



Albany County Zoning Resolution

Adopted August 1, 1997

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CHAPTER I. GENERAL PROVISIONS

Section 1. Title and Authority. This Resolution shall be known and may be cited as the "Albany County Zoning Resolution". This Resolution constitutes and includes Albany County's Zoning Resolution W.S. § 18-5-202, and is adopted pursuant to the procedural requirements of W.S. § 18-5-202 and the Wyoming Administrative Procedures Act (W.S. § 16-3,101 through § 16-3-115).

Section 2. Purpose. Pursuant to W.S. § 18-5-201, the purpose of this zoning resolution is to promote the public health, safety, morals and general welfare of the county.

Section 3. Jurisdiction. This resolution shall apply to all unincorporated areas within Albany County, State and Federal lands are exempt.

Section 4. Repeal. This zoning resolution repeals and replaces all previous land use regulations in Albany County.

Section 5. Relationship to Other Resolutions or Laws. If municipal, county, state or federal law or regulations or future county resolutions impose additional standards on land use within the unincorporated areas of Albany County, the more restrictive standard of the entity with legal jurisdiction shall apply.

Section 6. Severability. If any portion of this Resolution or its application to specific circumstances shall be held invalid by a court of competent jurisdiction, the remainder of this Resolution and its application to other circumstances shall be unaffected.

Section 7. Interpretation. In interpretation and application, the goals and policies contained in this Resolution shall be held to be the minimum requirements for the promotion of the public health, safety, morals, customs, culture, and general welfare.

Section 8. Amendments. Amendments to this Resolution may be made as specified in W.S. § 18-5-202 and in accordance with the Wyoming Administrative Procedures Act as specified in W.S. § 16-3-101 through § 16-3-115.

Section 9. Violation. Pursuant to W.S. § 18-5-204, no person shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or use any land in violation of this zoning resolution. Each day's continuation of such violation is a separate offense.

Section 10. Enforcement and Penalty. Pursuant to W.S. § 18-5-204 through § 18-5-206.

- A. Any violation of this zoning resolution shall be punishable as provided in the provisions of the Wyoming Statutes applicable hereto. Enforcement of this zoning resolution may be by injunction, mandamus or abatement.
- B. The penalty for violation of this zoning resolution shall be a fine not more than one hundred dollars (\$100.00) for each offense. Each day in which a violation continues shall be counted as a separate offense, except when an appeal is filed. The fine shall be held in abeyance pending findings. (Note: Wyoming Statutes have been amended to provide for a fine of not more than \$750.00 for each offense.)
- C. Falsification or distortion of information required on permits shall be considered a violation of this zoning resolution, subject to penalties provided above.
- D. Methods of construction, land conveyances, or other acts intended to evade the regulations set forth in this zoning resolution are violations of the resolution and subject to the penalties provided above. Permits for development shall not be issued on parcels of land conveyed in evasion of this resolution.

Section 11. Appeals. Pursuant to W.S. § 18-5-203, the decision of the Board of County Commissioners may be reviewed by the district court and by the supreme court upon appeal in the same manner as provided in W.S. § 15-626 [§ 15-1-707], for review of decisions of boards of adjustment.

CHAPTER II. DEFINITIONS

Section 1. Definitions. Except as otherwise defined in this zoning resolution, the definitions used for the *Albany County Zoning Resolution* is *The New Illustrated Book of Development Definitions* by Harvey S. Moskowitz and Carl G. Lindbloom, © 1993 by Rutgers, the State University of New Jersey. Published by the Center for Urban Policy Research (CUPR) Press.

Section 2. Common Usage of Words. Words that are not defined in the Moskowitz book or in Section 3 of this chapter shall be defined by the common usage of the word.

Section 3. Definitions Specific to this Zoning Resolution.

Amateur Radio Operators. An operator who uses a radio and/or communication device for non-commercial, personal use.

Antenna. Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, satellite dishes, and omni-directional antennas, such as whip antennas.

Antenna, (attached). An antenna mounted on an existing building, silo, smokestack, water tower, utility or power pole or a support structure other than an antenna tower.

Co-location. Locating wireless communications equipment for more than one commercial wireless telecommunication service provider on a single structure.

Commercial Wireless Telecommunication Services. Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that are marketed to the general public.

Development. As defined by W.S. § 18-5-203, the location, erection, construction, reconstruction, enlargement, change, maintenance or use of any building or land.

Home Business. Any profession, craft or other commercial activity conducted

in association with residential or agricultural uses (*i.e.* an artist's home studio, an attorney's home office, a rancher's part-time welding business or seed dealership). By definition, home businesses are clearly incidental and secondary to the use of the structure or property for residential or agricultural purposes.

Land Use Classifications. The following definitions are as utilized in Chapter IV of this document, "Established Zones and Land Use Classifications."

1. **Agricultural.** Cultivation of soil, production of forage or crops, production of timber products, or rearing, feeding or management of livestock in domestic or captive environments.
2. **Commercial.** Use of land or buildings involving the sale of goods or services carried out for profit.
3. **Industrial.** Use of land or buildings requiring substantial applications of skill, capital, machinery or labor in transforming materials into other suitable forms, qualities or properties.
4. **Residential.** Use of land or buildings, connected to approved water and sewage disposal systems, containing one or two dwelling units used for human habitation. Three or more dwelling units per structure shall be considered a commercial use.
5. **Overlay Zones.** The purpose of the overlay zones is to allow for specific land uses in Albany County that are not appropriate for a specific zoning district or that apply to several zoning districts. The underlying zoning of property where an overlay zone is established does not change. Albany County has three overlay zones:
 - a). **100 Year Floodplain Overlay.** The Albany County Flood Damage Prevention Ordinance was originally passed in 1984. This Ordinance establishes specific construction standards that apply to buildings located in areas of special flood hazard. These areas are identified in the Flood Insurance Rate Maps that are produced by the Federal Emergency Management Agency. Please see the Albany County Flood Damage Prevention Ordinance for the specific standards.

- b). 201 Intergovernmental Agreement Overlay. The "Intergovernmental Agreement for Laramie Wastewater Treatment Facilities and Collection System" is a cooperative agreement between the City of Laramie, Albany County, and the South of Laramie Water and Sewer District (Effective November 1, 1997). This agreement establishes specific standards for the construction of sewage collection lines, and establishes standards for requiring connection to the City of Laramie sewer lines. Please see the Intergovernmental Agreement for Laramie Wastewater Treatment Facilities and Collection System for the specific standards and jurisdictional boundaries.
- c). Telecommunication and Utility Overlay. The use of land or buildings for the generation and/or distribution of electricity, gas, steam, communications, and water; and the collection and treatment of sewage and solid waste. The purpose of this zone is to allow for telecommunication and utility accessory uses, or uses which are incidental to the principal use of the land or building.

Leapfrog Development. Development which skips parcels of land, leaving undeveloped parcels separating developed parcels.

Non-mineral Mining. Extraction of substances such as sand, gravel and limestone unless they are rare and exceptional in character or possess a peculiar property giving them special value, as for example sand that is valuable for making glass and limestone of such quality that it may profitably be manufactured into cement. Such substances, when they are useful only for building and road-making purposes, are not regarded as minerals in the ordinary and generally accepted meaning of the word.

Tower. Any ground, roof, or otherwise mounted pole, spire, structure, or combination thereof that is fifteen feet (15') or greater in height above the ground, including supporting lines, cables, wires, braces, masts, or other

structures, for the purpose of mounting an antenna, meteorological device or similar apparatus above ground.

Signs. The following definitions are as utilized in Chapter V, Section 6, Outdoor Signs, of this document.

1. **Sign.** Any display, light, device, figure, painting, drawing, message, placard, poster, billboard or any other thing which is designed, intended or used to advertise or inform. The term "sign" includes the sign face and the sign structure.
2. **Sign Face.** That portion of a sign which is used for the purpose of graphic illustration or display.
3. **Sign Structure.** That portion of a sign not used for the purpose of graphic illustration or display and which serves as structural support for the sign face.
4. **Abandoned Sign.** A sign in which no one has an economic interest or a sign which has displayed obsolete material or has been totally or partially obliterated for over six (6) continuous months or shows signs of other economic obsolescence. The continued need of substantial repair may also be deemed to constitute abandonment.
5. **Commercial or Industrial Area.** Those areas which are occupied by three or more commercial or industrial activities where those activities are located within two thousand (2000) feet of each other as measured from the nearest points on the foundations of the most distant principal commercial or industrial structures.
6. **Disrepair.** When a sign has been allowed to deteriorate to the extent that the message and/or display are incomplete, or the sign structure has been weakened, or parts of the sign face or sign structure have been detached and are free to be moved by the elements. A determination of "disrepair" will be made if the sign face or structure is visibly altered or deteriorated from the original construction drawings submitted with the application for the zoning certificate.
7. **Exempt Sign.** Any sign which is excluded from regulation under

Chapter V, Section 6, A., 1-10, and which complies with the General Requirements as stated in Section 6, A.

8. **Off-premise Sign.** Any sign that advertises goods, products, services or facilities or directs a person to an activity which is conducted at a property other than where the sign is located.
9. **On-premise Sign.** Any sign that advertises goods, products, services, facilities or directs a person to an activity which is conducted on the property on which the sign is located.
10. **Projecting Sign.** Any sign attached to a structure but which protrudes from that structure greater than one (1) foot but less than five (5) feet.
11. **Wall Sign.** A sign which is permanently affixed to a wall and which protrudes from a wall one (1) foot or less.

Principal Building. The building in which is conducted the main or principal use of the property upon which the building is located.

Residential Area. Two or more structures utilized as residences located within five hundred feet (500') of one another as measured from the nearest points of the foundations of those structures.

Strip Development. A pattern of development, attracted by a major thoroughfare, which is only one lot or parcel deep along that thoroughfare and which creates numerous accesses to it.

Zoning Certificate. Statement issued by the Albany County Board of County Commissioners that the proposed development is in compliance with this zoning resolution.

Section 4. Appeals of Staff Interpretation of Definitions. The planning staff shall interpret all definitions and their application in this zoning resolution. Appeals of planning staff interpretation may be submitted to the Planning and Zoning Commission for review and recommendation and to the Board of County Commissioners for final determination.

CHAPTER III. OFFICIAL ZONING MAP

The Albany County Assessor's property ownership maps and ownership records shall serve as the Albany County Zoning Map.

CHAPTER IV. ESTABLISHED ZONES AND LAND USE CLASSIFICATIONS

Section 1. Agriculture Zone and Land Use Classification. Maximum density, one (1) principal use/structure per 35-acres. Minimum setbacks for all water wells and sewage disposal systems shall be fifty (50) feet from all property lines.

Permitted Uses and Associated Standards:

1. Accessory Uses and Structures
2. Animal Husbandry
3. Bed and Breakfast
4. Boarding Stables
5. Dry land or Irrigated Fields, Grazing Lands
6. Farmsteads and Farm Worker Housing
7. Felling of Timber
8. Guest/dude ranch
9. Home Business (refer to Chapter VI, Section 1, A)
10. Incidental Sale of Agricultural Products
11. Processing of Agricultural Products for On-farm Use, including Horticulture
12. Outdoor Signs (refer to Chapter V, Section 5. Zoning Certificate Outdoor Signs)
13. Outfitting business
14. Parks, playgrounds, open space recreational facilities, shooting range
15. Storage of Agricultural Products, Equipment and Machinery
16. Timber and Felling Equipment Storage
17. Timberlands
18. Similar and Compatible Uses

Conditional Uses and Associated Standards:

1. Arena, commercial
2. Campground
3. Cemetery
4. Meat-packing/Slaughterhouse
5. Hangar
6. Non-mineral Mining
7. Non-mineral mining activity shall not be located closer than one-half (1/2) mile from the property lines of any residential property.
8. Non-mineral mining activity shall not be located closer than one thousand (1,000) feet from any permitted water well.
9. Temporary hot-mix facility
10. Similar and Compatible Uses

Section 2. Commercial Zone and Land Use Classification. Maximum density, one (1) principal use/structure per 1-acre parcel and a minimum lot width of two hundred (200) feet. Minimum setbacks for all water wells and sewage disposal systems shall be fifty (50) feet from all property lines.

Permitted Uses and Associated Standards:

1. Accessory Uses and Structures
2. Apartments (three (3) or more dwelling units)
3. Assisted Living
4. Automobile wash, repair, fuel sales or service
5. Bank or Savings Institution
6. Bed and Breakfast
7. Boarding/Rooming House
8. Cemetery
9. Churches
10. Club House/Social or Fraternal Hall
11. Cold Storage Facility

12. Condominiums, fee simple/common elements three (3) or more dwelling units
13. Cultural Facilities
14. Day Care Center
15. Drive-through facilities
16. Food Stand
17. Franchise Food
18. Funeral Home
19. Green House/Florist
20. Health Spa
21. Laundromat
22. Library
23. Medical Office
24. Mini Warehouse/Storage Units
25. Mobile Homes (three (3) or more, which constitutes a Mobile Home Park)
26. Nursing Home/Assisted Living Facility
27. Office Buildings and Condominiums
28. Office/Warehouse
29. Outdoor On-premise Signs (refer to Chapter V., Section 5, Zoning Certificate - Outdoor Signs)
30. Parking Garage/Deck
31. Pharmacy
32. Police or Fire Station
33. Print Shop
34. Radio, TV, Recording or Motion Picture Studio
35. Research Lab and facilities

36. Restaurant
37. Veterinary Clinic
38. Warehouse
39. Similar and compatible uses

Conditional Uses and Associated Standards:

1. **Adult Entertainment Uses**
 - (a) **Adult Entertainment Uses shall not be located closer than one (1) mile from the property boundary of any residential property.**
 - (b) **Adult Entertainment Uses shall be located with direct access to a public (federal, state, or county) road.**
2. **Agricultural equipment and feed sales**
3. **Amusement Park**
4. **Animal Shelter/Kennel**
5. **Auditorium (not accessory to another use)**
6. **Automobile repairs/wrecker service**
7. **Bar/Lounge**
8. **Bowling Alley**
9. **Cinema/Theater**
10. **Convenience Store**
11. **Country Club with/without Golf Course**
12. **Department Store**
13. **Fireworks Stand**
 - (a) **Fireworks Stands shall not be located closer than one (1) mile from the property lines of any residential property.**
 - (b) **Fireworks Stands shall be located with direct access to a public (federal, state, or county) road.**
 - (c) **Fireworks Stands shall provide fifteen hundred (1,500)**

gallons of on-site water for fire suppression purposes.

- (d) There shall be no manufacturing or remanufacturing of fireworks.
- (e) Structures used for sale and storage of fireworks shall be constructed in accordance with the requirements of the Uniform Building Code.
- (f) Storage of fireworks shall be in accordance with the requirements of the Uniform Fire Code.
- (g) There should be no firing of fireworks on the Fireworks Stand site.

- 14. Hospital
- 15. Hotel/Motel
- 16. Liquor Sales
- 17. Lumber Storage
- 18. Mixed Residential/Commercial (not meeting definition of a Home business)
- 19. Night Club/Dinner Theater
- 20. Outdoor Off-premise sign (refer to Chapter V., S. 5, Zoning Certificate - Outdoor signs)
- 21. Post Office
- 221 Rail, bus, air terminal
- 23. Recreational facilities
- 24. School and other educational facilities
- 25. Shopping mall/center (regional/community/neighborhood)
- 26. Supermarket/grocery store
- 27. Truck Stop
- 28. Truck Terminal
- 29. Similar and compatible uses

Section 3. Industrial Zone and Land Use Classification. Maximum density, one (1) principal use/structure per one (1) acre parcel and a minimum lot width of two hundred (200) feet. Minimum setbacks for all water wells and sewage disposal systems shall be fifty (50) feet from all property lines.

Permitted Uses and Associated Standards:

1. Accessory Uses and Structures
2. Agricultural equipment, feed and sales
3. Aircraft Engine Manufacturing/Processing
4. Aluminum & Foil Manufacturing
5. Armory
6. Automobile Parts Manufacturing
7. Automobile wash, repair, and wrecker service
8. Bakery
9. Bottling Plant
10. Broom Manufacturing
11. Candy Manufacturing
12. Clay Products
13. Clothing Manufacturing
11. Compressor Station
12. Construction yard/shop
16. Correctional Facility
17. Dairy Processing (*e.g.* cheese factory)
18. Dental & Medical Lab Manufacturing
19. Electronic Components Manufacturing
20. Electrical Equipment Manufacturing
21. Foundry Products
22. Food Processing

23. Glass Manufacturing
24. Grain and Milling Product Manufacturing
25. Heavy equipment sales and service
26. Ice Plant
27. Machinery and Equipment Manufacturing
28. Meat Packing & Slaughterhouse
29. Metal Working
30. Mills
31. Newspaper Plant
32. Optical Manufacturing
33. Outdoor on-premise Signs (refer to Chapter V., Section 5, Zoning Certificate - Outdoor Signs)
34. Paper Finishing and Converting
35. Pipeline Manufacturing
36. Print Shop
37. Pulp and Paper
38. Rail/Bus/Air Terminal
39. Railroad Car Manufacturing
40. Research & Development
41. Rubber Manufacturing (tire recapping)
42. Shoe Manufacturing
43. Storage - indoor/outdoor
44. Telephone Service Garage
45. Textile Manufacturing
46. Tobacco Products Manufacturing
47. Woodworking Shop
48. Wire Product Manufacturing

49. Similar and compatible uses

(If any similar use or any use specifically listed as a permitted use will likely generate noise, dust, vibration, light/glare, or odor beyond the property line or a threat to public health, the application may be classified as a Conditional Use Application by the Planning Office and processed accordingly.)

Conditional Uses and Associated Standards:

1. Adult Entertainment Uses

- (a) Adult Entertainment Uses shall not be located closer than one (1) mile from the property boundary of any residential property.
- (b) Adult Entertainment Uses shall be located with direct access to a public (federal, state, or county) road.

2. Asphalt Plant/Hot mix plant

3. Cement Manufacturing

4. Concrete Manufacturing

5. Chemical Plant

6. Coal Processing Plant

7. Fireworks Stand

- (a) Fireworks Stands shall not be located closer than one (1) mile from the property lines of any residential property.
- (b) Fireworks Stands shall be located with direct access to a public (federal, state, or county) road.
- (c) Fireworks Stands shall provide fifteen hundred (1,500) gallons of on-site water for fire suppression purposes.
- (d) There shall be no manufacturing or remanufacturing of fireworks.
- (e) Structures used for sale and storage of fireworks shall be constructed in accordance with the requirements of the Uniform Building Code.

- (f) Storage of fireworks shall be in accordance with the requirements of the Uniform Fire Code.
 - (g) There shall be no firing of fireworks on the Fireworks Stand site.
8. Leather Manufacturing
 9. Liquefied Natural Gas Plant
 10. Mineral Processing (mineral mining is exempt)
 11. Nickel Manufacturing
 12. Non-mineral Mining
 - (a) Non-mineral mining activity shall not be located closer than one-half (½) mile from the property lines of any residential property.
 - (b) Non-mineral mining activity shall not be located closer than one thousand (1,000) feet from any permitted water well.
 13. Outdoor Off-premise signs
 14. Paint Manufacturing
 15. Petroleum Refinery
 16. Plastic Manufacturing
 17. Refinery/Gas processing
 18. Salvage Yard
 19. Saw Mills
 20. Steel Mill
 21. Steam Generating Plant
 22. Truck Stop/Terminal
 23. Similar and compatible uses

Section 4. Residential Zone and Land Use Classification. Maximum density, one (1) principal use/structure per five (5) acres and a minimum lot width of two hundred (200) feet. Parcels in an approved subdivision or improvement district

which are connected to a central sewage disposal system only or to a central water system only shall have a minimum area of fifteen thousand (15,000) square feet and a minimum lot width of seventy-five (75) feet. Lots which are connected to both a public water system and a public sewage disposal system shall have a minimum area of seven thousand five hundred (7,500) square feet and a minimum lot width of sixty (60) feet for interior lots and seventy-five (75) feet for corner lots. Minimum setbacks for all water wells and sewage disposal systems shall be fifty (50) feet from all property lines.

Permitted uses:

1. Accessory Uses and Structures
2. Home Business
3. Mobile Home (one or two (1 or 2))
4. Outdoor Signs (refer to Chapter V., Section 5, Zoning Certificate - Outdoor Signs)
5. Playgrounds and Parks
6. Residential one (1) Family,
7. Residential two (2) Family
8. Vacant Tracts w/Unknown Potential
9. Similar and compatible uses

Conditional Uses:

1. Apartments (three (3) or more dwelling units)
2. Bed and Breakfast
3. Churches
4. Condominium (three (3) or more units).
5. Day Care - child and adult
6. Library
7. Mobile home park (three (3) or more mobile homes)
8. Recreational facilities
9. Schools
10. Similar and compatible uses

Section 5. Telecommunication and Utility Overlay Zone. The Telecommunication and Utility Zone is an overlay zone; the underlying zoning of the property does not change. The Telecommunication and Utility Zone is allowed as an overlay zone in all zoning districts. There are no minimum lot size requirements in this overlay zone. Minimum setback requirements for all buildings or structures, other than Towers (Tower setback requirements are listed below), shall be twenty-five (25) feet from all property lines.

Permitted uses and Associated Standards:

1. Natural gas facilities.
2. Re-generation structures for fiber optic cables.
3. Sub-stations for electrical utilities.
4. Switching station buildings and electronic enclosure buildings for phone lines.
5. Wind turbines used to generate electrical power for commercial use.
6. Towers.
 - (a). Minimum setbacks from all property lines (or lease lines) for Towers (and Tower associated equipment) shall be one foot for every foot in height of the tower. The Board of County Commissioners can grant a variance from this setback requirement if the applicant can provide structural drawings and plans, produced by an engineer licensed in the State of Wyoming, that certifies that in the event the Tower collapsed, relief from the standard setbacks requirement would not pose a threat to the health and safety of adjacent property owners.
 - (b). All towers and associated equipment shall not interfere with normal radio, television, and/or telephone reception in the vicinity.
 - (c). Commercial messages shall not be displayed on any tower. The only signs permitted on the tower are warning and equipment identification signs, or other applicable signs

required by law.

- (d). Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Board of County Commissioners may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding property owners.
- (e). In order to protect the public from the unnecessary exposure to electromagnetic radiation, the tower owner shall provide documentation indicating that the power density standard levels do not exceed federally approved levels or American National Standards Institute (ANSI) standards, whichever provides stricter requirements.
- (f). In non-residential districts, towers are permitted on top of buildings or structures (which are not tower accessory structures). The top of said towers shall not be more than thirty percent (30%) of the building's height above the building, nor shall be seventy (70) feet above the building, whichever is less.
- (g). Co-location is encouraged. Additional users and associated equipment which do not add to the tower height may be added, but a zoning certificate is required. Additional users co-locating on an existing tower shall not in any way cause the tower to violate the required standards described in items (a) through (f) of this section.
- (h). Commercial Wireless Telecommunication Service providers must not unreasonably exclude other providers from co-location on the same tower when co-location is structurally, technically, or otherwise reasonable possible (customary industry standards considered).

Section 6. Exempted Land Use. Mineral mining without processing of the mineral is exempt from zoning (W.S. § 18-5-201).

Section 7. Determinations. The land use classification for any land use type not listed is to be determined by the Albany County Planning Director. An appeal of the

determination shall be directed to the Albany County Planning and Zoning Commission for review and recommendation, then forwarded to the Board of County Commissioners for final determination.

CHAPTER V. ZONING CERTIFICATES

Section 1. Zoning Certificates Required. New uses, expansions of existing uses, conditional uses, or changes of use are required to get a zoning certificate pursuant to W.S. § 18-5-203: "It is unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or use any land within any area included in a zoning resolution without first obtaining a zoning certificate from the Board of County Commissioners. No zoning certificate shall be issued unless the plans for the proposed building, structure or use fully comply with the zoning regulations then in effect. The Board of County Commissioners shall act promptly upon any application filed with it and shall grant certificates when the proposed construction or use complies with the requirements of the zoning resolution. If it denies the application, the board shall specify the reasons for such denial." Zoning certificates shall expire after two years unless substantial progress toward completion has occurred.

Substantial progress may be satisfied by completion of a residential foundation, septic system or fifty percent (50%) or more of the residential building exterior. Building plans may be required for review by the Planning Department.

Section 2. Completed Applications. Planning staff shall make the determination of when any application is complete. Applications shall be accompanied by a fee to cover review expenses which shall be non-refundable.

Section 3. Zoning Certificates - Same Land Use Classification- Permitted Uses. If the proposed use falls within the same land use classification under permitted uses, planning staff shall issue a Statement of Finding that the plans for the proposed building, structure or use fully comply with this zoning resolution. This request is then forwarded to the Board of County Commissioners for consideration at their next meeting. The permitting of accessory structures requires a principal structure to either be existing or planned and permitted on the property.

Section 4. Zoning Certificates – Same Land Use Classification – Conditional Uses.

- A. Purpose. Each zoning district contains not only permitted uses available as a matter of right, but also conditional uses, which are neither permitted as a right nor prohibited by law. Conditional uses are privileges, which must be applied for and approved by the Commission and the Board.

Without proper review, conditional uses can be incompatible with other uses within the vicinity. The conditional use process allows for certain uses provided specified adverse impacts are identified and mitigated.

- B. **Permit Runs with the Land.** Unless otherwise noted, a conditional use permit runs with the land and does not terminate when the property is sold. A new owner succeeds to the benefits, however the successor is subject to the limitations in the permit.
- C. **Expiration.** A conditional use permit shall become void one (1) year after it is granted unless put to use.
- D. **Process.**
 - 1. **Application Submission.** A completed application, signed by the owner(s) and applicant shall be submitted to the Planning Department. Include a certified list of adjacent property owners within three hundred (300) feet (excluding streets and alleys) of the property lines of the parcel proposed for the conditional use.
 - 2. **Planning and Zoning Commission Review and Recommendation.** The Planning and Zoning Commission will review the request at a regular meeting and make findings and a recommendation to the Board of County Commissioners.
 - 3. **Board of County Commissioners Review and Action.** The Board of County Commissioners shall hold a public hearing prior to acting on the request. Notice shall be given at least fourteen (14) days in advance of the hearing and action in the newspaper. All property owners within 300 feet of the proposed conditional use parcel shall be notified of the public hearing by first class mail. Notices shall be deemed delivered when mailed to the owner or his agent at the address appearing on the assessment rolls of Albany County. Notices shall contain the name of the applicant, a legal description of the property, the proposed conditional use, and the date, time and location of the public hearing.

In order to give final approval of the conditional use permit, the Board of County Commissioners must be able to make the required findings of fact and conclusions of law, determining that each

impact shall be mitigated, if deemed necessary, ensuring compatibility with adjacent uses.

4. Findings Necessary for Approval. The Board of County Commissioners must make the following findings:
 - a. That the applicant has provided such site plans and/or survey maps as required.
 - b. That the proposed conditional use shall help protect the public health, safety, and welfare of the community.
 - c. That the proposed conditional use shall not adversely affect the public interest by overburdening County services.
 - d. That the applicant has adequately addressed the following possible impacts:
 - (1) LEAPFROG OR STRIP PATTERNS OF DEVELOPMENT. Avoid the creation of scattered or strip development.
 - (2) ECONOMIC. Show that the use will not be a significantly negative economic impact to adjacent properties.
 - (3) AIR QUALITY. There shall be no adverse air quality impact at or beyond the property line: fumes, smoke, odor, dust, heat; etc.
 - (4) WATER QUALITY. There shall be no adverse water quality impacts.
 - (5) SEPARATION OF USES. Provide adequate separation from incompatible adjacent uses through yards and open spaces.
 - (6) SCREENING AND BUFFERING. Provide separation from incompatible adjacent uses by screening and buffering. Reference type, dimensions and character.
 - (7) GENERAL NUISANCES. Minimize light, glare, heat,

noise, vibration, odors, fumes, smoke or other off-site nuisances generated by the use.

- (8) **TRAFFIC.** Provide ingress and egress to the property and the proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (9) **PARKING.** Provide adequate off-street parking and loading areas.
- (10) **EXTERIOR LIGHTING.** Proposed exterior lighting with reference to light, glare, traffic safety, economic effect and compatibility and harmony with adjacent properties in the district.
- (11) **REFUSE AND SERVICE AREAS.** Appropriately locate and provide adequate refuse and service.
- (12) **SIGNS.** Show the location and size of proposed signs.

Section 5. Zoning Certificates - Change in Land Use Classification. If the proposed use constitutes a change in land use classification, the use will be processed as a zone change prior to issuance of a zoning certificate. The following is the procedure for a request for change of land use classification:

NOTE: Agricultural land use classification. Approval by the Board of County Commissioners of an agricultural land use classification is issued conditionally. Final approval by the Board of County Commissioners and change in land use classification shall be granted upon proof of compliance with the agricultural Land Use Classification in Chapter II, Section 3 of this resolution.

Property which does not comply with the definition of agricultural land use classification in Chapter II, Section 3 of this zoning resolution shall be automatically re-zoned residential and shall not require a zoning certificate.

- A. **Application Submission.** Include a certified list of adjacent property owners within three hundred (300) feet (excluding streets and alleys) of

the property lines of the parcel proposed for a change in land use classification.

- B. **Planning and Zoning Commission Review and Recommendation.** The Planning and Zoning Commission will review the request at a regular meeting and make findings and a recommendation to the Board of County Commissioners.
- C. **Board of County Commissioners Review and Action.** The Board of County Commissioners shall hold a public hearing prior to acting on the request for a change in land use classification. Notice shall be given at least fourteen (14) days in advance of the hearing and action in the newspaper. All property owners within three hundred (300) feet of the proposed change in land use classification shall be notified of the public hearing by first class mail.

Notices shall be deemed delivered when mailed to the owner or his agent at the address appearing on the assessment rolls of Albany County. Notices shall contain the name of the applicant, a legal description of the property, the proposed zoning, and the date, time and location of the public hearing.

In order to give final approval of the zoning certificate for a change in land use classification, the Board of County Commissioners must be able to make the required findings and conclusion of law, determining that each impact shall be mitigated, if deemed necessary, ensuring compatibility with adjacent uses.

- D. **Findings Necessary for Approval.** As a condition for approval of the request for change of land use classification, the Board of County Commissioner must make the following findings:
 - 1. That the proposed change in land use classification shall not adversely affect the public interest.
 - 2. That the applicant has provided such site plans and/or survey maps as required.
 - 3. That the applicant has adequately addressed the following possible impacts:

- (a) LEAPFROG OR STRIP PATTERNS OF DEVELOPMENT. Avoid the creation of scattered or strip development.
- (b) ECONOMIC. Show that the use will not be a negative economic impact to adjacent properties.
- (c) AIR QUALITY. There shall be no adverse air quality impact at or beyond the property line: fumes, smoke, odor, dust, heat, etc.
- (d) WATER QUALITY. There shall be no adverse water quality impacts.
- (e) SEPARATION OF USES. Provide adequate separation from incompatible adjacent uses through yards and open spaces.
- (f) SCREENING AND BUFFERING. Provide separation from incompatible adjacent uses by screening and buffering. Reference type, dimensions and character.
- (g) GENERAL NUISANCES. Minimize light, glare, heat, noise, vibration, odors, fumes, smoke or other off-site nuisances generated by the use.
- (h) TRAFFIC. Provide ingress and egress to the property and the proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (i) PARKING. Provide adequate offsite parking and loading areas.
- (j) EXTERIOR LIGHTING. Proposed exterior lighting with reference to light, glare, traffic safety, economic effect and compatibility and harmony with adjacent properties in the district.
- (k) REFUSE AND SERVICE AREAS. Appropriately locate and provide adequate refuse and service areas.
- (l) SIGNS. Show the location and size of proposed signs.

Section 6. Zoning Certificate - Outdoor Signs. If the proposed outdoor

sign meets the requirements stated in this section, Planning Staff shall issue a Statement of Finding that the plans for the proposed outdoor sign fully comply with this zoning resolution. This request is then forwarded to the Board of County Commissioners for consideration at their next meeting.

A. **General Requirements.** The following general requirements are applicable to all signs erected subsequent to the date of adoption of this Zoning Resolution.

1. Illumination of a sign is permitted provided that no flashing lights or rotating or revolving beams are used. All external light fixtures illuminating a sign shall be shielded so that direct light is confined to the surface of the sign and is directed downward and away from public roadways and residential areas.
2. No sign shall revolve or otherwise move in any fashion.
3. Relocation of a sign shall not be permitted as sign permits are granted on a site specific basis.
4. No motor vehicles or trailers of any kind, except those trailers manufactured with a sign face permanently attached to it specifically for the purpose of being used as a mobile sign, shall be used as a sign.
5. Signs which display an advertising message by means of the systematic blinking of lights or by systematic illumination of characters or symbols are prohibited.

B. **Exempt Signs.** The following shall be deemed to be excluded from regulation under this Resolution.

1. Real estate signs used exclusively to advertise property for sale or lease and where the sign face shall not exceed twenty-five (25) square feet in area. Such signs shall be removed within thirty (30) day of the subject property being sold or removed from the market.
2. Political campaign signs where the sign face shall not exceed thirty-two (32) square feet in area. Such signs must be removed within thirty (30) days after the election they were posted for, except primary campaign signs which are to also be used for the general

election. Such primary campaign signs are allowed to be in place between the elections but must be removed within thirty (30) days after the general election.

3. Special event signs shall not exceed thirty-two (32) square feet in area that are posted for a period no longer than thirty (30) days. Special events are those events which occur annually or less frequently than annually.
 4. Signs on the inside of store windows.
 5. Official federal, state and county regulatory and informational signs within the right-of-way of a public highway.
 6. Signs directing traffic on or to private property, but bearing no advertising matter and not to exceed six (6) square feet in area or five (5) feet in height as measured from the centerline of the nearest public roadway.
 7. Memorial or historical plaques or tablets, or other remembrances of persons or events that are non-commercial in nature and less than four (4) square feet in area and are erected by a public authority or by a recognized historical society or organization identifying sites, buildings, or structures of recognized historical significance.
 8. Temporary decorations or displays clearly incidental and customary and commonly associated with national, local or religious holiday celebrations.
 9. Fence signs within ball parks, arenas and other sporting events.
 10. Signs used to identify a residence, a subdivision, an apartment complex, a farm, a ranch and/or the agricultural goods or services available on the premises. The sign face shall not exceed 100 square feet in size.
- C. Off-Premise Signs. All off-premise signs shall conform to the following requirements.
1. Location
 - (a) Off-premise signs shall only be permitted within six hundred sixty

(660) feet of an active commercial or industrial area as measured from the nearest point on the foundation of the principal commercial or industrial structure.

- (b) No off-premise sign shall be located closer than five hundred (500) feet to any other off-premise sign.
- (c) No off-premise sign shall be located within a road right-of-way nor will the sign interfere with or distract a motorist's vision from normal safe driving.
- (d) No off-premise sign shall be located closer than five hundred (500) feet to a residential area as measured from the nearest point on the foundation of the nearest residence.
- (e) No off-premise sign shall be located within three hundred (300) feet of an intersection.

2. Size and Specifications

- (a) Off-premise signs shall have a sign face of no more than three hundred (300) square feet if located adjacent to Interstate-80. Off premise signs not located next to Interstate-80 shall have a face of no more than sixty-four (64) square feet in area.
- (b) Double-faced signs shall be permitted provided such signs are mounted on the same structure at no more than a forty-five (45) degree angle so that only one (1) sign face is visible from any given direction.
- (c) No off-premise sign shall exceed twenty five (25) feet in height, if located adjacent to Interstate-80, or sixteen (16) feet in height if located elsewhere, as measured from the centerline of the nearest roadway to the highest point of the sign.

D. On-Premise Signs. All on-premise signs shall conform to the following regulations.

1. Location

- (a) No on-premise sign shall be located within a road right-of-way nor interfere with or distract a motorist's vision from normal safe

driving.

2. Size and Specifications

- (a) Total sign face area per site shall not exceed two (2) square feet per lineal foot of building frontage of the principal commercial or industrial structure; all on-premise signs shall be cumulative toward this total figure. Total sign square footage shall not exceed one hundred (150) square feet.
- (b) One (1) freestanding sign shall be permitted per road frontage; no one (1) sign face shall exceed one hundred (100) square feet.
- (c) Free-standing sign structures shall not exceed twenty (20) feet in height as measured from ground level at the sign location.
- (d) The surface area of wall signs shall not exceed twenty (20) percent of the exposed building face of the wall to which it is attached, each wall to be considered separately.
- (e) Projecting signs shall not be higher than the eaves or rafter line, or a point even with the lowest point of the roof of the building to which the sign is attached, whichever is higher. Projecting signs shall clear grade at ground level below the sign by a minimum of eight (8) feet.
- (i) The display surface area of a projecting sign shall not exceed sixteen (16) square feet. Only one (1) projecting sign per business shall be permitted and a projecting sign shall not be permitted on property which has a free-standing sign.
- (g) Roof signs shall not extend above the highest point of the roof to which they are attached.

E. Home Business. A home business shall be limited to one double sided sign face of no more than six (6) square feet in area. The maximum height of the sign shall be six (6) feet.

F. Maintenance.

1. Any sign which is found to be abandoned or in a state of disrepair shall be removed within 45 days of written notification by the Albany County Planning Director, unless otherwise corrected.
2. The copy area of the sign face shall be painted a solid color when display board contains no copy.

Section 7. Zoning Certificate - Telecommunication and Utility. If the proposed use requires the establishment, of the Telecommunication and Utility Overlay Zone for any permitted uses in that zone, except a Tower, the use will be processed using the steps identified in Section 5 (A through D) of this Chapter. The following is the procedure for a request for a Tower and establishment of the Telecommunication and Utility Overlay Zone.

- A. Application Submission. An application for a zoning certificate for a tower shall be submitted on a form provided by the planning office. To be considered complete the application must include:
 1. A site plan prepared in accordance with requirements listed on the application form.
 2. A narrative description responding to the findings listed in paragraph D and E of this section.
 3. A certified list of all property owners within two (2) miles of the proposed tower location according to the Albany County Assessor's records. However, if more than thirty (30) property owners are within two (2) miles of the proposed tower location, only a certified list of property owners within one thousand (1,000) feet of the proposed tower location need be provided. A title insurance company, a licensed engineer, a surveyor or an attorney must certify the list.
 4. Co-location on existing towers is encouraged. If a new tower is proposed, the application must include information regarding the availability of co-location space within the area served by the proposed tower. If co-location space is available the applicant must describe the reason(s) why that space is not suitable for the applicant's purposes.

5. A statement that applicant agrees to allow Albany County to install a communication antenna on the tower if feasible and if requested by Albany County.
 6. A letter from the Wyoming Game and Fish Department reviewing the construction and operation of the site regarding impacts upon wildlife or important wildlife habitats.
 7. A letter of intent to remove the facility at the expense of the facility and/or landowner if it is abandoned.
- B. **Planning Office Review.** The County Planning Office staff shall review the application for completeness. If the application is found to be complete, staff shall prepare a report to the Planning and Zoning Commission for presentation.
- C. **Planning and Zoning Commission Review and Recommendation.** The Planning and Zoning Commission will review the request at a regular meeting and make findings and a recommendation to the Board of County Commissioners.
- D. **Board of County Commissioners Review and Action.** The Board of County Commissioners shall hold a public hearing prior to acting on the request for a change in land use classification. Notice shall be given in a newspaper of general circulation in the county at least fourteen (14) days in advance of the hearing and action. The applicant shall be responsible for the cost of publication. All property owners within the appropriate two (2) miles or one thousand (1,000) feet of the proposed tower location shall be notified of the public hearing by first class mail. Notices shall be deemed delivered when mailed to the owner or his agent at the address appearing on the assessment rolls of Albany County. Notices shall contain the name of the applicant, a legal description of the property, the proposed zoning, a general description of the tower including the height, and the date, time and location of the public hearing.

In order to give final approval of the zoning certificate for a change in land use classification to the Telecommunication and Utility Zone for a tower, the Board of County Commissioners must be able to make the required findings and conclusions of law, determining that each impact shall be

mitigated, if deemed necessary, ensuring compatibility with adjacent uses.

E. Findings Necessary for Approval. As a condition for approval of the request for change of land use classification to the Telecommunication and Utility Zone for a Tower, the Board of County Commissioners must make the following findings:

1. That the proposed change in land use classification shall not adversely affect the public interest.
2. That the applicant has provided a site plan with the following requirement:
 - (a) Identification of the intended users of the tower.
 - (b) Site and any landscape plans drawn to scale that show the location and legal description of the site; on-site land uses and zoning; adjacent roadways; parking and access; setbacks from property lines; and the location of the tower, including all related improvements and equipment.
 - (c) The general capacity of the tower and its role in the network.
 - (d) An analysis of the area containing topographical contours.
 - (e) Construction plans and drawings, certified by an engineer licensed in the State of Wyoming, that demonstrate the suitability of the tower site and foundation design, and show the number and position of guy wires and proposed tower(s).
 - (f) Details regarding the on-site lighting scheme.
3. That the applicant has adequately addressed the following possible impacts:
 - (a) VISUAL IMPACTS. Towers must not unreasonably interfere with the view of any natural scenic vista, historic building or monument, major view corridor, or residential area.
 - (b) ENVIRONMENTAL IMPACTS. Towers must not be located in environmentally sensitive areas. See part A (6).
 - (c) CO-LOCATION REQUIREMENT. The applicant must demonstrate that there are not existing towers within the

general region that will structurally, technically, or otherwise meet the needs of the applicant applying for the new tower and that there is a clear need for the erection of a new tower.

- (d) EXTERIOR LIGHTING. Proposed exterior lighting with reference to light, glare, traffic safety, economic effect, and compatibility with adjacent properties in the district.
- (e) SCREENING AND BUFFERING. Provide separation from incompatible adjacent uses by screening and buffering. Reference type, dimensions and character.
- (f) GENERAL NUISANCES. Minimize light, glare, heat, noise, vibration, odors, fumes, smoke or other off-site nuisances generated by the use.
- (g) AIR TRAFFIC SAFETY. If the proposed facility is determined by the Planning Director to be near an airport or flight path, the applicant may be required to provide an FAA response to the Notice of Proposed Construction or Alteration from their FAA 7460-1 form (which is a formal airspace evaluation) or other similar documentation.

- 4. A certified list of all property owners within the appropriate two (2) miles or one thousand (1,000) feet of the proposed tower location according to the Albany County Assessor's records has been provided and all owners have been notified of the hearing.
- 5. Co-location on existing towers is encouraged. If a new tower is proposed, the applicant has provided information regarding the availability of co-location space within the area served by the proposed tower, which shall include a study of the coverage by existing towers to demonstrate the need for an additional tower.
- 6. A statement that applicant agrees to allow Albany County to install a communication antenna on the tower if feasible and if requested by Albany County.

F. Technical Issues and Expert Review. Commercial Wireless Telecommunication Service facilities may involve technical issues that

require review and input that is beyond County staff. Albany County may require the applicant to pay reasonable costs of a third-party technical study of a proposed Commercial Wireless Telecommunication Service facility. Selection of expert(s) to review this proposal will be at the sole discretion of the County.

G. Abandonment

1. Tower facilities will be considered abandoned if they are unused for a period of twelve (12) months. Determination of abandonment shall be made by the Albany County Planner. The Planner may then send written notification to the tower facility owner and land owner requesting removal within ninety (90) days or show cause why such removal should not take place. Show cause hearings shall be scheduled before the Planning and Zoning Commission, with appeal to the Board of County Commissioners. If tower facilities are not removed within ninety (90) days of the notice by the County Planner or within ninety (90) days of a final appeal decision, the County may remove the facility at the facility owner's or land owner's expense. Upon abandonment and removal, the County permit for the facility shall be considered expired.

H. Attached Antennas

1. Attached Antennas are permitted in all zoning districts and a zoning certificate/same land use classification is required. Attached antennas may include antennas attached to existing towers, utility poles, flagpoles, buildings, or other structures. Attached Antennas on a roof may extend up to twenty feet (20') over the height of the building on which they are located. Attached Antennas mounted on a building or structure wall must be as flush to the wall as technically possible and shall not extend more than twenty feet (20') over the top of the wall. Attached antennas to a tower shall not add to the height of a tower.

I. Exemptions.

1. Amateur Radio Operators. Amateur radio operators using antennas for personal, non-commercial use, including but not limited to

television and ham radio antennas, are permitted and a zoning certificate is not required.

Section 8. Landscape Requirements – Commercial and Industrial Zones.

- A. Purpose. The purposes of these regulations are to provide for the enhancement of the county image, buffer between incompatible land uses by reducing excessive noise, air, water, and visual pollution, preserve the integrity of residential neighborhoods and to provide for the general health, safety, and welfare of the public by means of landscaping during community development.
- B. Relationship to Other Regulations and Laws. If other municipal, county, state and federal laws and regulations or subsequent Albany County resolutions place more restrictive standards pursuant to landscaping, those more restrictive standards under the appropriate jurisdiction will apply.
- C. Affected Land Uses.
 - 1. This section shall apply to all unincorporated areas within Albany County which are zoned industrial and commercial.
 - 2. The requirements shall not apply to any completed applications filed with the Albany County Planning Office prior to the effective date of this resolution.
 - 3. Existing commercial and industrial zoned properties shall not be subject to compliance with these regulations, unless the gross floor space of structures upon the property is increased by twenty-five percent (25%) or more within a period of five years (5) or less or the property size (land area) is expanded.
- D. Definition of Terms.
 - 1. "Berm" means an earthen mound designed to screen undesirable views and/or decrease noise levels.
 - 2. "Buffer" means natural or man-made physical elements, such as plants, trees, fences or walls, which separate and screen land uses from one another.

3. "Caliper" means a standard for trunk measurement of nursery stock that is measured from a specified distance above the ground.
 4. "Coniferous" means a plant with foliage that persists and remains green throughout the year.
 5. "Deciduous" means a plant with foliage that is shed annually.
 6. "Gross Floor Space" means the sum of all-floor areas of a building used for human habitation or for business operations.
 7. "Landscaping" means the use of organic and inorganic materials and man-made structures that present an expansion of natural and buffering scenery.
 8. "Organic Landscape Materials" means living vegetative material.
 9. "Shrub" means a woody plant that usually remains low and produces shoots or stems from the base and is not usually tree like or single-stemmed.
- E. Process. Before final issuance of the zoning certificate for affected properties, show the location, landscaping components, and method of irrigation or watering of the landscape, which plan shall be submitted to the Albany County Planning Office for review and approval.
- F. Landscape Standards.
1. These landscape standards will be the minimum requirements for compliance. However, it is encouraged that those land uses affected by this landscaping standard be implemented which exceed these minimal standards.
 2. The following provisions shall be the minimum standards for the composition and positioning of landscape elements when buffering between specified land uses:
 - a. Buffering of residential areas from commercial or industrial areas is required. Buffering may include a fence, wall, trees, shrubs, vegetated berm, or a combination which provide reasonable screening to a level of six (6) feet high. If a fence

or wall is constructed, plantings which will provide an organic buffer upon maturity shall also be installed. This requirement may be modified by the Planning Director if drifting of snow will significantly affect access to neighboring properties.

- b. Adjacent to public road rights-of-ways, the owner shall place one coniferous tree for every fifty (50) linear feet along the property's road frontage within twenty (20) feet of the road right-of-way. Additionally, there shall be placed four tall shrubs, which shall reach a height of at least four(4) feet at maturity for every fifty (50) linear feet along the parcel's road frontage.
 - c. Two deciduous trees may be substituted for any required coniferous tree. The minimum caliper of deciduous trees shall be at least one and one-half (1½) inches and a size of eight (8) feet in height. The minimum height for coniferous trees shall be five (5) feet. The minimum size for shrubs shall be a five-gallon (5) container.
 - d. Alternate landscaping plans, which may include clustering of organic landscaping components or substituting more and smaller components, may be submitted to the Planning Office for consideration as an alternative plan.
3. A mixture of organic materials is encouraged. It is also encouraged that landscaping material and design shall be produced with consideration for efficient and effective water use when and where the elements are placed and under conditions of low water levels or drought.
 4. Landscaping shall be placed so as not to have an adverse effect on access to utilities, underground or overhead, or interference with vision at roadway intersections.
 5. Installation and maintenance responsibility of the landscaping shall lie with the owner or the land-owner's designee. Dead trees or shrubs shall be replaced by July 1 of every year with plant material,

equivalent to type and size when planted.

6. Landscape features shall be kept reasonably free of refuse, noxious weeds, clippings, and miscellaneous trash. Such weeds, refuse, clippings and miscellaneous trash shall be disposed of in an appropriate and safe manner. Prohibited noxious weeds are described in Section 11-12-104 of the Wyoming Statutes.
 7. Landscaping plans shall be referred to other appropriate agencies for their review and comment. Agencies, for possible referrals, include the U.S. Natural Resources Conservation Service, Laramie Rivers Conservation District, State Forestry Office, and the Albany County Extension Office.
- G. Effective Date: The Board of County Commissioners approved this section September 23, 2002.

Section 9. Aquifer Protection Overlay Zone.

- A. Legislative Findings. Approximately sixty (60) percent of the City of Laramie's municipal water supply and one hundred (100) percent of the water to approximately four hundred fifty (450) rural residences comes from wells and springs in the Casper Formation aquifer. The Casper Formation is exposed along the west side of the Laramie Range and is vulnerable to contamination for these reasons:
1. Points of withdrawal (municipal and domestic wells) are in close proximity to the recharge area;
 2. The aquifer is fractured and has extensive exposures of porous sandstones; and
 3. Interstate Highway 80 cuts through the entire thickness of the Casper Formation. Numerous hazardous substances are transported each day over 1-80.
 4. The Casper Formation is exposed at the ground surface on the west flank of the Laramie Range.

The City of Laramie/Albany County Environmental Advisory Committee (EAC) has members with expertise in groundwater science. The Environmental Advisory Committee has developed the

Casper Aquifer Protection Plan. One of the EAC's priority recommendations is the establishment of an overlay zone which defines setbacks from recharge features and prohibition of inappropriate land uses.

The Casper Formation is overlain by the Satanka Formation. The bottom fifty feet of the Satanka Formation are fractured and are probably in hydraulic communication with the Casper Formation. Generally the Satanka Formation serves as a confining layer above the Casper aquifer, retarding the flow of water upward out of the Casper Formation and the flow of water downward to the Casper Formation. The EAC recommends a safety factor of seventy-five (75) feet of Satanka Formation above the Casper Formation as adequate to reduce the risk of contamination to acceptable levels.

To safeguard the Casper aquifer wells and springs which provide sixty (60) percent of the City of Laramie's Municipal water and one hundred (100) percent of the water to approximately four hundred fifty (450) rural residences, the Board of County Commissioners adopts this resolution.

B. Aquifer Protection Overlay Zone Established.

1. There is established within the unincorporated area of Albany County an aquifer protection overlay zone (APO zone). The APO zone is effective outside of the City of Laramie corporate limits at all locations where the upper boundary of the Casper Formation is not covered by at least seventy-five (75) feet of the overlying Satanka Formation naturally in place, whether the reduction in thickness of the Satanka Formation is due to natural causes or is man-made.
2. Initial delineation of the APO zone shall be as described by the Aquifer Protection Plan approved by the Board of County Commissioners on June 18, 2002. Copies of the illustrations which accompany the Aquifer Protection Plan shall be kept in appropriate County offices. All property within Zones 2 and 3 are zoned APO by default. Property west of the western boundary of Zone 2 shall be included in the APO zone if in the opinion of the Planner or

designee based upon geologic evidence, there is less than seventy-five (75) feet of Satanka Formation overlying the Casper Formation at that location. If such determination is made, the APO zone area shall be amended accordingly.

3. Any aggrieved person who believes that all or part of a parcel of property included in the APO should not be included may request that the Planner or designee redetermine whether the property is correctly included. Redetermination shall not be made except upon clear and convincing evidence that at least seventy-five (75) feet of undisturbed Satanka Formation overlies the Casper Formation at the location in dispute. Evidence based upon opinion alone without sound geologic field control is unacceptable. Before making a decision, the County may submit the evidence to qualified professionals for analysis, and may obtain independent evidence bearing upon the question. Costs of professional consultation to the County shall be reimbursed to the County by the aggrieved person.
4. Any person aggrieved in fact by an administrative decision under this section may appeal the decision to the Planning and Zoning Commission for review and recommendation to the Board of County Commissioners for determination.

C. Allowed and Prohibited Uses.

1. Within APO zone, the underlying zoning classification shall control all aspects of the property's zoning except that no property may be used for any use prohibited in Subsection 3.C. below.
2. For the purposes of this regulation, "hazardous material" means (i) any hazardous substance as defined in 40 CFR 302.4 and listed therein at Table 302.4; (ii) any hazardous waste as defined in Wyoming law including, but not limited to, the Wyoming Department of Environmental Quality hazardous waste rules and regulations as may be amended from time to time; (iii) any pesticide as defined in Wyoming law; or (iv) any oil or petroleum.
3. Each prohibited activity listed in Column 1 of the table below in this section is prohibited in the APO zone.

Table of Prohibited Activities

<p align="center">Column 1 Prohibited Activity The following activities are prohibited in the APO zone:</p>	<p align="center">Column 2 Examples The following are examples of business or activity which conduct the prohibited activity.</p>
<p>1. Activities involving any equipment for the underground storage or transmission of oil or petroleum to the extent that it is not pre-empted by federal law; or hazardous material.</p>	<p>Any business or facility. Some examples include automotive service station, gasoline station, fleet garage</p>
<p>2. The discharge to ground water of any waste product.</p>	<p>Any business or facility.</p>
<p>3. Car or truck washing, unless all waste waters from the activity are lawfully disposed of through a connection to a Publicly Owned Treatment Works.</p>	<p>Car or truck washes.</p>
<p>4. Production or refining of chemicals, including without limitation hazardous materials or asphalt.</p>	<p>Chemical, petroleum, asphalt, or pesticide manufacturer.</p>
<p>5. Clothes or cloth cleaning service which involves the use, storage, or disposal of hazardous materials including without limitation dry-cleaning solvents.</p>	<p>Dry cleaner.</p>
<p>6. Generation of electrical power by means of fossil fuels except generation by means of natural gas or propane.</p>	<p>Fossil-fueled electric power producer.</p>
<p>7. Production of electronic boards, electrical components, or other electrical equipment involving the use, storage, or disposal of any hazardous material or involving metal plating, degreasing of parts or equipment, or etching operations.</p>	<p>Electronic circuit board, electrical components or other electrical equipment manufacturer.</p>
<p>8. On-site storage of oil or petroleum for the purpose of wholesale or retail sale.</p>	<p>Bulk plant.</p>
<p>9. Embalming or crematory services which involve the use, storage or disposal of hazardous material, unless all waste waters from the activity are lawfully disposed of through a connection to a Publicly Owned Treatment Works.</p>	<p>Funeral home or crematory.</p>
<p>10. Furniture stripping operations which involve the use, storage, or disposal of hazardous materials.</p>	<p>Furniture stripper.</p>
<p>11. Furniture finishing operations which involve the use, storage, or disposal of hazardous materials, unless all waste waters</p>	<p>Furniture repair.</p>

from the activity are lawfully disposed of through a connection to a Publicly Owned Treatment Works.	
12. Storage, treatment, or disposal of hazardous waste permitted under Wyoming law.	Hazardous waste treatment, storage, or disposal facility.
13. Clothes or cloth cleaning service for any industrial activity that involves the cleaning of clothes or cloth contaminated by hazardous material, unless all waste waters from the activity are lawfully disposed of through a connection to a Publicly Owned Treatment Works.	Industrial laundry.
14. Any biological or chemical testing, analysis or research which involves the use, storage, or disposal of hazardous material.	Laboratory: biological, chemical, clinical, educational, product testing, or research.
15. Pest control services which involve storage, mixing, or loading of pesticides or other hazardous materials.	Lawn care or pest control service
16. Salvage operations of metal or vehicle parts.	Metal salvage yards, vehicle parts, salvage yards, or junk yards.
17. Photographic finishing which involves the use, storage, or disposal of hazardous materials.	Photographic finishing laboratory.
18. Production, fabrication of metal products which involves the use, storage, or disposal of hazardous materials including (A) metal cleaning or degreasing with industrial solvents; (B) metal plating; (C) metal etching.	Metal foundry, metal finisher, metal machinist, metal fabricator, or metal plating.
19. Printing, plate making, lithography, photoengraving, or gravure, which involves the use, storage, or disposal of hazardous materials.	Printer or publisher.
20. Pulp production, which involves the use, storage or disposal of any hazardous materials.	Pulp, paper, or cardboard manufacturer.
21. Accumulation or storage of waste oil, anti-freeze or spent lead-acid batteries.	Recycling facility which accepts waste oil, spent anti-freeze, or spent lead-acid batteries.
22. Production or processing of rubber, resin cements, elastomers, or plastic, which involves the use, storage or disposal of hazardous materials.	Rubber, plastic, fabric coating, elastomer, or resin cement manufacturer.
23. Any activity listed in this column that is conducted at a residence for compensation.	Residential occupations.
24. Storage of pavement de-icing chemicals unless storage takes place within a weather-	Salt storage facilities.

<p>tight waterproof structure for the purpose of retail sale, or for the purpose of de-icing parking areas or access roads to parking areas.</p>	
<p>25. The accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer, or composting of solid waste except for a potable water treatment sludge disposal area.</p>	<p>Solid waste facility or intermediate processing center.</p>
<p>26. Finishing or etching of stone, clay, concrete or glass products, or painting of clay products which involves the use, storage, or disposal of hazardous materials.</p>	<p>Stone, clay or glass products manufacturer.</p>
<p>27. Dying, coating or printing of textiles, or tanning or finishing of leather, which involves the use, storage, or disposal of hazardous materials.</p>	<p>Textile mill, tannery.</p>
<p>28. Repair or maintenance of automotive or marine vehicles or internal combustion engines of vehicles, involving the use, storage, or disposal of hazardous materials, including solvents, lubricants, paints, brake or transmission fluids, or the generation of hazardous wastes.</p>	<p>Vehicle service facilities which may include: new or used car dealership, automobile body repair or paint shop, aircraft repair shop, automobile radiator, or transmission repair; boat dealer; recreational vehicle dealer; motorcycle dealer; truck dealer; truck stop; diesel service station; automotive service station, municipal garage, employee fleet maintenance garage, or construction equipment repair or rental.</p>
<p>29. On-site storage of hazardous materials for the purpose of wholesale or retail sale.</p>	<p>Wholesale trade, storage or warehousing of hazardous substances, hazardous wastes, pesticides or oil or petroleum.</p>
<p>30. Production or treatment of wood, veneer, plywood, or reconstituted wood, which involves the use, storage or disposal of any hazardous material.</p>	<p>Manufacturer of wood veneer, plywood, or reconstituted wood products.</p>
<p>31. Injection wells All UIC except Class V subclasses 5B1, 5B2, 5B4, 5B5, 5B6, and 5B7, as defined in WDEQ Chapter 16 as beneficial use UIC wells, should be prohibited in the Casper Aquifer protection area.</p>	
<p>32. Water wells which are not cased at least to the top of the production zone with the annular space sealed from the top of the production zone to the surface, or in accordance with the state engineer's requirements or recommendations, whichever is stricter.</p>	<p>Residential uses.</p>
<p>33. Application of pesticides and herbicides which do not become non-hazardous within 48</p>	

hours of application or which are not applied according to the manufacturer's instructions.	
34. Application of fertilizer at greater than the agronomic uptake rate of the vegetation fertilized.	
35. Quarrying and sand and gravel mining to the extent that such prohibition is not violative of state law, particularly Wyoming Statutes, §. 18-5-201.	

D. Setbacks from vulnerable features.

1. Vulnerable features in the Casper Formation are:

- a. Faults and fracture zones which intercept the ground surface and have apertures of greater than one centimeter. Fractures may extend as far as one hundred fifty (150) feet from the fault trace.
- b. Folds which extend to the ground surface.
- c. Exposed bedrock.
- d. Bedrock not overlain by a sufficient thickness of low-permeability materials to prevent the effective downward migration of contaminants into the aquifer.
- e. Defined drainages.
- f. Shallow depth to ground water, defined as any location where no effective confining layer is present over the water-bearing strata within the Casper Formation and the depth to water is less than seventy (70) feet.

2. No person shall install, maintain, or use any on-site wastewater treatment system or wastewater storage system or any private connection to a public wastewater system within one hundred (100) feet of a vulnerable feature in the Casper Formation.

3. Within the APO, no permit shall be issued for any wastewater system until the applicant demonstrates to the Planner or designee that there are no vulnerable features in the Casper Formation within one hundred (100) feet of any point of the proposed system. Proof shall be at least the signed and stamped written opinion of a

Wyoming licensed professional engineer or Wyoming licensed professional geologist. The Planner or designee may review independently obtained evidence and records in arriving at a decision under this subsection. If material not supplied by the applicant is used in the decision, the applicant shall be given notice of the material used and an opportunity to comment on it before a final decision is reached. Aggrieved parties may appeal the decision to the Board of County Commissioners.

- E. Design standards for on-site wastewater treatment systems.
1. Installation, design, repair, and removal of septic systems located within the APO zone must be in accordance with plans and specifications certified by a professional engineer registered to practice in the State of Wyoming. This resolution does not grant the right to install a septic system or small wastewater treatment system otherwise forbidden by County resolutions.
 2. Each septic system and leach field within the APO shall be inspected by a person qualified by education or training to inspect small wastewater systems.
 - a. During installation before backfilling;
 - b. At least once each three years.

If upon inspection a septic system is found not to be adequately designed or constructed to serve the use to which it is connected without undue risk to the aquifer it shall not be used for the disposal of wastewater until it is cleaned, repaired, or otherwise made to operate adequately, so as not to present an undue risk to the aquifer.

- F. Pre-existing nonconforming uses. Pre-existing nonconforming uses within the APO zone are subject to the terms of this resolution and not to other general resolution provisions on pre-existing nonconforming uses.
1. A pre-existing nonconforming use is a use prohibited by this regulation but which is in place upon property included in the APO zone as of the date the property was included in the APO zone. That date may be the effective date of this resolution, or the date a use

becomes nonconforming because of an amendment to this resolution. Septic systems and other privately-owned wastewater treatment systems are controlled exclusively under Sections 4 and 5 above and are not subject to these provisions on pre-existing nonconforming uses.

2. Pre-existing nonconforming uses may continue in the same location they were in when they became nonconforming uses, but shall not be expanded in size or scope. Pre-existing nonconforming uses which are damaged may be repaired and resumed at the same location, size, and scope, provided that after repairs are complete, best available control technology shall be in place to prevent contact between hazardous materials and the surface of the ground.
3. A pre-existing nonconforming use may be expanded under these conditions:
 - a. The expansion does not increase the hazard to the aquifer; or
 - b. Control technology built in to the expansion will prevent any increased risk to the aquifer because;
 - 1) Substitution is made of one (1) hazardous material for another provided the substituted material is used for the same function and in equal or lesser amounts as the original material;
 - 2-) Substitution of equipment or process for equipment or process provided that the substituted equipment or process performs the same function as the original equipment or process, without increasing the storage volume of hazardous materials stored at the subject business or facility;
 - 3) Expansion of wholesale or retail sales volume which increases the use of hazardous materials but which does not increase the storage capacity for hazardous material;
 - 4) Initiation at the subject facility or business of an

activity that is not a prohibited activity; or

4. Every pre-existing nonconforming use shall:
 - a. Store hazardous material in an enclosed structure or under a roof which minimizes storm water entry to the containment area.
 - b. Provide floors within a structure where hazardous material is stored, coated to protect the surface of the floor from deterioration due to spillage of any such material. A structure which may be used for storage or transfer of hazardous material shall be protected from storm water run-on and ground water intrusion.
 - c. Store hazardous material within an impermeable containment area which is capable of containing at least the volume of the largest container of such hazardous material present in the area, or 10% of the total volume of all such containers in the area, whichever is larger, without overflow of released hazardous material from the containment area.
 - d. Store hazardous material in a manner that will prevent the contact of chemicals with any materials so as to create a hazard of fire, explosion, or generation of toxic substances.
 - e. Store hazardous materials only in a container that has been certified by a state or federal agency or the American Society of Testing Materials as suitable for the transport or storage of the material.
 - f. Store all hazardous material in an area secured against entry by the public, except items offered for retail sale in their original unopened containers.
 - g. Not use, maintain, or install floor drains, dry wells, or other infiltration devices or appurtenances which allow the release of wastewater to the ground water.
 - h. Not discharge any substance or material to the ground in the APO zone unless the discharge is permitted by law.

These requirements are intended to supplement, and not to supersede, any other applicable requirements of federal, state, or local law.

The Planner or designee is authorized to promulgate rules and regulations under the Wyoming Administrative Procedure Act concerning the kind and amount of information which the owner of a pre-existing nonconforming use must provide to enable the Planner or designee to make an informed decision under this section. Appeals from the decision under this section shall be taken to the Board of County Commissioners.

G. Existing law on aquifer contamination unaffected. The establishment of the APO zone, and the use of APO-zoned properties in accord with this resolution, does not relieve any person from liability provided by law for contamination of the aquifer. This resolution does not supersede or modify the requirements of any federal, state or local law which makes stricter requirements.

H. Severability. The provisions of this resolution are severable. If any provision is declared to be invalid or unenforceable by any court of competent jurisdiction, those provisions not so declared shall remain in effect.

Section 10. Outdoor Lighting.

A. Definitions.

1. "Glare" means the sensation produced by light that is sufficiently greater than the light to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance or visibility.
2. "Light bulb" means the component of the light fixture that produces the actual light. A bulb includes, without limitation, a lamp or tube.
3. "Light fixture" means the complete lighting unit.
4. "Light pollution" means light that is emitted into the atmosphere that alters the appearance of the night sky or interferes with astronomical observation.
5. "Light trespass" means light projected onto a property or roadway from a light source located on a different property.

B. Purpose. The purposes of the outdoor lighting standards are to:

1. Provide adequate lighting for safety and security;

2. Promote efficient and cost effective lighting and to conserve energy;
 3. Reduce light pollution, light trespass and glare;
 4. Provide a sensitive nighttime environment that includes the ability to view the stars against a dark sky; and
 5. Protect public health, safety and welfare.
- C. Scope. Compliance with these requirements shall be required for all new development and replacement of light fixtures for existing development. The Planning Office shall encourage the public to utilize light fixtures and shielding consistent with the purposes of these standards, shall provide educational materials and engage in other public education efforts.
- D. Prohibitions.
1. Laser source lights or similar high intensity light used for outdoor advertising or entertainment.
 2. Searchlights used for advertising or entertainment.
- E. Outdoor Light Sources. Light sources shall be concealed or shielded to the maximum extent feasible to minimize glare, light pollution, and light trespass on adjacent property and away from the vision of passing motorists. All lights shall be shielded to direct light downward.
- Light levels measured twenty (20) feet beyond the property line of the parcel where the light fixture is located shall not exceed one-tenth (1/10) foot-candle as a direct result of the adjacent property's lighting. This restriction shall only apply if the property upon which the measurement is taken is used for residential purposes or a public right-of-way.
- F. University Observatory Areas. Outdoor light fixtures shall utilize low pressure sodium lights within three (3) miles radius of the University of Wyoming Observatories at Red Buttes and Jelm Mountain. Existing non-conforming light fixtures may be continued until the light fixture is replaced or until seven (7) years from the effective date of this regulation whichever comes first.
- G. Exceptions. These outdoor lighting standards shall not apply to the following types of exterior lighting:

1. Ornamental Lighting: ornamental landscape lighting fixtures;
2. Government Required Lighting. Lighting for aviation, towers, street lights, or other purposes which are required by state or federal law;
3. Seasonal lighting displays;
4. Illumination of United States flags as long as the light source is shielded and not visible from any adjacent property; and
5. Customary agricultural practices, such as calving operations.

H. Variances & Temporary Exemptions.

1. Variance. The Planning Director may grant a variance from these provisions if the Planning Director finds:
 - a. There are special circumstances or conditions applying to the land, buildings, or outdoor light fixtures for which the variance is sought, which circumstances or conditions are peculiar to such land, buildings or outdoor light fixtures and do not apply generally to the land, buildings or outdoor light fixtures in the neighborhood; or
 - b. Upon a finding by the Planning Director that outdoor lighting in specific areas of the community is not adequate and additional lighting is necessary to improve safety or security for the property; and
 - c. The granting of the variance will generally be consistent with the purpose of this section and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
 - d. The variance is the minimum variance that provides the relief required.
2. Temporary Lighting Exemption. The Planning Director may grant an exemption from the requirements for temporary outdoor activities that include without limitation fairs, carnivals, sporting events, concerts, and promotional activities, if the Planning Director finds the following:

- a. The length of time that the temporary lighting is to be used is not longer than thirty (30) days;
- b. The proposed lighting is designed in such a manner as to minimize light pollution, light trespass, and glare as much as feasible.

I. Effective Date: These regulations shall be effective as of September 2, 2003.

CHAPTER VI. ADMINISTRATIVE MATTERS

Section 1. Home Business.

A. Agricultural Zone and Land Use Classification

1. The use shall be conducted by the inhabitants of a dwelling unit.
2. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
3. Generation or use of hazardous materials/wastes regulated by the Wyoming Department of Environmental Quality is prohibited.

B. Residential Zone and Land Use Classification

1. The use shall be conducted by the inhabitants of a dwelling unit.
2. The architecture of the accessory structure constructed or used in the home business shall be consistent with that normally found in the zone, and be visually harmonious with surrounding structures; and such accessory structures shall not number more than one or contain more than fifty percent (50%) of the square footage of the primary residence.
3. Home business activities conducted outside of structures shall take place only during normal daylight business hours.
4. Traffic and parking associated with the home business shall be minimal and restricted to normal daylight business hours.
5. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
6. Generation or use of hazardous materials/wastes regulated by the Wyoming Department of Environmental Quality is prohibited.

Section 2. Rural Addressing. A rural address shall be assigned by the planning office for all new developments which comply with the Albany County Zoning Resolution. Addressing will be assigned under one of the following procedures:

- A. As property is divided by platting or subdivision pursuant to the Albany County Platting and Subdivision Resolution.

- B. For property not addressed pursuant to the procedures outlined in the Albany County Platting and Subdivision Resolution, addresses shall be issued in conjunction with zoning certificates or may be issued pursuant to a separate request by any property owner upon proof of compliance with this zoning resolution.

Section 3. Road Naming and Re-Naming. At the point in time when a second structure or other development requiring a rural address uses an established/existing driveway for access, the applicant shall file a Road Name Petition with the Planning Office. The Road Name Petition must be signed by the applicant and the owner of the property using the existing driveway. The road name requested within the Road Name Petition shall be substantially different from any other established public or private road name as determined by the planning office.

Upon approval of a Road Name Petition, a rural address shall be assigned to the petition applicant and the existing addressed development using the former driveway shall be re-addressed to reflect the naming of the driveway as a private roadway. Denial of a Road Name Petition by the planning office may be appealed to the Planning and Zoning Commission and the Board & County Commissioners.

Section 4. Water & Sewage Disposal System Requirements. An approved water supply and also an approved sewage disposal system are required for every residential, commercial and industrial development. Appropriation of groundwater is permitted through the Wyoming State Engineer. Individual septic systems for less than two thousand (2,000) gallons per day of domestic effluent are permitted through the Albany County Planning Office under a delegation agreement from the Wyoming Department of Environmental Quality (DEQ) dated June 14, 1984. Larger systems or systems connected to more than one (1) structure are permitted through DEQ.

Section 5. Floodplain Certificates. The Flood Damage Prevention Ordinance was adopted on May 18, 1984 for the general purpose of guiding development and protecting property in floodplains within Albany County. On January 5, 1988 this ordinance was amended. The basis for establishing the areas of special flood hazard are the Flood Insurance Rate Maps provided by the Federal Emergency Management Agency. The ordinance requires all elevation certificate provided by a licensed engineer stating that the structure's lowest floor has been elevated to one foot above base flood elevation.

Section 6. On-site inspections. Filing of an application for a zoning certificate constitutes permission for county staff, the Planning and Zoning Commission and the Board of County Commissioners to conduct inspections of the proposed development site.

CHAPTER VII. NON-CONFORMING LOTS, STRUCTURES AND USES

Section 1. General Provisions.

- A. It is recognized that there may exist, within the zoning districts established by this Resolution, lots, structures and uses which were lawful ("grandfathered") before this Resolution became effective which would be prohibited, regulated or restricted under the terms of this Resolution. It is the intent of this Resolution to permit those non-conformities to continue, providing said non-conformities are not extended, enlarged or expanded.
- B. There may be a change of tenancy, ownership or management of a non-conforming lot, structure or use provided there is not a change in the nature or character of said non-conformity.
- C. Nothing in this Resolution shall prevent the restoring to a safe condition any building or part thereof, declared to be unsafe by an official of Albany County or of the State or Federal governments. Nothing in this Resolution shall prevent the installation or repair of curbs, gutters, sidewalks, streets, storm sewers or any other capital improvement that is for the safety and general welfare of the public.

Section 2. Non-Conforming Lots.

- A. The definition of a non-conforming ("grandfathered") lot is a platted lot or lot of record which, on the effective date of this Resolution or as a result of subsequent amendments thereto, does not comply with the lot size requirements for the District in which the lot is located.
- B. 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. Such lot must be in separate ownership, and not contiguous with other lots under the same ownership. If necessary, an additional variance for other bulk requirements shall be obtained in accordance with

the provisions of this Resolution.

If two or more lots, or combinations thereof, which are contiguous and in single ownership at the time of the adoption of this Resolution or amendments thereto, and if the lot, or combination thereof does not meet the requirements for minimum size, the land involved shall be considered as an undivided parcel. No division of any such combine contiguous lots shall be made which leaves the remaining lot or fraction thereof with a size below the requirements stated in the zoning district in which the lot, or combination thereof is located.

Section 3. Non-conforming Structures.

A. The definition of a non-conforming ("grandfathered) structure is a structure which, on the effective date of this Resolution or as a result of subsequent amendments thereto, does not comply with the provisions of this resolution for the district in which the non-conforming structure is located.

B. Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restriction on open space, height, setbacks or other requirements of the structure or its location on the lot, such structure may be continued so long as it remains lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its non-conformity, unless an enlargement or structural alteration makes the building more conforming or is required by law.
2. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, as determined by the County Assessor, it shall not be reconstructed except in conformity with the provisions of this Resolution.
3. Should such structure be moved for any reasons for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved.

Section 4. Non-Conforming Uses.

- A. The definition of a non-conforming ("grandfathered") use is a use which, on the effective date of this Resolution or as the result of subsequent amendments thereto, does not conform to the permitted or conditional uses established for the district in which the non-conforming use is located.

- B. Where, at the effective date of adoption or amendment of this Resolution, a lawful use exists that is no longer permissible under the terms of this Resolution as adopted or amended, such use may be continued, subject to the following provisions:
 - 1. If active and continuous operation of a non-conforming use is discontinued for a period of twelve (12) consecutive months, all subsequent uses shall be in compliance with the scope and intensity of the uses for the district in which the use is located.
 - 2. No non-conforming use shall be expanded beyond the use in existence at the time of adoption of this Resolution.
 - 3. No non-conforming use shall be changed to another non-conforming use.
 - 4. No non-conforming use shall be relocated unless moved to a location where the use would no longer be non-conforming.

CHAPTER VIII. VARIANCES

Section 1. General Provisions.

A. A variance is an authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land, which is prohibited by a zoning ordinance. A variance is a determination that the use allowed is not offensive to the zoning ordinance with regard to the particular circumstances. Grant of a variance is not a legal fight and the language of a variance will be construed against the party seeking it, except in matters of triviality, such as a matter of inches constituting noncompliance.

A variance is granted to render justice in unique and individual cases of practical difficulties or unnecessary hardship resulting from literal application of the zoning ordinance. It is designed to correct maladjustments and inequities in the operation of general regulations.

Section 2. Filing Requirements.

- A. An application for variance shall be filed with the planning office, shall be accompanied by the required fee, and shall include materials setting forth the following information
1. The name and address of the owner or applicant;
 2. A legal description or other information necessary to identify the site;
 3. A site plan showing all existing and proposed structures or improvements on the site and on adjacent lands that may be affected by the variance, and all natural conditions relevant to the application;
 4. A statement of the precise nature of the variance request, the development standard or standards involved, and the non self-inflicted practical difficulty or unnecessary physical hardship that would result from the strict or literal enforcement of the development standard or standards.
 5. A list of owners of all properties within three hundred (300) feet of the property for which the variance is requested, certified by a title

insurance company, a licensed engineer, licensed surveyor or attorney, according to the records of the Albany County Assessor.

Section 3. Planning Office Action. The Planning Director shall review the application and determine if the application is complete. If the application is not complete, the Planning Director shall notify the applicant of the deficiencies. When a completed application has been reviewed, the Planning Director shall mail notice to the owners of all properties within three hundred (300) feet of the property for which the variance has been requested, and have a notice published in a newspaper of general circulation within the county at the applicant's expense at least fifteen (15) days prior to the meeting of the Planning and Zoning Commission, and present the application to the Planning and Zoning Commission within forty-five (45) days after the completed application is reviewed by the Planning Director.

Section 4. Planning and Zoning Commission Action. The Planning and Zoning Commission shall review the application at a regular meeting within forty-five (45) days from its receipt of the completed application. Within forty-five (45) days after its review, the Planning and Zoning Commission shall make recommendations to the Board of County Commissioners that the Board grant the variance, grant the variance subject to conditions or modifications, or deny the variance. In making its recommendations the Planning and Zoning Commission shall consider the various standards set forth in this chapter.

Section 5. Board of County Commissioners' Action. The Board of County Commissioners shall consider the application at a regularly scheduled meeting of the Board within forty-five (45) days after the recommendations of the Planning and Zoning Commission have been received. The Board of County Commissioners may grant the variance, grant the variance subject to conditions or modifications, or deny the variance. The Board of County Commissioners shall consider the variance standards set forth in this chapter in making its decision.

Section 6. Variance Standards. The following standards shall apply to all variance applications.

- A. The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to other properties in the vicinity;
- B. The granting of the variance will not constitute a grant of special privilege

inconsistent with the limitations on use of other properties in the district;

- C. The hardship which is the basis for the variance application was not self-inflicted by the applicant;
- D. The granting of the variance is justified for one or more of the following reasons:
 - 1. Strict interpretation or enforcement of the development standards would result in practical difficulty or unnecessary physical hardship inconsistent with the purposes of this resolution;
 - 2. Exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same district;
 - 3. Strict interpretation or enforcement of the development standards would deprive the applicant of privileges enjoyed by other property owners in the same district, or the variance will bring the applicant into substantial parity with other property owners in the same district.