public street.
(6) Rear Setback	Accessory buildings or structures may be located within the rear yard, but no closer than five (5') feet of the rear lot line.
(7) Rear Setback	In the case of an interior triangular or wedge-shaped lot, rear setback shall be a straight line 10 feet in length which (a) is approximate parallel to the front lot line and (b) intersects the two (2) other points at points most distant from the front lot line.

C. Height.

MAXIMUM HEIGHT									
The vertical distance measured from the average finished grade at the foundation corners of the building or structure to the highest point of the building or structure, except as listed herein.									
Zone District	RAM	FPSR	RRA	RD	C-1	C-2	IL	IH	PUD
Max. Height	n/a	35'	35'	35'	50'	60'	75'	n/a	Site Specific
<p>1) Nothing herein contained shall restrict the height of a church spire, cupola, dome, mast, belfry, clock or met tower, transmission line, flagpole, chimney flue, water tank, elevator or star bulkhead, stage tower, scenery loft, or similar structure.</p> <p>2) No such structure referred to #1 shall: (a) have a lot coverage at the base in excess of 10 percent (10%) of the lot area; (b) be used for residence or tenancy purposes; (c) have any advertising sign or device inscribed upon or attached to such structure.</p> <p>3) Airport Influence Area Height Limitations. Height Limitations within the Airport Influence Area are subject to the limitations of the district within which the project is located and subject to limitations of the Airport Board and other appropriate referral agencies.</p> <p>(a) Submission of a Notice of Proposed Construction and Alteration (current form) and subsequent approval from the Federal Aviation Administration Administrator (FAA) shall be required for the construction or alteration of any structure penetrating a 100:1 foot plane located within twenty thousand feet (20,000') of any runway. Receipt of a</p>									

FAA Form Determination of No Hazard (current form) for any structure is required before issuing a building permit.

Section 5.4 DESIGN AND DEVELOPMENT STANDARDS

Certain design standards are requisite to insure good development and to avoid the need of expensive corrective measures by the land owner or the County. It is, therefore, the intent of this section is to provide minimum Design Standards ~~relating to drainage, sanitation, water supply and roads~~ to be applied as development occurs.

~~A. Drainage.~~

~~No building shall be erected, structurally altered, or relocated on any land, which is in a Special Flood Hazard Area (SFHA) without receiving a building permit and a Floodplain Development Permit. See Appendix B Flood Damage Prevention Resolution.~~

~~B. Sanitation.~~

~~Building permits issued for the erection, alteration, or relocation of a building for human use or occupancy shall require the structure to be served by a sewage disposal method, which meets the standards and the requirements of the State of Wyoming Department of Environmental Quality/Water Quality Division Rules and Regulations.~~

~~C. Water Supply.~~

~~Building permits issued for the erection, alteration, or relocation of a building for human occupancy shall require the structure to be served by a water supply method which meets the standards and requirements of the State of Wyoming Department of Environmental Quality/Water Quality Division Rules and Regulations, or a private well permitted by the Wyoming State Engineer. Single family seasonal and recreational dwellings (cabins) that are not used for rental units or commercial use, may utilize a cistern, tank or hauled water for domestic use.~~

C. Telecommunication Towers.

Communication towers are only allowed by conditional use permits in all zones. Building permits are required for construction, modification, reconstruction, or addition of equipment and must demonstrate Federal Communication Commission (FCC) Phase II compliance.

1. Co-location is encouraged. Towers must be designed to accommodate at least three (3) antenna arrays oriented in vertical succession and associated equipment.
 - a. Additional users and associated equipment shall not add to the permitted tower height, nor shall it cause the tower to exceed design wind load rating.
 - b. All plans for towers shall be stamped by an engineer and include the wind load rating.
 - c. Commercial wireless telecommunication service providers must not unreasonably exclude other providers from co-locating on the same tower when co-location is structurally, technically or otherwise possible.

2. Clear Zone. An area with a radius equal to 110% of the tower height is to be maintained by both the permit holder and land owner as a clear zone.
 - a. Habitable structures unrelated to the operation of the approved tower shall not be located within the clear zone.
 - b. Towers should be sited so that public right-of-ways are outside of the clear zone.
3. Maximum Height. There are no Maximum Height Limitations for new Telecommunication Towers; however, the proposed maximum height must be included in the Conditional Use Permit (CUP) application and justified to the Commission as part of the CUP review process.

**CHAPTER 7
ADMINISTRATION AND ENFORCEMENT**

Section 7.1 INTERPRETATION

The provisions of this Resolution shall be held to be minimum requirements adopted for the promotion of the public health, safety morals, comfort, convenience, and general welfare.

Section 7.2 ADMINISTRATION AND ENFORCEMENT

A. Enforcement Responsibility.

1. It shall be the responsibility to the Zoning Officer to administer and enforce the provision of the Carbon County Zoning Resolution.
2. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, maintain, or use any building or use any land within the unincorporated area of Carbon County without first obtaining a Building Permit from the Department, and no such Building Permit shall be issued unless the plans for the proposed building, structure, or use fully comply with this Zoning Resolution. The Department, shall act upon any application submitted; shall grant a Building Permit in all cases where the proposed construction or use complies with the requirements of the Zoning Resolution; and if it denies the application, shall specify the reasons for such denial.
3. The Zoning Officer (or his/her designee) shall have the authority and responsibility to enter upon any public or private premises and make inspection thereof at any reasonable time, and for any proper purpose in enforcing this Resolution. Further, upon reasonable cause or questions to proper compliance, to revoke any Building Permit and issue cease and desist orders requiring the cessation of any building, construction, moving, alteration or use which is in violation of the provisions of this Resolution.

Section 7.4 BUILDING PERMITS – SITE PLAN APPROVAL

Any Permitted Use unless, otherwise excepted herein, shall require Site Plan Approval. Said site plan shall be submitted in adequate detail to determine compliance with this Zoning Resolution. Upon determination of compliance with this Zoning Resolution, the site plan approval process will result in the issuance of a building permit and/or a zoning certificate.

- A. It is intended that the Building Permit process will enable the Zoning Officer to check compliance of all proposed construction with applicable regulations prior to actual start of construction. Building Permit application fees are required to offset the costs of administration and site inspections and shall be in accordance with the fee schedule adopted by the Board.
- B. All construction that either places new buildings or structures on the land, or adds to the floor area of existing buildings either vertically or horizontally; or that alters the physical appearance of the site by placement of structures or physical improvements such as porches or decks shall require the submittal of an application and approval of a Building Permit.
- C. New signs, relocation of a sign or the enlargement of a sign requires the submittal of an application and approval of a Sign Permit.
- D. The following construction shall not require a Building Permit:
 - 1. One-story detached residential accessory structures that are used as tool and storage sheds, playhouses and similar uses and porches and decks provided the floor area does not exceed 120 square feet and the structure is located to conform to setbacks requirements.
 - 2. Fences less than eight (8) feet tall and agricultural fencing, including livestock windbreak fences taller than eight (8) feet. All fences in Commercial and Industrial zones shall require a building permit.
 - 3. Repair, enhancement, or replacement of dams, ditches, canals, water wells.
 - 4. Propane and fuel tanks used for non-commercial (no further sales) for residential or agricultural use.
 - 5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons. All agriculture related water tanks do not require a building permit.
 - 6. Door, window and siding replacement.
 - 7. Internal renovations that do not change the use of a building or add to the floor area.
 - 8. Roof repair and replacement that does not add to the roof area.
 - 9. Pavement, sidewalks and driveways. Driveways with access onto public right-of-ways may require County or State permit(s).
 - 10. Swings and similar playground structures or equipment.
 - 11. Livestock Scales and the associated scale house structure, up to 200 square feet.
 - 12. Snow fences that are located along public right-of-ways and approved by Wyoming Department of Transportation (WDOT), the Local Conservation District, or the Carbon County Road & Bridge Department.
- E. Building Permit Procedure shall be in accordance with the following provisions.
 - All applications for Building Permits shall include the following:
 - 1. Proof of ownership. The application shall be signed by the record owner or the applicant may submit the owner's authorization in the form of an affidavit signed by the record owner, power of attorney or similar legal authorization.

2. A legal description of the property.
3. Minimum Site Plan Requirements:
 - a. Show the dimensions of the lot or parcel to be built upon.
 - b. The dimensions and location of easements, utility service, wells and sewage disposal/septic systems.
 - c. The dimensions and location of any existing buildings or structures on the lot.
 - d. The dimensions and location of proposed building, building addition or structure, and
 - e. ~~Any other such other~~The Zoning Officer may require additional information as may be necessary, such as surveys, location and vicinity maps.
4. Submit proof of valid, legal and useable access to the property from a public highway, road or street. The width of said access must be in accordance with any applicable County standards or State Statutes for access. When crossing public lands, the access shall be approved and constructed in accordance with the appropriate public land management agency authorization.

5. Drainage.

No building shall be erected, structurally altered, or relocated on any land, which is in a Special Flood Hazard Area (SFHA) without receiving a building permit and a Floodplain Development Permit. See Appendix B-Flood Damage Prevention Resolution.

6. Sanitation.

Building permits issued for the erection, alteration, or relocation of a building for human use or occupancy shall require the structure to be served by a sewage disposal method, which meets the standards and the requirements of the State of Wyoming Department of Environmental Quality/Water Quality Division Rules and Regulations.

7. Water Supply.

Building permits issued for the erection, alteration, or relocation of a building for human occupancy shall require the structure to be served by a water supply method which meets the standards and requirements of the State of Wyoming Department of Environmental Quality/Water Quality Division Rules and Regulations, or a private well permitted by the Wyoming State Engineer. Single family seasonal and recreational dwellings (cabins) that are not used for rental units or commercial use, may utilize a cistern, tank or hauled water for domestic use.

~~5.8.~~ The Zoning Officer shall act promptly upon any permit application filed and shall grant permits where the proposed construction or use complies with the requirements of this Resolution. If the Zoning Officer denies an application, the reasons for such denial shall be specified in writing and the applicant notified of his right of appeal to the Commission.

F. Validity and Transferability.

1. A building permit shall be valid for a period of one (1) year from the date of issuance and all construction authorized by the permit must be completed within the one year period. The Zoning Officer may extend the time that a building permit is valid for a period not to exceed an additional one (1) year period upon application by the person to whom the building permit was issued and for good cause.

2. A building permit may not be transferred.

Section 7.6 ZONING RESOLUTION AMENDMENTS AND ZONE DISTRICT\MAP AMENDMENTS

A. General Procedure.

Zoning Resolution Amendments and zone changes\map amendments shall be done in accordance with Wyoming law and shall follow the Public Notice and Hearing Requirements contained within this Zoning Resolution.

1. The Commission may prepare and amend a comprehensive plan including zoning for promoting the public health, safety, morals and general welfare of the unincorporated areas of the Carbon County, and certify the plan to the Board.
2. Subject to the procedures specified in this section, zoning resolution amendments and zone changes may be initiated in any of the following ways:
 - a. By the Commission upon its own motion.
 - b. By the Board upon its own motion.
 - c. By petition of:
 1. record owner(s); or
 2. a majority of the owner(s) of record; or
 3. the contract purchaser(s) of the property with the consent of the record owner(s), owning a majority of the property to be rezoned.
3. The Commission shall prepare recommendations to effectuate the planning and zoning purposes and certify its recommendations to the Board. After the public hearing has been held, the Board shall vote upon the adoption of the Commission's recommendation. No Commission's recommendation shall be adopted unless a majority of the Board votes in favor thereof.

B. Effect of Denial of Application for a Zone Change.

If an application for a zone change is denied, an application for the same zone change affecting the same property or use shall not be eligible for reconsideration for one (1) year after such denial.

C. Specific Procedure for Zone Changes.

A zone change\map amendment is a Resolution adopted by the Board which changes the zone district classification of a particular parcel of land on the official Carbon County Zoning Map. When acting on zone changes, the Commission and Board shall require that the applicant provide evidence that the proposed zone change:

1. Is generally consistent with the Carbon County Comprehensive Land Use Plan, as amended; and,

2. Access to the property shall be conceptually described by survey, easements, legal description, map or other acceptable description.

~~2. Ingress and egress shall be provided to each parcel by a binding and recordable easements of not less than forty (40) feet in width to a public road unless specifically waived by the Board or when crossing public lands, the access shall be approved in accordance with the appropriate public land management agency authorization; and,~~

3. Will meet at least one of the following criteria:
 - a. Is necessary to come into compliance with the Zoning Resolution;
 - b. The existing zoning of the land was the result of a clerical error;
 - c. The existing zoning of the land was based on a mistake of fact;
 - d. The existing zoning of the land failed to take into account the constraints on the affected property due to natural characteristics of the land, including but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;
 - e. The affected property or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area; or
 - f. The proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Zoning Resolution.

Section 7.9 VIOLATIONS AND LIABILITY

A. Violations and Penalty.

No person shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or use of land in violation of this Resolution or amendment thereto. The record owner who violates this Resolution may be punishable by a fine of not more than ~~one~~ two hundred dollars (\$~~1~~ 200.00) for each offense. Each calendar day during which the violation shall continue shall be deemed to be a separate offense.

B. Legal Action.

In case any building or structure is, or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is proposed to be used, in violation of any provision of this Resolution, or any amendment thereof, the Board, the County Attorney in and for the County of Carbon, or any owner of real estate within the zoned areas, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use. Appeals from judgments rendered in any action instituted to enforce this Resolution shall be permitted and shall be in accordance with the general appeals provisions of Wyoming Rules of Civil Procedure.

C. Liability for Damages.

This Resolution shall not be construed to hold Carbon County responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect or by reason of issuing a Building Permit or in the administration and enforcement of this Resolution.

Section 7.10 RECORDS AND REPORTS

- A. The Board shall designate the County Clerk, another county employee or a member of the Commission to serve as secretary to the Commission. The secretary shall keep the record of Commission's actions in accordance with statute. The secretary or the Zoning Officer or his/her designee shall attend all meetings of the Commission.
- B. The Zoning Officer shall prepare and present a written monthly activity report documenting all action and issues of permits and certificates to the Commission.
- C. The Zoning Officer shall prepare written annual report of the calendar year activities to the Commission at its regular February meeting for the preceding calendar year. The Commission shall review and ~~publish~~[post on the County's website](#) notice of said annual report, including descriptions of other Commission activities, by the end of the month of April following the report year.