

RESOLUTION NO. 16-13

**A RESOLUTION OF THE BOARD OF UINTA COUNTY COMMISSIONERS
APPROVING AND AUTHORIZING THE 2016 UINTA COUNTY LAND USE
PLAN AS OFFICIAL UINTA COUNTY POLICY**

WHEREAS, Wyoming State Statute 18-5-201 outlines authority vested in the Board of County Commissioners to promote the public health, safety, morals and general welfare of the county; and

WHEREAS, the Uinta County Planning and Zoning Commission and the Board of Uinta County Commissioners have determined the need to update and revise the Uinta County Land Use Plan; and

WHEREAS, Public Meetings seeking comment on said plan have been held over a series of months in Evanston, Wyoming and in Mountain View, Wyoming; and,

WHEREAS, the Uinta County Planning and Zoning Commission has prepared a 2016 Uinta County Land Use Plan; and,

WHEREAS, Public Meetings were held before the Uinta County Planning and Zoning Commission on Wednesday, April 22, 2015 and Wednesday May 27, 2015 where the proposed 2016 Uinta County Land Use Plan was discussed, public comment was received and said Commission did recommend adoption of said plan to the Board of Uinta County Commissioners as Official Uinta County Policy; and,

WHEREAS, the Board of Uinta County Commissioners held a Public Hearing on said plan on Tuesday, March 15, 2016 where public comment was received and considered.

NOW THEREFORE BE IT RESOLVED by the Board of Uinta County Commissioners that;

- 1) The 2016 Uinta County Land Use Plan is hereby passed, approved, and adopted as official County Policy.
- 2) The 2016 Uinta County Land Use Plan replaces any and all previous Uinta County Land Use Plans and/or Resolutions with any and all subsequent revisions.
- 3) It is hereby directed that a copy of the 2016 Uinta County Land Use Plan be maintained in the Office of the Uinta County Clerk and the Uinta County Planning Office.
- 4) The Uinta County Planning Office is hereby charged with administering the 2016 Uinta County Land Use Plan.

PASSED, APPROVED AND ADOPTED THIS 15th DAY OF MARCH 2016



Craig Welling, Chairman
The Board of Uinta County Commissioners

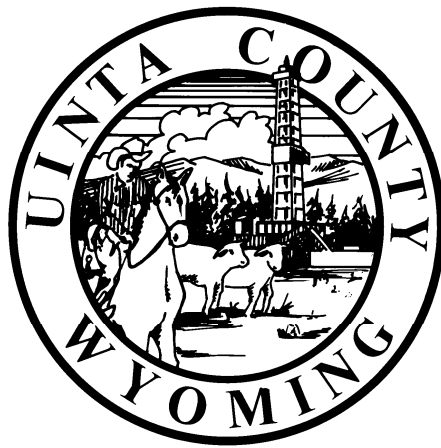
ATTEST: 

Lana Wilcox, Uinta County Clerk



Uinta County

Land Use Plan



2016

(Original Resolution 81-10, Adopted March 17, 1981)

Amended March 15, 2016 (Resolution 16-13)

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CHAPTER 1

GENERAL PROVISIONS

Section 1. Title. This Resolution shall be known as the Uinta County Land Use Resolution.

Section 2. Authority. This Resolution is adopted under the authority vested in the Board of Uinta County Commissioners (the "Board") by the provisions of Wyoming Statutes Annotated (WSA) Title 18, Chapter 5, Section 18-5-201, et seq; Section 18-5-301 et. seq; and the State Land Use Planning Act, WSA Title 9, Chapter 8, Section 9-8-301 et seq, and is hereby declared to be in accordance with all provisions of the statutes.

Section 3. Purpose and Intent. The land use and development regulations set forth in this Resolution have been developed in accordance with Wyoming Statutes Annotated (W.S.A.) Title 18, Chapter 5, Section 18-5-201 to promote the general public health, safety, morals and welfare of Uinta County citizens by regulating and restricting the location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes.

These regulations have been developed in concert with the Uinta County Comprehensive Plan and the land use and development goals and policies articulated therein. Specifically, these regulations have been enacted to accomplish the following purposes:

- Encourage land use decisions and growth patterns that are consistent with the County's adopted land use plans and development objectives.
- Encourage inter-jurisdictional coordination and cooperation to identify and address growth management and land use issues.
- Encourage orderly growth and land use development patterns which provide a compatible/complementary arrangement of various land uses; promote the efficient and cost-effective delivery of services, and protect sensitive areas and important resources.
- Encourage safe, healthy and attractive residential opportunities for families and individuals of all income levels, lifestyles and stages of life.
- Coordinate the County's economic development efforts and activities with other local, state and private interests, including public utility services, in a manner that complements other County objectives.
- Encourage development of the County's economic assets including agricultural lands, industrial parks, commercial centers, scenic and recreation areas, renewable and non-renewable resources, and wildlife, keeping each as an important and viable element of the County's economy.
- Encourage the efficient delivery of public services in a manner that conserves public resources and avoids duplication of services or facilities.
- Encourage the appropriate protection of the natural environment.
- Conserve water and encourage its beneficial use. Ensure that the impacts of future development on water resources are considered in the planning process.

- Support efforts and activities that utilize/develop the County's water supplies and energy resources in an efficient manner and in accordance with Wyoming State law.
- Assist public land and resource management agencies in determining the best uses of public lands and resources. Encourage the use of public lands and resources to accommodate new growth and foster economic development opportunities. Actively participate in public land and resource planning and decision-making processes to adequately protect/promote County interests.

Section 4. Applicability and Area of Jurisdiction. This Resolution shall apply to all private lands within the unincorporated portions of Uinta County, and to all public lands within the same area that are legally subject to its provisions.

Nothing in this Resolution shall be construed to contravene any zoning authority of any incorporated city of the first class that has extended its extraterritorial zoning powers by ordinance (Evanston City Code section 22-6). This includes the authority to enact and enforce zoning regulations in an area one-half (½) mile (W.S.A. 15-3-202), review and approve subdivision plats in an area one (1) mile (W.S.A. 18-5-301 and 34-12-103), or implement regulations for the protection of public health and safety within five (5) miles (W.S.A. 15-3-202) from city boundaries.

In compliance with W.S.A. 18-5-201, this resolution shall not prevent any use of occupancy reasonably necessary to the extraction or production of mineral resources in or under any land subject hereto.

Section 5. Replacement of Previous Regulations. The provisions of this Resolution supersede and replace the provisions of any and all preceding versions of the Uinta County Land Use Resolution or Resolutions.

Section 6. Compliance Required. Except as hereinafter provided, no lot, tract, parcel or other unit of land shall be used or occupied and no structure shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, altered, used, or occupied except in conformity with all the provisions of these regulations.

a. Minimum Lot Size and Creation of Lots

No lot of record or yard of the district in which it is located, existing at the time of the passage of this Resolution, shall be reduced in dimensions or area below the minimum requirements set forth herein. Lots and yards created after the effective date of this Resolution shall meet the minimum requirements established by this Resolution.

b. Subdivide or Construct Without Approval

No person shall subdivide land nor commence construction on the ground of a subdivision without first obtaining Board of Uinta County Commissioners approval, being issued a Subdivision Permit, and having the Final Plat recorded.

c. Preexisting Illegal, Non-compliant Lots

Owners of parcels of land created by the division of parcels after the date of adoption of this Zoning Resolution which were not exempt from the requirements of this Resolution and its predecessor regulations at the time of division (Illegal Lots), may be limited in their use of such parcels if they do not meet the minimum size, access, or other standards for subdivided parcels established by this Resolution. Uinta County may deny

issuance of Land Use Certificates and/or other permits on such lots unless they can be brought into conformance with the requirements of this Resolution. The granting by the County of permits on Illegal Lots does not exonerate the developer(s) from liability under this Resolution.

d. Continuing Lawful Uses

The enactment of this Resolution shall not prohibit the continuance of the lawful use of any land, building, or structure for the purpose for which such land, building, or structure is used at the time this Resolution takes effect; and it shall not be necessary to secure any certificate permitting such continuance from the County provided, however, that the alteration of or addition to any existing building or structure for the purpose of affecting any change in use within any area subject to the provisions of this Resolution may be regulated or prohibited. If a non-conforming use is discontinued for a period of twelve (12) months, any future use of such land, building, or structure shall be in conformity with the provisions of these regulations. Non-conforming uses may be continued and, in certain circumstances, expanded in accordance with the provisions of Chapter VIII of this Resolution.

Section 7. Interpretation. Where any provisions of this Resolution impose more stringent regulations, requirements or limitations than are imposed or required by any other resolutions of Uinta County or statutes of the State of Wyoming, then the provisions of this Resolution shall govern.

Section 8. Administration. In accordance with the provisions of Chapter 11, this Resolution and the regulations herein shall be administered by the Board of Uinta County Commissioners and its authorized agent(s).

Section 9. Violations, Penalties and Remedies. The County Planning Department may make any necessary examinations or investigations as allowed by law relative to the use of land or structures to determine compliance with these regulations, and shall order in writing the cessation of the work not in compliance with these regulations and the remedying of any violation. Such order shall state the nature of the violations, the regulation provision violated, and the time by which the violation must be corrected. After any such order has been served, no work shall proceed on any structure or tract of land covered by such an order except to correct such violation or to comply with the order.

These regulations shall be enforceable, in addition to the other remedies provided by law, by injunction, mandamus, or proceedings in abatement. Appeals from judgments rendered in any action instituted to enforce these regulations shall be permitted and shall be in accordance with the general appeal provisions of Wyoming law and Chapter 10 of this Resolution.

Upon reasonable cause, the County Planning Department may revoke any Land Use Certificate, issue Stop Work Orders or Notices, or take any other lawful administrative and legal actions as may be provided for to ensure compliance with the provisions of this Resolution.

Section 10. Severability. The provisions of this Resolution are severable. If any chapter, section, sentence, clause, phrase, part or other portion of this Resolution or its application to any person, property, or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its effect to the part, provision, section, or application expressly involved, and shall not affect or impair the integrity or validity of the remainder of these regulations or their application to other persons, property, or circumstances.

CHAPTER 2

DEFINITIONS

Section 1. Usage. For the purpose of interpretation of this resolution, terms and words used herein shall be used, interpreted and defined as set forth in this chapter.

- a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.
- c. The word "shall" denotes a mandatory requirement, the word "should" denotes a preferred requirement, and the word "may" denotes a permissive requirement.

Section 2. Words and Terms Defined.

Access; means the right to cross between public and private property to provide ingress and egress to/from private property.

Accessory use of accessory structure; is a use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

Agriculture or Agricultural Uses; means those areas used for growing of crops, flowers, trees or pasture, or the rearing or management of livestock; tillage; husbandry; farming; ranching; dairying; horticulture; forestry.

Alley; means a street which affords only a secondary means of access to property.

Appeal; means a request for review by the Board of County Commissioners or a court having jurisdiction of a decision of the County Planner, Planning Technician/Compliance Officer, or Planning Commission of any provisions of this resolution, or a request for a variance.

Areas of shallow flooding; means a designated AO or VO zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

Area of special flood hazard; means the land in the flood plains of the County as shown on the Flood Insurance Rate Maps of Uinta County, Wyoming, prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration, and subject to a one percent or greater chance of flooding in any given year.

Automobile wrecking yard; means premises used for the storage or sale of used automobile or truck parts or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery, or parts thereof.

Base flood; means the flood having a one percent chance of being equaled or exceeded in any given year.

Board or Board of County Commissioners; shall mean the Board of Uinta County Commissioners.

Buffer zone or area; means an area designated to separate differing land uses. Development of such an area may include, but is not limit to, fences, wind breaks, landscaping or open space.

Building; means a structure, built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind and having a roof and a fixed base on, or fixed connection to the ground.

Camper park; means an area designated for the use of more than two independent or dependent travel trailers, truck campers, tent campers, or tents on a temporary basis.

Carrying capacity; means the level of use which can be accommodated and continued without irreversible impairment of the natural resources, including air, land and water resources.

Conditional Use Permit; means a special permit issued by the Board before land can be developed for certain purposes. Types of land uses and structures requiring such permits, and the standards and criteria for granting or denying these requests, are listed in the resolution.

Commercial; means land and land uses predominately for the sale of products and services.

Commission; unless otherwise clearly indicated shall mean the Uinta County Planning and Zoning Commission as created by the Board pursuant to Wyoming Statutes 18-5-202 revised 1977 edition.

Community water and/or sewage disposal systems; means culinary water supply systems and sewage disposal systems that serve two or more dwellings or businesses and are constructed so as to meet the needs of all residences and businesses connected to the systems.

Conserve and Conservation; means to protect from loss or depletion, to provide for future availability and use.

Travel trailer or truck camper; means a travel trailer or truck camper designed for temporary occupancy which has self-contained toilet, water, bath or shower facilities.

Develop or Development; means any man-made changes to improved or unimproved land, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. It also includes changes to or intensifying the use of land; to divide land into parcels.

Duplex; means two dwelling units, attached or semi-detached, and each dwelling unit having a separate entrance.

Dwelling, multi-family; means a building or portion thereof, not to include townhouses, designed for occupancy by three or more families living independently of each other, and where the entire structure is under one ownership or title and the individual dwelling units are usually rented or leased.

Dwelling, single family; means a building containing only one dwelling unit. The term is general and includes such specialized forms as single family detached, single family semi-detached and single family attached (row house, townhouses, patio and atrium houses and the like if containing only one family).

Dwelling, single family detached; means a one-family dwelling entirely separated from structures on adjacent lots.

Dwelling, attached; means a building containing one dwelling unit, attached at the side to not more than one other dwelling unit by a party wall without openings. Each dwelling unit shall have a separate lot meeting the minimum lot area required for the district or a smaller lot and equivalent open space under the cluster development concept.

Dwelling, semi-detached; means a building containing one dwelling unit, attached at the side to not more than one other dwelling unit by garages or carports, with each dwelling unit having a separate lot meeting the minimum lot area required for the district or a smaller lot and equivalent open space under the cluster development concept.

Expansion to an existing mobile home park or mobile home subdivision; means the preparation of additional site by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or the pouring of concrete pads, or the construction of streets) is completed before the effective date of this resolution.

Family; means an individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit; or a group of not more than five unrelated persons living together as one housekeeping unit.

Farm Structure; means any structure designed for the housing of equipment, animals, materials and supplies that is not designed or used for human habitation or occupancy.

Flood or Flooding; means a general or temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland waters and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM); means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to Uinta County, Wyoming.

Flood Insurance Study; means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation, if known, of the base flood.

Floodway; means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Grade (ground level); means the average elevation of the finished ground elevation at the centers of all exterior walls of a building.

Habitable floor; means any floor useable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

Hazardous or toxic materials; means a substance that has the capacity to produce injury or illness to man, plants or animals by ingestion, inhalation or absorption.

Home occupation; means any non-residential use conducted within a dwelling unit or structure attached thereto, established as a use by right and meeting the following standards: such use does not occupy more than twenty five percent (25%) of the total floor space of the dwelling unit; the use is clearly incidental and secondary to the use of the structure for residential purposes; the use is carried on solely by the inhabitants of the dwelling unit with no other persons hired; the use shall not generate pedestrian or vehicular traffic substantially in excess of that customarily associated with the zone in which the use is located; no hazardous or toxic products or materials shall be stored on the premises; the dwelling unit shall not be altered in any way that would change the general appearance as a dwelling unit; and the use shall meet the performance standards of Chapter V of this Resolution.

Industrial; means areas occupied or intended to be occupied by manufacturing plants, processing plants, heavy equipment and materials storage and related structures and uses.

Industrial siting council; means the council created by W.S. 35-12-104

Junk; means old scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

Junkyard; means property, an establishment, or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile wrecking yard, and the term shall include garbage dumps and sanitary landfills.

Lot; shall mean a tract, plot or portion of a subdivision or parcel of land intended as a unit for building development or transfer of ownership.

Lot-line, front lot line; means the boundary of a lot adjoining a street. The "rear lot line" means the boundary line of a lot most nearly parallel to and furthest from the "front lot line", except that if a lot has more than one front lot line all other lot lines shall be deemed to be side lot lines. The "side lot line: means any boundary line of a lot which is not a front or rear lot line.

Lowest floor; means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this resolution.

Manufactured home; means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. Manufactured home also includes a modular home which is built in sections and transported on a truck or trailer. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured home park or subdivision; means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level; means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mobile home; shall mean a portable structure or unit, intended for use as a dwelling, having an overall width of at least eight (8) feet and a length of at least thirty-three (33) feet, and so constructed as to permit it being towed, moved or conveyed as a unit on its own chassis or axles and running gear, and having all usual home facilities. Within the Flood Hazard Area Overlay, the definition of "manufactured home" shall be applied to mobile homes.

Mobile home park; means an area designated for and occupied by three (3) or more mobile homes, on units of space of pre-designated type, which may be used for living purposes, either permanent or seasonal. Two (2) or more mobile homes established on agricultural land, and used as housing for agricultural workers on the same property shall not be construed as a mobile home park. Within the Flood Hazard Area Overlay, the definition of "manufactured home park" shall be utilized.

Net Area; for any parcel of land excludes easements, rights-of-way, building setback distances, and un-buildable areas such as, but not limited to, rivers, wetlands, and steep slopes (greater than 30%). New construction" means structures for which the "state of construction" commenced on or after the effective date of this resolution.

New mobile home park or mobile home subdivision; means a parcel (or contiguous parcels) of land divided into three or more mobile home lots for rent or sale for which construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this resolution.

Nonconforming lot, structure or use; means a lawfully existing lot, structure or use at the time this resolution or any amendment thereto becomes effective, and which does not conform to the requirements of the district in which it is located.

Open space, net; means the uncovered portion of a lot or developed area reserved for recreation and outdoor uses, exclusive of required area for streets, parking and loading.

Outdoor advertising signs; means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or any other thing which is designed, intended, or used to advertise or inform and which is visible from any place on the main traveled way of the Wyoming State Highway Department interstate or primary systems or any official county road.

Owner; means the surface owner of land.

Parcel of land; shall mean a contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same claimant or person. Roads or streets may affect contiguity of land.

Planning Department; shall mean the staff of Uinta County assigned by the Board of County Commissioners with responsibilities for administration of this Land Use Resolution and Subdivision Regulations.

Planning Commission or Commission; shall mean the Planning and Zoning Commission of Uinta County, Wyoming.

Plat; shall mean a map of a subdivision or proposed subdivision.

(1) "Preliminary plat" is a preliminary map, including supporting data, indicating a proposed subdivision development and prepared in accordance with the "Resolution of Subdivision of Land for Uinta County, Wyoming".

(2) "Final plat" is a map of all or part of a proposed subdivision conforming to an approved preliminary plat, prepared in accordance with the provisions of the "Resolution for Subdivision of Land for Uinta County, Wyoming".

(3) "Recorded plat" is a final plat approved by the Commission and Board and bearing all certifications of approval and duly recorded in the County Clerk's Office of Uinta County, Wyoming.

Sexually oriented business; means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center. These terms are further defined in Chapter 4 of this Resolution.

Start of construction; includes substantial improvement and means the date the Use Certificate Permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation only for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not as part of the main structure.

Structure; is any combination of materials forming a building or other man-made thing which is erected on the ground and permanently affixed thereto (including manufactured homes), designed and intended for structural support of persons, animals or property of any kind. "Structural alteration" is any change to the support members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

Subdivision; means the creation or division of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. The word "subdivide" or any derivative thereof shall have reference to the term subdivision, including mobile home courts, the creation of which constitutes a subdivision of land. (WSA §18-5-302)

Subdivision Permit; shall mean the official approval of a subdivision by the Board validated by the County Clerk.

Substantial improvement; means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- (1) Before the improvement or repair is started, or
- (2) If the structure has been damaged and is being restored as it was before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term does not, however, include either:

- (3) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
- (4) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Use; means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Variance; means a grant of relief from the requirements of this resolution which permits construction in a manner that would otherwise be prohibited by this resolution.

Water surface elevation; means the height in relation to the National Vertical Datum (NVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Wind energy facility; means any wind powered electrical generation development consisting of an individual wind turbine or multiple wind turbines rated by the manufacturer to generate more than one-half (0.5) megawatt of electricity and includes all contiguous lands where the owner or developer has rights to erect wind turbines;

Yard; means an open space on a lot which is unobstructed from the ground upward except as otherwise provided by this resolution.

Yard, front; a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building or other structure. Any yard meeting this definition and abutting on a street other than an alley, shall be considered a front yard.

Yard, rear; a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building or other structure.

Yard, side; a yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building or other structure.

CHAPTER 3 PROCEDURES

Section 1. Unified Procedures.

The procedures set forth in this chapter shall be the procedures for obtaining a Subdivision Permit (W.S.A. 18-5-304), a Land Use Certificate, a Conditional Use Permit, a Home Occupation Certificate, a Variance (W.S.A. 18-5-203), and for requesting an amendment to the text of this resolution or to the land use map. These procedures shall be followed regardless of the fact that a particular land development proposal may require only one of the above permits.

Section 2. Application.

An application for approval of any permit or certificate required for a land development proposal, variance or amendment, shall be filed with the Planning Department on a form provided by the County. Such application shall be accompanied by any required fees. The application shall be signed and submitted by the owner of the land affected by the application, or, if submitted by another person, shall be accompanied by the notarized written consent of such owner to the application.

a. Application for a Land Use Certificate for new construction or alteration of a structure, or for a Home Occupation Permit as defined in this Resolution, shall be made on forms provided by the County. A Land Use Certificate or Home Occupation Permit application may be approved by the Planning Department.

b. Application for a Conditional Use Permit shall be on forms provided by the County and shall include a map of the land for which the permit is requested and a detailed description of the proposed land development and subsequent land uses. Conditional Use Permit applications will be reviewed by the Planning Commission for a recommendation, and must be approved or denied by the Board of County Commissioners.

c. Application for a Subdivision Permit shall also follow the procedures set forth in the "Resolution for Subdivision of Land for Uinta County, Wyoming."

d. Application for an amendment to the text of this Land Use Resolution or to the County Zoning Map shall be on forms provided by the county. Zoning amendment applications will be reviewed by the Planning Commission for a recommendation, and must be approved or denied by the Board of County Commissioners.

e. Application for a Variance from the requirements of this Resolution shall be on forms provided by the County, and said application shall be processed by the procedures of this Chapter and Chapter 9, Sections 4 through 8.

f. Applications for Conditional Use Permits and Variances, on the proper forms, and accompanied by all required data, shall be submitted to the Planning Department at least fifteen (15) days before the regular meeting of the Planning Commission at which the application is to be reviewed. Applications for Zoning Map Amendments and for amendments to the text of this Resolution, on proper forms and accompanied by all required data, shall be submitted to the County Planning Department at least forty (40) days before the regular meeting of the Planning Commission at which it is desired to have the application reviewed.

g. For applications for Subdivision Permits and for Resolution text or Zone Map amendments, the applicant must schedule a pre-application conference with the County Planning Department before submitting the application to review the proposed uses, overall layout, planned roads and utilities, existing and requested zoning, and other significant features of the proposal to assist the applicant in preparation of a complete application.

Section 3. Zoning Resolution and Map Amendments.

a. Authorization to initiate amendments. An amendment to the text of this Resolution or to the County Zoning Map may be initiated by the Board, the Planning Commission, or by application of any person. The request for an amendment shall be accompanied by filing an application with the Planning Department using forms prescribed by the County.

b. Record of amendments. The County Clerk shall maintain records of amendments to the text of this Resolution and the Zoning Map.

c. Limitation on reapplication. No application of any person for an amendment to the text of this Resolution or to the Zoning Map shall be considered by the Board within six (6) months immediately following a denial of such request, except the Board may permit a new application, if in the opinion of the Board, new evidence or a change of circumstances warrant it.

Section 4. Completeness of Application.

Within five (5) days after receipt of an application, the Planning Department shall determine whether the application is complete.

a. If the application is determined to be incomplete, the application and fee may be returned to the applicant, along with a written explanation of in what manner it is incomplete. The status of the application shall be as though it had never been submitted. In the alternative, the Planning Department may provide the applicant reasonable notice of the deficiency and an opportunity to supplement the application.

b. If the application is determined to be complete, it shall be placed on the agenda of the next regularly scheduled Planning Commission meeting for which required notice can be provided. In the case of proposed land development or amendment to the land use map, the Planning Department shall notify by mail, the owners of land within five hundred (500) feet, of the meeting date and general location and nature of the proposed land development or use.

Section 5. Notice of Application.

a. Upon receipt of a complete application for a Conditional Use Permit or for a Variance, the County Planning Department shall post a notice of the application on the subject property, and shall mail written notice of the application to all owners of land within five hundred (500) feet of the subject property at least fifteen (15) days prior to the meeting of the Planning Commission at which the application is to be reviewed.

b. Upon receipt of a complete application for an amendment to the text of this Resolution or to the Zoning Map, the County Planning Department shall publish notice in a newspaper of local circulation at least thirty (30) days prior to the Planning Commission public hearing at which the amendment is to be reviewed. The notice and hearing shall be in accordance with WSA § 18-5-202(b). The Planning Department shall also provide written notice to all owners of property within 500 feet of the boundary of the subject property as provided in a, above.

c. Posted, mailed and published notices shall include the name of the applicant; the general location and nature of the proposed development, variance or amendment; and the date, approximate time and location of the meeting or public hearing at which the application will be reviewed by the Planning Commission.

Section 6. Applicant's Presence Required.

The applicant, or an authorized knowledgeable representative, must be present at the Planning Commission meeting or hearing for consideration of the application.

Section 7. Planning Commission Meeting or Hearing.

At the Planning Commission meeting or hearing, the applicant shall be allowed to present evidence, as shall any resident of the county or owner of land within the county. Owners of adjacent or nearby properties to the proposed development or land use amendment shall be allowed to present evidence, testimony, opinions and concerns they may have as to any manner in which they believe the proposed development or map amendment may damage or deplete their own property rights, health or safety. Rigorous rules of evidence and procedure normally followed in a courtroom shall not be imposed, but parties of apparently adverse interest shall have the right to reasonable cross-examination.

Section 8. Planning Commission Action.

The Planning Commission shall recommend to the Board approval, approval with modifications, or disapproval of an application for Subdivision Permit (preliminary plat), Conditional Use Permit, Variance, or Request for an Amendment within fifteen (15) days of the close of the meeting or hearing at which the application is considered. Approval or disapproval of a Conditional Use Permit, Variance, or Request for an Amendment, shall be in the form of a recommendation to the Board, and may recommend conditional approval, approval of portions of the application (proposed development), and may include other recommendations the Planning Commission deems appropriate. The recommendation of the Planning Commission shall be based on the evidence before it, including the application, evidence and testimony provided by adjacent property owners and other concerned citizens at the Planning Commission meeting, and findings of the Planning Commission in regard to the "development point system" of Chapter 4, and relevant information from the County Comprehensive Plan. For Conditional Use Permits, Variances and Applications for Amendments, the recommendation of the Planning Commission shall be supported by written Findings of Fact and Conclusions of Law sufficient to advise the Board of the reasons for the action taken. Should the Planning Commission fail to make a recommendation, approval shall be deemed to have been made.

Section 9. Application to the Board.

Within fifteen (15) days after taking action on the application, or if no action was taken after the meeting, the Planning Commission shall transmit to the Board a copy of the application and all documentary evidence and a written recommendation of the Planning Commission with Findings of Fact and Conclusions of Law when applicable. A copy of the recommendation and Findings of Fact and Conclusions of Law shall be sent to the applicant at the address contained on the application and be made available upon request and payment of a reasonable fee for copying to any other person.

a. For applications for a Conditional Use Permit, Variance, or amendment of the Land Use Resolution or Zoning Map, the application and Planning Commission recommendation will be noticed for public hearing before the Board of Commissioners. The Board shall set a date and time for the public hearing at a regular or special meeting. Applications for a Subdivision Permit shall be reviewed and approved in accordance with the Uinta County Subdivision Regulations.

b. Notice of the hearing shall be published in a newspaper of local circulation at least fifteen (15) days prior to the hearing date in accordance with WSA § 18-5-202(c). The notice shall include the date, time and place of the hearing, and the location and general nature of the proposed development, variance or amendment. The date of the Board hearing shall be determined by the Board after consultation with the Planning Department, but not be more than forty-five (45) days after the receipt of the Planning Commission's recommendation.

c. For applications for a Sexually Oriented Business Conditional Use Permit, the Board shall set a date and time for a public hearing at a regular or special meeting. Notice of said hearing shall be published in a newspaper of local circulation at least fifteen (15) days prior to the hearing date in accordance with W.S.A. § 18-5-202(c). Said notice shall include the date, time and place of the hearing, and the location and general nature of the proposed use. The date of said hearing shall not be more than thirty (30) days after the receipt of the Planning Commission's recommendation.

d. The applicant shall provide advertising for intent to apply for a Subdivision Permit. The County will provide advertising for land-use Map Amendments

Section 10. Hearing Before Board.

At the hearing before the Board, the applicant, or an authorized, knowledgeable representative, shall be permitted to present evidence and testimony on behalf of the application. Any resident or owner of land within the County may present evidence and testimony in support of or in opposition to the application. Rigorous rules of evidence and procedure normally followed in a courtroom shall not be followed, but parties of apparently adverse interest shall have the right to reasonable cross-examination of each other and of others offering evidence and testimony.

Section 11. Board Action.

a. For applications for a Conditional Use Permit, Variance, or amendment the Board shall take action on the application within thirty-five (35) days following the Board hearing. Action may include approval, disapproval, conditional approval or partial approval of the proposed development and/or application. The action of the Board shall be based on the evidence before it, including the application, all evidence and testimony provided at the public hearing, the recommendation and "Findings of Fact" of the Planning Commission, and relevant information from the Uinta County Comprehensive Plan. The Board shall transmit a copy of its action to the applicant and upon payment of any reasonable fee for copying to any interested person. Action of the Board shall include reasons and Findings of Fact and Conclusions of Law supporting the decision, and may include the points of recommendation and Findings of Fact and Conclusions of Law of the Planning Commission.

b). For applications for a Sexually Oriented Business Conditional Use Permit, the Board shall take action within thirty-five (35) working days following the hearing. Action may include approval, disapproval or conditional approval. The action of the Board shall be based only on the criteria set forth in Chapter 7, Section 5 of the Uinta County Land Use Resolution.

Section 12. Appeal if sexually oriented business conditional use permit is denied.

Should the Board disapprove or conditionally approve an application for a sexually oriented business conditional use permit, the applicant shall have thirty (30) days to appeal.

Section 13. Fees.

The fees for County applications are as follows;

Subdivision Permit:	\$100.00
Land Use Map Amendment:	\$125.00
Subdivision Vacation:	\$125.00
Land Use Certificate:	-0-
Conditional Use Permit:	\$125.00
Variance:	\$125.00
Access Permit:	-0-
Encroachment License:	As per Encroachment Resolution
Small Wastewater Permit:	-0-
Wind Energy Facility Application:	\$500.00
Wind Energy Facility Land Use Certificate:	\$1000.00+\$100.00 per Turbine/Tower
Oil & Gas Use Land Use Certificate:	\$250.00
Sexually Oriented Business CUP:	\$500.00
Background Check:	\$ Current Standard

CHAPTER 4
ZONING DISTRICTS

Section 1. Establishment of Zoning Districts. For the purposes of this resolution the following districts are hereby established:

<u>ZONING DISTRICTS</u>	<u>ABBREVIATED DESIGNATION</u>
Agriculture/Resource Development	A.R.D.
Residential	R.
Commercial	C.
Industrial	I.
Flood Hazard Area Overlay	F.H.A.O.
Airport Protection Overlay	A.P.O.
Sexually Oriented Business Overlay District.	S.O.B.O.D.

The ARD, R, C, and I zoning districts are base zone districts that establish the allowable uses and development standards for each zone. The FHO, APO, and SOBOD zones are overlay zones that may apply to one or more underlying base zone district designations. Within overlay zones, the requirements of both the base zoning district and the overlay zone apply.

Section 2. Location of Districts. The boundaries for the zoning districts listed above in this resolution are indicated on the Uinta County Zoning Map which is hereby adopted by reference. The boundaries may be modified in accordance with Zoning Map amendments which shall be adopted by resolution of the Board.

Section 3. Zoning Map. The Zoning Map or Map amendment shall be dated with the effective date of the resolution that adopts the map or map amendment. A certified print (signed by the Board Chairman) of the Map or map amendment shall be maintained in the office of the County Clerk as long as this resolution remains in effect.

Section 4. District Boundaries. Unless otherwise specified, district boundaries are section lines; subdivision exterior boundary lines; lot lines or property ownership lines; centerline of streets, roads, alleys and railroad rights-of-way; or such lines extended. District boundaries also end at the limits of the area of jurisdiction of this resolution as defined in Chapter 1, Section 4.

Section 5. Agriculture/Resource Development District (A.R.D.).

a. Uses by Right. The following uses are allowed by right in the Agriculture/Resource Development District of Uinta County without prior review by the Planning Commission or the Board of County Commissioners. A Use Certificate shall be required for all new construction or alteration of any residence or business, and for any farm structure over two thousand five hundred (2,500) square feet.

(1) Residential uses normally associated with, accessory to and incidental to agricultural uses by right when applicable health and safety regulations relating to sewage disposal and provision for potable domestic water are complied with, and when the subdivision of land is not involved. Other detached single family residences associated with the agricultural use when the subdivision of land is not involved.

(2) Home occupations as defined in this resolution.

(3) Public and semipublic buildings and land uses such as churches, schools, day care centers, government offices and facilities, parks, playgrounds, or community centers owned and operated by a governmental agency or nonprofit community organization.

(4) Oil and gas exploration and production wells; oil and gas separators; oil and gas collection lines: all operations necessary for the establishment of same. Such use by right shall be subject to state, federal, county and industry safety and environmental standards and regulations established for the operation of the industry.

(5) Sand and gravel mining operations, when said operation is located more than one half (½) mile away from any established city, town, residence (other than the residence of the land owner whose property the mining or gravel operations is located on), commercial business, platted residential, commercial, or industrial subdivision, or school. Such use shall be subject to state, federal, county and normal industry and environmental standards and regulations established for safe operation and protection of public health and safety. Any sand and gravel mining or processing operation proposed to be located within one half (½) mile of the above-enumerated established land uses, shall be subject to the issuance of a Conditional Use Permit.

Owners or operators of all of the above uses are required to obtain a Use Certificate from the County for any new or for any significant change in land use.

b. Uses not requiring a Use Certificate are set forth in Chapter 11, Section 3.

c. Uses subject to a Conditional Use Permit. Other land uses or structures not listed as a use by right in the A.R.D. District, except outdoor advertising, may be allowed after review and granting of a Conditional Use Permit subject to the procedures of Chapters 3 and 7 and the requirements of Chapters 5 and 6.

Section 6. Residential District (R).

a. Uses by right. A Use Certificate shall be required for all new construction, alteration, or placement of a dwelling, accessory building (exceeding 200 square feet total floor space), or other significant structure of a permanent or semi-permanent nature. In the R district, the following uses are permitted by right without prior review by the Planning and Zoning Commission or the Board of County Commissioners:

(1) Single and multi-family dwellings at a density not greater than that specified in Chapter 5, Section 3.b., and subject to the requirements of Chapter 5.

(2) Accessory buildings 200 square feet or smaller in size, customarily associated with residential uses.

(3) Parks, playgrounds, golf courses, community centers, and similar uses owned and operated by a governmental agency, homeowners association or similar entity.

(4) Churches, provided setbacks are maintained from side and rear property lines, except on the street side of corner lots of at least twenty (20) feet, provided however, alleys contiguous to or within the property being used may be included in the required setback. A parsonage (free standing or attached to the church by a vestibule) shall be considered as a residential structure.

(5) Home occupations as defined in this resolution.

(6) All uses by right in the R district shall conform to the standards and requirements of Chapter 5. Owners or operators of all new construction or proposed new land uses must obtain a use certificate from the County prior to beginning construction or the establishment of the new land use.

b. Uses not requiring a Use Certificate are set forth in Chapter 11, Section 3.

c. Uses subject to a Conditional Use Permit. Townhouses and multiple-family dwellings at a density greater than that specified in Chapter 5, Section 3.b. Some other land uses or structures not listed as use by right in the R. District may be allowed after review and granting of a Conditional Use Permit. Uses not allowed in the R. District include outdoor advertising; Sexually Oriented Businesses; outdoor storage of non-operable vehicles or abandoned or burned-out mobile homes, campers, trailers, or parts thereof; storage of junk; junkyards; uses that may create off-site impacts that adversely affect residential uses in the area. Conditional Use Permits are subject to the procedures of Chapters 3 and 7 and the requirements of Chapters 5 and 6.

Section 7. Commercial District (C).

a. Uses by Right. A Use Certificate shall be required for all new construction, alteration, or placement of a structure of a permanent or semi-permanent nature. In the Commercial district, the following and similar commercial uses are allowed by right without prior review by the Planning and Zoning Commission or the Board of County Commissioners:

(1) Commercial and service establishments, such as general merchandise stores, grocery stores, hardware stores, restaurants, gift shops, barber shops, and beauty shops, automobile service stations and repair shops (not salvage yards), hotels and motels, and similar uses, but shall not include any sexually oriented business.

(2) Governmental and professional offices.

(3) Churches, schools, theaters, day care and preschool facilities.

(4) Utilities and utility substations (not including electrical generation) necessary to serve the commercial uses and any nearby or surrounding land uses.

(5) Outdoor advertising signs.

(6) One single-family residence per lot to provide on premise housing for a manager or the proprietor of the commercial establishment on the same lot and further subject to the requirements of Chapter 5, Sections 2 and 5 of this Resolution.

All uses by right in the C district shall conform to the standards and requirements of Chapter 5. Owners or operators of all new construction or proposed new land uses must obtain a Use Certificate from the County before beginning construction or the establishment of the new land use.

b. Uses not requiring a Use Certificate are set forth in Chapter 11, Section 3.

c. Uses subject to a Conditional Use Permit. Some other land uses or structures not listed as a use by right in the C District may be allowed after review and granting of a Conditional Use Permit subject to the procedures of Chapter 3 and 7 and the requirements of Chapters 5 and 6.

Section 8. Industrial District (I).

a. Uses by right. A Use Certificate shall be required for all new construction, alteration, or placement of a structure of a permanent or semi-permanent nature. In the I district, the following and similar uses are allowed by right without prior review by the Planning and Zoning Commission or the Board of County Commissioners provided such use does not create a nuisance due to odor, dust, noise, smoke, glare, gas, or other off-site impacts:

(1) Compounding, packaging, or storage of cosmetics, drugs, perfumes, pharmaceuticals, soaps, or toiletries and the like, excluding all processes involving commercial refining or rendering of fats or oils.

(2) Manufacture, repair, or storage of articles made from previously prepared materials; includes such uses as salvage yard, junk yard, automobile wrecking yard, and other uses where dismantling of machines or materials takes place.

(3) Processing, packaging, or storage of foods and beverages. Any process involving distillation, fermentation, rendering or refining of fats or oils, or slaughtering shall require a Conditional Use Permit.

(4) Storage and sales of building supplies or equipment; government buildings, including armories, maintenance, repair, or storage facilities; warehouse or wholesale distribution and sales facilities; auto sales and repair facilities and service stations.

(5) Any sexually oriented business overlay district establishments shall require a sexually oriented business conditional use permit.

(6) Oil and gas exploratory and production wells and operations necessary for the establishment of same when said well is located more than one-half (½) mile from any established city, town, residence, commercial business, residential or commercial platted subdivision, school, heavily traveled state or federal highway, etc., or any area where people normally congregate. Such use shall be subject to state, federal, county and industry safety and environmental standards and regulations established for the operation of the industry.

(7) Utilities and utility substations (not including electrical generation) necessary to serve the industrial uses and any nearby or surrounding land uses; railroads and railroad sidings to serve the industries; truck terminals and trucking facilities.

(8) Outdoor advertising signs

(9) One single-wide mobile home per lot, to provide on premise housing for a night watchman, dispatcher, or other full-time employee or the proprietor of the company occupying the lot, and further subject to the requirements of Chapter 5, Sections 2 and 6, of this Resolution.

All uses by right in the I district shall conform to the standards and requirements of Chapter 5. Owners or operations of all new construction or proposed new land uses must obtain a Use Certificate from the County before beginning construction or the establishment of the new land uses.

b. Uses not requiring a Use Certificate are set forth in Chapter 11, Section 3.

c. Uses subject to a Conditional Use Permit or an S.O.B. Conditional Use Permit. Other land uses or structures not listed as a use by right in the I District may be allowed after review and granting of a Conditional Use Permit subject to the procedures of Chapter 3 and 7 and the requirements of Chapters 5 and 6.

Section 9. Zoning Districts of Approved Subdivisions.

Upon approval by the Board and the recording of a subdivision plat, said subdivision or applicable portions thereof shall be zoned for the land use for which the subdivision was planned for or represented as planned for by the developer or his agents to the Planning Commission at the time of sketch plan or preliminary plat approval, ie:

a. A proposed subdivision represented to the Planning Commission as planned for residential uses shall be designated R upon approval by the Board of the final plat and recordation of the plat. Re-zoning may be considered, but is not required where the residential uses are accessory to agricultural uses.

b. A proposed subdivision represented to the Planning Commission as planned for commercial uses shall be designated C upon approval by the Board of the final plat and recordation of the plat.

c. A proposed subdivision represented to the Planning Commission as planned for industrial uses shall be designated I upon approval by the Board of the final plat and recordation of the plat.

d. In cases of proposed subdivisions represented to the Planning Commission as planned for different uses in different areas, the respective areas shall be designated for the uses so represented upon approval by the Board of the final plat and recordation of the plat, provided each such area contains a minimum of five (5) acres or is contiguous to a similarly designated area so that the combined total area of that district will contain a minimum of five (5) acres.

e. Subdivisions recorded prior to the adoption of this resolution shall be designated for the use they were represented to the Planning Commission by the developer as planned for, if such can be established from the minutes and records of the Planning Commission. If the represented use of the subdivision cannot be established from Planning Commission minutes and records, the subdivision shall be zoned for the use (R., C., or I.) most prevalent within it, except if the subdivision has different uses established in different areas and each area is a minimum of five (5) acres or contiguous to a similarly used area so that the total minimum area will be five (5) acres, each area shall be designated for its most prevalent use.

Section 10. Flood Hazard Area Overlay (F.H.A.O.).

a. The F.H.A. Overlay includes areas within Uinta County identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Uinta County, Wyoming, unincorporated areas" and dated January 2010 as being subject to periodic inundation. The F.H.A. Overlay is located along major streams, waterways and bodies of water in Uinta County and may be present in some or all of the present or future land use districts established by this resolution. The Flood Insurance Study is on file at the Uinta County Courthouse, Evanston, Wyoming, 82930.

b. The Flood Insurance Rate Maps (F.I.R.M.) prepared by the Federal Insurance Administration, and a part of the above mentioned study, are hereby made a part of this resolution by reference. Boundaries of the F.H.A. Overlay shall be as shown on the F.I.R.M. pages.

c. The flood hazard areas of Uinta County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

d. These flood losses are caused by the cumulative effects of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

e. All uses or structures proposed to be built or established within the F.H.A. Overlay District shall be subject to the requirements and conditions of Chapter 5, Section 7 of this resolution.

Section 11. Airport Protection Overlay (A.P.O.)

The purpose of the Airport Protection Overlay regulations is to regulate and restrict the height of structures and objects of natural growth and, otherwise, regulate the use of property in the vicinity of the Evanston Airport by creating appropriate height zones and establishing boundaries thereof; to define certain terms relative to the airport and to refer to the Airport Airspace Drawing which is made a part of the resolution by references. The outer boundaries of the Airport Protection Overlay are the boundaries of the Horizontal Surface, Conical Surface, Approach Surface and Transitional Surface as shown on the Airport Airspace Drawing. It is hereby found that an obstruction has the potential for endangering the lives and property of users of Evanston Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Evanston Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus, tending to destroy or impair the utility of Evanston Airport and the public investment therein. Accordingly, it is declared.

a. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Evanston Airport;

b. That it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and

c. That the prevention of these obstructions should be accomplished, to the extent legally possible.

d. It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interest in land.

Section 12. Sexually Oriented Business Overlay District (S.O.B.O.D.):

The purpose of this district is to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the County. The provisions of this district have neither the purpose nor effect of imposing a limitation or restriction on the intent nor effect of this resolution to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

a. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the governing body of the city of Evanston, and on findings incorporated in the cases of *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theaters*, 426 U.S. 50 (1976), and *Barnes v. Glen Theater, Inc.*, 501 U.S. 560 (1991), and on studies and summary of studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; New York, New York; and also on findings from the Report of the Attorney General's Working Group On The Regulations of Sexually Oriented Businesses, (June 6, 1997, and the testimony of Sergeant Pete Carey of Colorado Springs, Colorado Police Department provided to the city of Evanston, Wyoming at a public meeting held on July 28, 1997. Accordingly it is declared that:

(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are often uncontrolled by the operators of the establishments. Further, there is presently no mechanism in Uinta County to make the owners of these establishments responsible for the activities that may occur on their premises.

(2) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(3) The documented evidence and testimony of Officer Pete Carey shows that sexually oriented businesses, because of their very nature, have a deleterious effect on both existing businesses around them and the surrounding residential areas adjacent to them, causing among other adverse secondary effects, increased crime and downgrading of property values.

(4) The evidence show that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are operating in close proximity to each other, thereby contributing to crime, lower property values, urban blight and downgrading of the quality of life in the adjacent area.

(5) The evidence shows that sexually oriented businesses are frequently used for unlawful sexual activities including prostitution.

(6) The evidence show increased crime and unhealthful conduct tend to accompany, concentrate around and be aggravated by sexually oriented businesses including but not limited to prostitution, drug use, pandering, public indecency, public disturbances and exposing minors to harmful materials.

(7) Sexually transmitted diseases, including Aids, are a legitimate health concern of the County which requires reasonable regulations of sexually oriented businesses in order to protect the health and well-being of the citizens.

(8) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(9) Removal of doors on adult booths and requiring sufficient lighting on premises which adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult video arcades and also promotes the safety of law enforcement personnel.

(10) The general welfare, health, morals and safety of the citizens of the County will be promoted by the enactment of this ordinance.

b. Definitions.

(1) "ADULT ARCADE: means any place to which the public is permitted or invited wherein coin-operate, slug-operated or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or few persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

(2) "ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE" means a commercial establishment which, devotes a significant or substantial portion of its stock-in-trade or interior floor space to; or devotes a significant or substantial portion of its advertising expenditures to the promotion of: the sale, rental or viewing, for any form of consideration any one of more of the following:

- (i) books, magazines, periodicals or other printed matter, or photographs, films motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" ; or
- (ii) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental or material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as the provisions of Subsection (b) are otherwise met.

(3) "ADULT CABARET" means a nightclub, bar, restaurant, or similar commercial establishment with regularly features:

- (i) persons who appear in a state of nudity or semi-nude; or
- (ii) live performances which are characterized by the exposure of "specified anatomical areas: or by "specified sexual activities"; or
- (iii) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities;" or "specified anatomical areas."

(4) "ADULT MOTEL" means a hotel, motel or similar commercial establishment which:

- (i) offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
- (ii) allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.

(5) "ADULT MOTION PICTURE THEATER" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction of "specified sexual activities" or "specified anatomical areas."

(6) "ADULT THEATER" means a theater, concert hall, auditorium, or similar commercial establishment with regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(7) "EMPLOYEE" means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods to the premises.

- (8) "ESCORT" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (9) "ESCORT AGENCY" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (10) "ESTABLISHMENT" means and includes any of the following:
 - (i) the opening or commencement of any sexually oriented business as a new business;
 - (ii) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (iii) the additions of any sexually oriented business to any other existing sexually oriented business; or
 - (iv) the relocation of any sexually oriented business.
- (11) "MASSAGE PARLOR" means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities", or where any person providing such treatment, manipulation, or service related thereto, exposes their "specified anatomical areas".
- (12) "NUDE MODEL STUDIO" means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Wyoming or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
 - (i) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 - (ii) where in order to participate in a class a student must enroll at least three days in advance of the class; and
 - (iii) where no more than one nude or semi-nude model is on the premises at any one time.

- (13) "NUDITY" or a STATE OF NUDITY" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernable turgid state.
- (14) 'PERSON" means an individual, proprietorship, partnership, corporation, limited liability company, association, or other legal entity.
- (15) "SEMI-NUDE" or in a 'SEMI-NUDE CONDITION" means a state of dress in which clothing covers no more than the genitals, pubic region and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.
- (16) 'SEXUAL ENCOUNTER CENTER' means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- (i) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (ii) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- (17) "SEXUALLY ORIENTED BUSINESS" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- (18) "SPECIFIED ANATOMICAL AREAS" means:
- (i) the human male genitals in a discernable turgid state, even if completely and opaquely covered; or
 - (ii) less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- (19) 'SPECIFIED SEXUAL ACTIVITIES' means any of the following:
- (i) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (ii) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - (iii) excretory functions as part of or in connection with any of the activities set forth in (i) through (ii) above.
- (20) 'WORK' means any activity, delivery or maintenance on the premises provided by a person defined as an employee or not defined as an employee.

c. Sexually oriented businesses establishments are classified as follows:

- (1) adult arcades;
- (2) adult bookstores, adult novelty stores, or adult video stores;
- (3) adult cabarets;
- (4) adult motels;
- (5) adult motion picture theaters;
- (6) adult theaters;
- (7) escort agencies;
- (8) massage parlor;
- (9) nude model studios; and
- (10) sexual encounter centers.

CHAPTER 5

DEVELOPMENT AND PERFORMANCE STANDARDS

Section 1. Introduction. For the purposes of obtaining and maintaining a healthful and safe living and working environment, the following standards for future development, operation and performance of land uses are adopted. These standards apply to the uses by right allowed within each district established, and to future development for which a Subdivision Permit, Conditional Use Permit, Use Certificate or Variance is granted.

Section 2. General Standards for All Uses.

a. Refuse disposal facilities shall be located in convenient, appropriately screened containers. Refuse shall be placed in approved solid waste containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing or blowing away. Cans shall be in racks or secured to prevent their being tipped over by animals or wind. Refuse shall not be stored loose in any manner that would cause undue delay in collection.

b. The following number of off-street parking spaces shall be provided for each newly established land use. Parking may be on-site or off-site, as provided in section h., below.

(1) Retail outlets - four (4) spaces per each one thousand (1,000) square feet of gross leasable area.

(2) Restaurants, theaters, etc. - one (1) space for each one hundred (100) square feet of gross leasable area or one (1) space for every two (2) seats, whichever is greater.

(3) Business, professional and semiprofessional offices - one (1) space for every two (2) employees.

(4) Industrial, warehousing and similar uses - one (1) space for every two (2) employees.

(5) Churches and religious buildings - one (1) space for every four (4) seats.

(6) Hotels, motels and commercial lodging – one (1) space for each rentable unit.

(7) Residential - two (2) spaces per dwelling unit, plus for multiple family and townhouse units, two (2) additional spaces for every additional three (3) units over six (6) units in the same complex. (Example: a nine (9) unit apartment requires twenty (20) parking spaces.)

c. For additions to or enlargements of any existing building or use, or any change of use or manner of operation that would increase the number of parking spaces required, the additional parking shall be required only for such additions, enlargement, or change and not for the entire building or use.

d. All off-street parking and loading facilities required by this section for ten (10) or more vehicles shall be constructed and maintained in accord with the minimum standards for such facilities prescribed herein, and shall be maintained free of accumulated snow or

other materials preventing full use and occupancy of such facilities, except for temporary periods of short duration in the event of heavy snowfall.

e. If, in the application of the parking requirements of this section, a fractional number is obtained, one parking space shall be provided for a fraction of one half or more, and no parking space shall be required for a fraction less than one half.

f. Parking spaces, aisles, and turning areas shall be entirely within lot lines and shall not encroach on any road or other public right-of-way. No parked vehicle shall overhang any road or public right-of-way. Except for parking facilities serving single family residences and parking facilities accommodating less than four vehicles, off-street parking areas shall be designed so that it will not be necessary for vehicles to back into any road or public right-of-way.

g. Each off-street parking space and access aisle shall not be less than indicated in the following charts. If the parking spaces are enclosed and/or covered, the ceiling height shall not be less than seven (7) feet.

MINIMUM DIMENSIONS WHEN PARKING AT ANY OF THESE ANGLES

		45°	50°	55°	60°	90°
Offset	A	18'0"	15'8"	13'4"	11'0"	10'6"
Car Space	B	12'0"	11'4"	10'8"	10'0"	8'7"
Stall Dept	C	16'0"	16'8"	17'4"	18'0"	18'6"
Stall Depth	D	18'0"	18'4"	18'8"	19'0"	19'0"
Overhang	E	2'0"	2'1"	2'2"	2'3"	2'9"
Driveway	F	18'0"	14'6"	16'0"	17'6"	25'0"
Turn Around	G	17'0"	16'0"	15'0"	14'0"	14'0"

h. Off-street parking, whether open or enclosed, shall be provided upon the same parcel of land containing the use for which it is required, or on separate parcels as follows:

(1) Within a two hundred (200) foot radius when serving residential uses (two hundred (200) feet from door of residence the space is to serve).

(2) Within a six hundred (600) foot radius when serving commercial and industrial uses.

(3) If the land use is a hotel, motel or tourist home, etc., the off-lot parking spaces shall be within two hundred (200) feet of the principal entrance or entrances for individual occupants for whom spaces are reserved.

(4) If the use is other than any of the above, the farthest portion of the off-lot parking area shall be within six hundred (600) feet of the main entrance to the establishment.

(5) The off-lot parking areas shall be in the same ownership as the use requiring the off-street parking, or under lease, rental or other form of agreement satisfactory to the Commission as assuring continuous availability; or operated and maintained by a homeowners association or similar private or semi-private entity.

i. The following amount of off-street loading area shall be required for all new commercial, retail, wholesale, industrial, institutional and similar uses. Where the loading requirements of this section are based on units of floor area (square feet), the requirement shall apply to a major fraction of a unit of floor area but not to a minor fraction thereof.

<u>USES</u>	<u>OFF-STREET LOADING</u>
Commercial, retail, wholesale businesses and industrial uses	2,500 square feet per every 40,000 square feet of gross floor area

j. Facilities used for off-street parking and loading on the effective date of this resolution shall not be reduced in capacity to less than the number of spaces prescribed in this section, or reduced in area to less than the minimum standards prescribed in this section.

k. All development shall be accomplished so as to minimize adverse effects upon the natural or existing topography and soil conditions and minimize erosion.

(1) Plans for development and construction will be encouraged to minimize cut and fill operations.

(2) Existing trees shall not be cut or otherwise damaged or destroyed in areas to be used for required open space or buffer areas of this resolution or the "Resolution for Subdivision of Land for Uinta County, Wyoming". Additional planting may be required in buffer areas.

(3) The drainage system for the development shall tie generally into existing drainage facilities covered by county easement or into already established natural drains not covered by county easement where there is no question the natural drain can serve the area being developed and that said drainage will not result in damage to any property right of others. Discharge onto adjacent properties where there is no existing drainage outlet or where no natural drains exist will not be permitted without the developer acquiring the necessary easements to a discharge point satisfactory to the County.

l. Any development requiring an air quality permit, a discharge permit or other state and/or federal approval or permit, not including an individual well permit or small wastewater disposal permit, shall have all such state and federal approvals and permits before the development may receive final approval by the Board.

m. All structures, wells, and small wastewater systems shall be located a minimum of twenty (20) feet from the right-of-way line of any county road, and any state or federal highway when direct access is onto the state or federal highway.

n. All wells and small wastewater systems shall be located a minimum of ten (10) feet from any property, easement, or right-of-way-line.

o. Outdoor advertising Signs are allowed only in the Commercial and Industrial Zoning Districts. Outdoor advertising signs within one hundred and fifty (150) feet from the nearest residence or nearest Residential Zoning District boundary shall be allowed only by the Conditional Use Permit process. Signs located beyond one hundred fifty (150) feet from the nearest residence or nearest Residential Zoning District boundary are allowed, but are limited to a sign face height of fourteen feet (14') a sign face width of forty-eight feet (48'), and an overall sign height of one hundred feet (100') above the existing grade at the sign location or fifty feet (50') above the grade of the interstate, state highway or county road at the nearest location to the sign, whichever is greater. Signs larger in sign face dimensions and total height may be allowed by Conditional Use Permit. Requests for zone district amendments for the sole purpose of installing outdoor advertising will not be approved. Outdoor advertising signs are not allowed within the rights-of-way of Federal and Wyoming State Highways.

p. Hazardous Materials. All manufacture, possession, storage, transportation and use of hazardous materials which include explosives and blasting agents, flammable and combustible liquids, liquefied petroleum gas, and hazardous and toxic chemicals or wastes shall be required to comply with fire and other hazard codes as adopted by the State of Wyoming. Structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids and gases, or other toxic materials which could be hazardous to public health and safety, shall be located above the 100 year base flood elevation.

Section 3. Specific Standards for Residential Uses.

a. General requirements for all residential uses.

(l) Lot size and water and sewer service:

(a) Residential lots which are to contain both private on-lot sewage disposal and private on-lot water systems shall be of a minimum one (1) acre net area per dwelling unit.

(b) Residential lots which are to contain either a community water or community sewage disposal system shall be of a minimum one-half ($\frac{1}{2}$) acre net area per dwelling unit.

(c) Residential lots of less than one-half ($\frac{1}{2}$) acre net area per dwelling unit shall be serviced by community water and community sewage collection and disposal systems and shall meet the following lot size requirements.

(i) For detached single family residences the lot size shall be a minimum of seven thousand five hundred (7,500) square feet net area per dwelling unit, except in cases where the cluster development concept is used.

(ii) Where two single family residences are to be attached or semi-detached, and for duplexes, the lot size shall be a minimum of four thousand five hundred (4,500) square feet net area per dwelling unit.

(iii) Lots for multiple family dwelling units shall provide for one thousand (1,000) square feet of permanent net open space per dwelling unit to be served. The permanent open space shall be within five hundred (500) feet of each dwelling unit.

(2) Frontage: each lot shall abut on a public or private street and shall meet the following minimum requirements for width along the street:

(a) For detached single family residences, sixty-five (65) feet along streets (except forty-five (45) feet in cluster developments) and thirty (30) feet in cul-de-sac turnarounds.

(b) For two attached or semi-detached single family residences and for duplexes, thirty-five (35) feet per dwelling unit measured at the front yard building setback line and not less than twelve (12) feet at the right-of-way in cul-de-sac turnarounds.

(c) For clustered single family housing developments, frontage may be reduced to forty-five (45) feet along streets and twenty (20) feet in cul-de-sac turnarounds.

(d) For condominium townhouses, the frontage may be the same as the width of each dwelling unit.

(e) Lots for multiple family dwelling units shall have a minimum frontage of seventy-five (75) feet along streets and thirty (30) feet in cul-de-sac turnarounds.

(3) Front yards: there shall be a front yard of twenty (20) feet from the front street right-of-way line to all structures on the lot.

(4) Minimum floor area per dwelling unit: there shall be a minimum gross floor area of six hundred fifty (650) square feet per dwelling unit plus an additional ninety (90) square feet for each bedroom over one.

(5) Maximum lot coverage: no lot shall be covered by structures to such an extent that the amount of net open space would be reduced to less than one thousand (1,000) square feet per dwelling unit. Balconies, terraces, decks or other open space areas structurally or otherwise provided as an integral part of the building and measuring one hundred (100) square feet or more each, and having a minimum width or depth of (8) feet, may be counted toward the net open space requirement.

(6) Maximum structure height: the maximum height of all structures on each lot shall be forty-five (45) feet above the average finished grade at the structures.

b. Specific requirements for single family dwellings, duplexes.

(1) Side and rear yards:

(a) There shall be side yards of at least five (5) feet from each side property line to all structures of interior lots, and at least twelve (12) feet from the right-of-way line of a side street on corner lots.

(b) There shall be a rear yard of at least ten (10) feet from the rear property line to all structures except for lots serviced by alleys there shall be a rear yard of two (2) feet.

(2) Special provisions on side and rear yard requirements: as an alternative to side and rear yard requirements above, if the owners of adjoining property shall agree and shall make such agreement in the form of deed restrictions or covenants to run with the land with enforcement running to the County, to an arrangement of buildings on their respective lots which accomplishes the same or greater building separation as would have been accomplished by the side and rear yard requirements above, and shall construct such buildings in accordance with such agreement, the purpose of the above section with regard to side and rear yards shall be considered to be accomplished and said side and/or rear yards shall not be required.

(3) Cluster development: the cluster development concept may be used where, because of topographic or other conditions, clustering of homes would result in; placing structures on more suitable terrain, lower installation costs for streets and utilities, economics in maintenance of public improvements, lower development costs, lessening of land wastage and increased usable open space.

(a) Under the cluster development concept, overall gross density shall not exceed seven (7) dwelling units per acre, and the required lot size may be reduced to four thousand five hundred (4,500) square feet per dwelling unit by providing a common open space area or areas containing a minimum amount of net open space of five percent (5%) of the total development area or a per dwelling unit amount according to the following table, whichever is greater.

<u>Individual lot size</u>	<u>Net common open space per each lot or dwelling unit</u>
4,500-4,999 sq. ft.	500
5,000-5,499 sq. ft.	465
5,500-5,999 sq. ft.	325
6,000-6,499 sq. ft.	240
6,500-6,999 sq. ft.	160
7,000-7,499 sq. ft.	80
7,500 +	0

(b) Developments using the cluster development concept shall be reviewed and evaluated by the Commission and the development concept and open space areas must receive the Commission's approval. The common open space area must serve some function such as: passive or active recreation areas, visual space openness, etc. Areas which cannot be included as meeting one hundred percent (100%) of the required common open space are areas in rivers and lakes, marshes and swamps, and extremely steep hillsides (over 35% slope). However, such areas may be included as a fractional part of the required common open space. Minor walkways and easements to the open space shall not be included in the calculation. The open space area or areas shall be within five hundred (500) feet of the farthest dwelling to be served.

c. Specific requirements for townhouses: for purposes of this resolution, townhouses (includes row houses, patio houses, atrium houses, etc.) are single family dwelling units (may be condominiums) constructed in a series or group including more than three (3) dwelling units with some common walls and meeting the definition of dwelling attached.

(1) Townhouses at a density greater than that allowed above (specific requirements for single family dwellings, duplexes) shall only be allowed by Conditional Use Permits. The Planning Commission shall evaluate the proposed townhouse development as to the adequacy and safety of vehicular and pedestrian access, the relationship of the development to surrounding existing and proposed development, etc. The town house development shall meet the following minimum standards and requirements if a Conditional Use Permit is granted. The Commission may also attach additional conditions and requirements.

(2) Maximum group or series: not more than six (6) contiguous townhouses (dwelling units) shall be built in a row with the same or approximately the same (less than three (3) feet off-set) front line, and not more than twelve (12) townhouses shall be contiguous.

(3) Separation requirements: no portion of any townhouse or accessory structure in or related to one group of contiguous townhouses shall be closer than twenty (20) feet to any portion of a townhouse or accessory structure related to another group of townhouses or to any building outside the townhouse area.

(4) Side yards and rear yards: side and rear yard requirements shall be the same as in Section 3.b. (1).

(5) Required open space and maximum lot coverage shall be as specified in Section 3.a. (5) preceding.

d. Specific requirements for multiple family dwellings: for purposes of this resolution, multiple family dwellings are buildings, not to include townhouses, containing three (3) or more dwelling units and where the entire structure is under one ownership or title and the individual dwelling units are usually rented or leased, but may be sold under condominium provisions.

(1) Multiple family dwellings at a density greater than the allowed above (specific requirements for single family dwellings, duplexes) shall only be allowed by Conditional Use Permit. The Planning Commission shall evaluate the proposed multiple family development as to adequacy and safety of vehicular and pedestrian access, the relationship of the development to surrounding existing and proposed development, etc. The multiple family development shall meet the following minimum standards and requirements if a Conditional Use Permit is granted. The Commission may also attach additional conditions and requirements.

(2) Side yards and rear yards:

(a) There shall be side yards of at least five (5) feet from the side property lines (twelve (12) feet from the right-of-way of a side street) when the building on the adjacent property is a multiple family structure and ten (10) feet from the side property line to all structures when the building on the adjacent property is a single family dwelling or duplex. There shall be a twenty (20) foot separation requirement between multiple family buildings.

(b) Rear yard requirements shall be the same as in Section 3.b. (1) (b).

(3) Separation requirements shall be as specified in Section 3.c. (2) above.

(4) Required open space and maximum lot coverage shall be as specified in Section 3.a. (5) preceding.

(5) Multiple family dwelling should be located adjacent to existing or designated state or county arterial or collector roads.

e. Mobile homes on individual lots:

(1) Considered as single family dwellings: mobile homes which are to be placed on individual lots where the mobile home and the lot are under the same ownership and which are not in what is generally termed a mobile home park, shall meet the requirements of Section 3.b. and shall be considered as single family dwellings.

(2) Mobile homes may be temporarily placed on a lot as temporary housing during the time of construction of a conventional dwelling provided that a Use Certificate for the conventional dwelling has been obtained and water and sewage disposal systems are on site and functioning. The use of a mobile home for temporary housing shall not exceed a one year time period, with possibility of extension.

f. Regulations on keeping of large domestic animals: The keeping of large domestic animals such as but not limited to: horses, cattle, sheep, goats, swine, etc. shall not be allowed on lots of less than one (1) acre net area and the number of said animals shall not exceed two (2) per net acre. Said animals shall be kept in a separate fenced enclosure or building which is a minimum of twenty (20) feet from any residential structures on the same or neighboring lots.

g. For residential subdivisions within one hundred (100) feet of a major ditch (a ditch carrying five second feet or more of water) the developer may be required by the Commission to fence or cover said ditch and shall provide an adequate maintenance right-of-way easement. Bridges or culverts disrupting major ditches shall be permitted only when other means of access are demonstrably unavailable.

h. The following are some of the uses which shall not be allowed in the residential land use district.

(1) Outside Storage of non-operable vehicles, or abandoned or burned-out mobile homes, campers, travel trailers, or parts thereof. One non-operable motor vehicle may be temporarily stored outside for the purposes of repair or restoration.

(2) Storage of junk or junkyards

Section 4. Standards for Mobile Home and Camper Parks.

The standards for development and operation of Mobile Home and Camper Parks shall be those contained in the "Resolution for Subdivision of Land for Uinta County, Wyoming" and the standards of the Wyoming Department of Health and Social Services governing mobile home parks, travel trailers, truck campers and tenting units. All required state permits must be obtained before a mobile home or camper park can be approved.

Section 5. Specific Standards for Commercial Uses.

a. Lot size:

(1) Commercial lots which are to contain both private on-lot sewage disposal and private on-lot water systems shall be a minimum of one (1) acre net area per commercial building.

(2) Commercial lots which are to be served by either a community water or community sewage disposal system shall be a minimum of one-half ($\frac{1}{2}$) acre net area per commercial building.

(3) For commercial lots which are to be served by both community water and community sewage disposal systems, there shall not be any minimum lot size provided that the other requirements of this section and Section 2 are met.

b. Frontage: each lot shall abut on a public street, private street, private access right-of-way, or public or private parking area and shall have a minimum width at such abutment of twenty-five (25) feet. An exception to this standard shall be lots (rented or leased spaces) within planned shopping centers or along pedestrian malls which may have the lot frontage reduced by ten (10) feet abutting the pedestrian way.

c. Setbacks: there shall be a setback of twenty (20) feet from the front property or road right-of-way line to all structures for lots which abut on a public or private street. Side and rear setback requirements shall be the same as Chapter 5, Section 3.b.1 except for "strip mall" type developments, which will not have side yard setbacks for interior lots.

d. Noise: no commercial establishment may generate any noise by public address system, Musak, stereo or other methods which can be heard off the premises of the subject commercial establishment. An exception to this rule shall be commercial establishments which front on pedestrian malls or ways within planned shopping centers or complexes, and wherein music, etc. may be directed onto the public pedestrian way.

e. One (1) single-family residence shall be allowed on each commercial lot for the purpose of housing a manager or proprietor of the commercial establishment, under the following conditions:

(1) The single-family residence may be either a completely free-standing mobile home or a dwelling unit integral to the commercial structure, to either side, the rear, or in an upper story.

(2) The single-family dwelling shall have a private entrance completely separate from any public entrance(s) to the commercial establishment.

(3) The single-family dwelling shall be connected to a County-approved or Department of Environmental Quality (DEQ) approved sewage disposal system.

(4) The provisions of Section 2 of this Chapter shall be met. Off-street parking for the single-family dwelling shall be separate from customer parking.

(5) Where the commercial use adjoins, on one side, an area designated as being in the Residential Land Use District or adjoins land which is residentially used, it is encouraged that the single-family dwelling be placed on the commercial site, whenever possible, in such a manner as to be between the primary commercial land use or structure and the adjacent Residential Land Use District or existing residential land use. When so placed, the single-family dwelling and the area occupied by it shall be included as part of the buffer area requirement of subsection f. below.

(6) Where the commercial use adjoins the Commercial Land Use District, the Industrial Land Use District or an existing commercial or industrial use on one side and land in the Agriculture/Resource Development Land Use District on the other, the single-family dwelling is encouraged to be placed, whenever possible, on the side adjacent to the Agriculture/Resource Development Land Use District.

f. Adequate buffer areas between the commercial use and any adjacent established or planned residential land use shall be provided. Buffer areas shall be a minimum of twenty percent (20%) of the area covered by the commercial structures, parking and loading areas. The buffer area shall be landscaped and maintained with trees, shrubs, berms, or fencing as appropriate to shield the commercial use from the adjacent established or approved residential land use. Separation of a commercial use from a residential use by a public road or street shall not be considered as adequate buffering, however separation by an alley may be considered as partial buffering.

Section 6. Specific Standards for Industrial Uses.

a. Lot size:

(1) Industrial lots which are to contain both private (on-lot) sewage disposal and water systems shall contain a minimum of one (1) acre net area per business establishment.

(2) Industrial lots which are to be served by either a community water or community sewage disposal system and the other is to be by an approved on-lot source, the lot shall contain a minimum of one-half (½) acre net area per business establishment.

(3) Industrial lots which are to be served by both community water and community sewage disposal systems shall contain a minimum of seven thousand five hundred (7,500) square feet net area per business establishment.

b. Frontage: each lot shall abut on a public street, private street or private access right-of-way and shall have a minimum width at the front lot line of seventy-five (75) feet, except thirty (30) feet in cul-de-sac turnarounds will be permitted.

c. Setbacks: there shall be a setback of twenty (20) feet from the front property or road right-of-way line to all structures for lots which abut on a public or private street. Side and rear setback requirements shall be the same as Section 3.b.1.

d. Maximum height: five (5) stories or fifty-five (55) feet above the average finished grade around the buildings.

e. One travel trailer for the purpose of a night watchman, dispatcher, or other full-time employee, or the proprietor, of the company occupying the lot, shall be allowed under the following conditions:

(1) Only one travel trailer per lot.

(2) The travel trailer shall not exceed eight (8) feet in width nor thirty-five (35) feet in length.

(3) The travel trailer shall be connected to a County approved or Department of Environmental Quality approved sewage disposal system.

(4) The travel trailer shall be skirted.

(5) No school-age children shall be allowed to reside in the travel trailer.

(6) Where the industrial lot adjoins an area designated as in the Residential Land Use District or the Commercial Land Use District, or adjoins land which is residentially used, it is encouraged that the travel trailer be placed on the industrial lot in a manner as to be between the primary industrial use or building and the adjacent Residential or Commercial Land Use District or existing residential use. When so placed, the travel trailer and area occupied by it shall be included as part of the buffer area requirement of subsection i. below.

(7) The provisions of Section 2 of this Chapter shall be met.

f. Adequate buffer areas between the industrial use and surrounding land uses (non-industrial) shall be provided in order to confine noise, vibration, glare and electromagnetic interference, and odor, etc. to the lot on which the industrial process creating them takes place. Buffers shall be a minimum of forty percent (40%) of the area covered by the structures, roadways, materials handling or storage yards and other work areas. No more than sixty percent (60%) of the buffer area shall be devoted to parking. The buffer area shall be landscaped and maintained with shrubs, trees, berms and fencing as appropriate to shield the industrial use from surrounding land uses. Separation of an industrial use from a residential use by a public road or street shall not be considered as adequate buffering, however, separation by an alley may be considered as partial buffering.

g. No on-site advertising sign shall have flashing, blinking, or moving parts. On site advertising signs shall not exceed one hundred (100) square feet and shall not exceed fifteen (15) feet in height.

h. Junk and salvage yards shall be kept in an orderly manner and concealed from the public view by landscaping, berming and/or suitable fencing. Wrecked autos or other salvage materials shall not be stacked so that they will be visible over the fencing or landscaping.

Section 7. Specific Standards for Development in the Flood Hazard Area Overlay District

a. Statement of Purpose: It is the purpose of this Flood Hazard Area Overlay District to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that the property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

b. Lands to which this resolution applies. This section shall apply to all areas of special flood hazards within the jurisdiction of Uinta County, as shown on the Flood Insurance Rate Maps (F.I.R.M.) prepared by the Federal Insurance Administration as part of a scientific and engineering report entitled "The Flood Insurance Study for Uinta County, Wyoming, unincorporated areas", dated February 2010. The F.H.A. Overlay areas are located along major streams, waterways and bodies of water in Uinta County. The Flood Insurance Study is on file at the Uinta County Courthouse, Evanston, Wyoming, 82930.

c. Compliance. No structure or land use located within an identified area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this section and other applicable regulations.

d. Abrogation and greater restrictions. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another resolution, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

e. Interpretation. In the interpretation and application of this resolution all provisions shall be:

- (1) Considered as minimum requirements:
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

f. Warning and disclaimer of liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Uinta County, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

g. Establishment of Use Certificate Permit. A Use Certificate shall be obtained before construction or development begins within any area of special flood hazard established in Chapter 4, Section 10. Application for a Use Certificate shall be made on forms furnished by the County and may include, but not be limited to: plans drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest habitable floor (including basement) of all structures.

- (2) Elevation in relation to mean sea level to which any structure will be or has been flood proofed.

- (3) Certification by a registered professional engineer, architect or other individual deemed by the County to be qualified by education and/or experience, that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section I.(2)(a).

- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

h. The Uinta County Planning Department is hereby appointed to administer and implement this section by granting or denying use certificate applications in accordance with its provisions.

i. Duties of the Planning Department shall include, but not be limited to:

- (l) Permit review.

- (a) Review all development permits to determine that the permit requirements of this resolution have been satisfied.

(b) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

(c) Review all development permits to determine if the proposed development is located in the flood way. If located in the flood way, assure that the encroachment provisions of Section m. (1) are met.

(2) Use of other base flood data. When base flood elevation data has not been provided in accordance with Chapter 4, Section 10, the Planning Department shall obtain, review, and reasonably utilize any base flood elevation and flood way data available from a federal, state, or other source, in order to administer subsections k (1) and (2); Section k(1), residential construction and Section k(2), specific standards, nonresidential construction.

(3) Information to be obtained and maintained:

(a) In Zones A and AI-30, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(b) For all new or substantially improved flood proofed structures:

(i) Verify and record the actual elevation (in relation to mean sea level), and;

(ii) Maintain the flood proofing certifications required in Subsection I.(2)(c).

(c) Maintain for public inspection all records pertaining to the provisions of this resolution.

(4) Alteration of Watercourses.

(a) Notify adjacent communities, the Office of the State Planning Coordinator, and the Wyoming Emergency Management Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(5) Interpretation of FIRM boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection j, below.

j. Appeals and Variance Procedure.

(1) Appeal Procedure

(a) The Planning Commission as established by Uinta County shall hear and decide appeals of determinations made under this section.

(b) The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Planning Department in the enforcement or administration of this resolution.

(c) Those aggrieved by any decision upon appeal to the Planning Commission may appeal further to the Board of County Commissioners. Such appeal shall be made within 60 calendar days of the decision of the Planning Commission.

(d) Those aggrieved by the decision of the Board of County Commissioners, or any taxpayer, may appeal such decision to the Third Judicial District Court, as provided in W.S. 16-3-114.

(e) In passing upon such applications, the Planning Commission and Board of County Commissioners shall consider all technical evaluations, all relevant factors, standards specified in other subsections of this section, and;

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger to life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the community;

(v) the necessity to the facility of a waterfront location, where applicable;

(vi) the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;

(vii) the compatibility of the proposed use with existing and anticipated development;

(viii) the relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for that area;

(ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and effects of wave action, if applicable, expected at the site;

(xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(2) Variance Procedure

(a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in subsection j(1)(e), above, have been fully considered.

(b) Upon consideration of the factors of subsection j(1)(e) and the purposes of this section, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.

(c) The County Planning Department shall maintain the records of all such appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(3) Conditions for Variance

(a) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, without regard to the procedures set forth in the remainder of this section.

(b) Variances shall not be issued within any designated flood way if any increase in flood levels during the base flood discharge would result.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances shall only be issued upon;

(i) a showing of good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection j(1)(e), or conflict with existing local laws or resolutions.

(e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

k. General Standards. In all areas of special flood hazards the following standards are required:

(1) Anchoring

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(b) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors or bolting to a permanent foundation by:

(i) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side;

(ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four additional ties per side;

(iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,

(iv) any additions to the manufactured home be similarly anchored.

(2) Construction Materials and Methods

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision Proposals

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five acres (whichever is less).

I. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Chapter 4, Section 10, Use of Other Base Flood Data, the following provisions are required:

(1) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above flood elevation.

(2) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the County Planning Department; and

(d) where a nonresidential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this section.

(3) Manufactured Homes

(a) Manufactured homes shall be anchored in accordance with subsection k (1) (b).

(b) All manufactured homes to be placed or substantially improved within Zone A1-30 shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system in accordance with the provisions above.

(c) No manufactured home shall be placed in a flood way.

m. Flood ways. Located within areas of special flood hazard established in Chapter 4, Section 10 are areas designated as Flood ways. Since the flood way is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If subsection m. (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsections l.(1), and m.

(3) The placement of any manufactured homes is prohibited.

Section 8. Specific Standards for Airport Protection Overlay (A.P.O.)

a. Definitions. As used in this section, unless the context otherwise requires:

(1) AIRPORT: Evanston Airport, also known as Burn's Field.

(2) AIRPORT ELEVATION: The highest point of the airport's usable landing area measured in feet from seal level; 7,133 feet.

(3) APPROACH SURFACE: The surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in subsection c. of this section. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

(4) APPROACH, TRANSITION, AND HORIZONTAL HEIGHTS RESTRICTION ZONES: These zones are set forth in this section.

(5) HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(6) HEIGHT: For the purpose of determining the height limits in all zones set forth in this section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

(7) HORIZONTAL SURFACE: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

- (8) NONCONFORMING USE: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Resolution or amendment thereto.
- (9) OBSTRUCTION: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in subsection c. of this section.
- (10) PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- (11) PRIMARY SURFACE: A surface longitudinally centered on the runway. The primary surface extends 200 feet beyond each end of the runway. The width of the primary surface is one thousand feet (1000'). The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (12) RUNWAY: A defined area on an airport prepared for landing and take-off of aircraft along its length.
- (13) STRUCTURE: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
- (14) TRANSITIONAL SURFACES: These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surfaces.
- (15) TREE: Any object of natural vegetative growth.
- (16) UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less'. The Evanston Airport's existing runway is a utility runway. A runway that is constructed for and intended to be used by propeller driven and jet driven aircraft greater than 12,500 pounds maximum gross weight shall not be classified as a utility runway.
- (17) VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures.
- (18) ILS RUNWAY: A runway with an instrument approach procedure which provides for approaches to a decision height (DH) of not less than 200 feet and visibility of not less than ½ mile or Runway Visual Range (RVR) 2400 (RVR 1800 with operative touchdown zone and runway centerline lights).

- (19) **PRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA approved airport layout plan; a military service approved military airport layout plan; any other FAA planning document, or military service military airport planning document.
- b. In order to carry out the provisions of this section, there are hereby created and established certain height restriction zones which include all of the land lying beneath the approach surfaces, transitional surfaces, and horizontal surfaces, as they apply to Evanston Airport. Such zones are shown on the Evanston Airport Zoning map consisting of one sheet, as filed in the Uinta County Surveying/Planning Department, and made a part hereof. These height restriction zones are as follows:
- (1) **Runways Other Than Utility Runways Precision Instrument Approach Zone:** The inner ledge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - (2) **Transitional Zones:** The transitional zones are the areas beneath the transitional surfaces.
 - (3) **Horizontal Zone:** The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- c. Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this section to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:
- (1) **Other than Utility Runway Precision Instrument Runway Approach Zone:** Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet and an additional 40,000 feet at a slope of forty (40) feet for each foot upward along the extended runway centerline, and also expanding uniformly outward to a width of 16,000 feet at its outermost limits of 50,000 feet.
 - (2) **Transitional Zones:** Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 7,283 above the airport elevation which is 7,133 feet above mean sea level.
 - (3) **Horizontal Zone:** Established at 150 feet above the airport elevation or at a height of 7,283 feet above mean sea level.

(4) Excepted Height Limitations: Nothing in this section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to forty-five (45) feet above the surface of the land.

- d. Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- e. The owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport board.
- f. Future Uses: Except as specifically provided in (1) and (2) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any height restriction zone hereby created unless a Use Certificate therefore shall have been applied for and granted. Each application for a Use Certificate shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted, unless a variance has been approved.
 - (1) In the area lying within the limits of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such trees or structure would extend above the height limits prescribed for such zone.
 - (2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet (75) of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this section except as set forth in subsection c.(4).

- g. Existing Uses: No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the is section or amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- h. Nonconforming Uses Abandoned or Destroyed: Whenever the Airport Manager determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit, or to otherwise deviate from the zoning regulations.
- i. Variances: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this section may apply for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this section. Additionally, no application for variance to the requirement of this section may be considered unless a copy of the application has been furnished to the Airport Board for advice as to the aeronautical effects of the variance. If the Airport Board does not respond to the application within fifteen (15) days after receipt, the Board may act on its own to grant or deny said application.
- j. Obstruction Marking and Lighting: Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board, this condition may be modified to require the owner to permit the Airport Board, at its own expense, to install, operate, and maintain the necessary markings and lights.
- k. Appeals: Appeals may be made according to the procedures of Chapter 10 of this Resolution.
- l. Where there exists a conflict between any of the regulations or limitations prescribed in this section and any other regulations applicable to the same area whether the conflict is with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.
- m. If any of the provisions of this section or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end, the provisions of this section are declared to be severable.

Section 9. Specific Standards for Development in the Sexually Oriented Business Overlay District.

a. Placement

(1) Any Sexually Oriented Business, as defined herein, placed in Uinta County must be in an area zoned I, and must comply with all standards set forth in Section 6 of this chapter, unless such standard is in conflict with specific standards in this section.

(2) A sexually oriented business shall not be placed or operated within 1000 feet of:

(a) a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

(b) a public or private educational facility including but not limited to nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

(c) a boundary of a residential district as defined in the Uinta County Land Use Resolution or by any Uinta County municipality zoning ordinance.

(d) a boundary of a public district as defined by any Uinta County municipality zoning ordinance or a public library;

(e) The property line of a lot devoted to a residential use.

(3) A sexually oriented business shall not be placed or operated within 500 feet of another sexually oriented business.

(4) A sexually oriented business shall not be placed or operated within any building, structure, or portion thereof containing another sexually oriented business.

(5) For the purpose of subsection (2) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the point on the property line of the lot or parcel containing the premises where a sexually oriented business is conducted, to the nearest point on the property line of the lot or parcel of the premises, of a use listed in subsection (2). Presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

(6) For purposes of subsection (3) of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest point on the property line of the lot or parcel in which each business is located.

b. Operation Standards

- (1) All windows, doors and other apertures shall be architecturally screened or otherwise obscured so as to prevent the viewing of the interior of the adult oriented entertainment business from without.
- (2) No advertisement display or merchandise available for sale or rent that includes or depicts specified sexual activities or specified anatomical areas shall be visible from any public right-of-way.
- (3) All adult oriented businesses shall provide security personnel to control behavior of both indoor and outdoor patrons so they do not violate any laws. The security personnel shall be provided at a ratio of one per 10 parking spaces.
- (4) No loitering or consumption of alcoholic beverages shall be allowed in sex oriented business parking lots. Parking lots shall contain signage stating that loitering and consumption of alcoholic beverages are prohibited in parking lots.
- (5) Total wall sign area shall not exceed 20 square feet. No signage associated with the business shall be visible from a State Highway or County Road.
- (6) Parking shall be provided at a ratio of one space per two seats and/or one space per 100 square feet or gross foot area as determined by the Planning and Zoning Commission. The Planning and Zoning Commission determination shall be based on the extent to which the adult oriented business provides seating for patrons.
- (7) Operating hours shall be between 10:00 a.m. and 11:30 p.m.

CHAPTER 6

DEVELOPMENT POINT-PERMIT SYSTEM

Section 1. Introduction

a. There is hereby established a development point-permit system for use by the Planning Department, Planning Commission and the Board in the evaluation of proposed subdivisions/land use district changes, applications for Conditional Use Permits and other significant land developments. Under this system, proposed subdivisions/land use district changes, applications for Conditional Use Permits and other significant land developments will be assigned points based upon: (1) the extent to which the proposed development implements or conforms with county land use policies; (2) the suitability of the land in question for the proposed use based on site characteristics and the relation of the proposed development to the natural and man-made environment, and (3) the type of improvements proposed by the developer and the relation of the proposed development to existing public facilities and services.

b. A minimum number of points is suggested for the various types (ie. residential, commercial, industrial) of proposed developments before a recommendation for approval is made by the Planning Commission or the development is approved by the Board. Negative points can be assigned, and the assignment of a minimum number of negative points to various types of proposed developments can mean disapproval of the proposed development by the Planning Commission and/or Board. The developer may increase the number of points assignable to a proposed development by increasing (upgrading) the quantity or quality of improvements, facilities or amenities planned for the development, and/or by removing unsuitable land areas from development.

c. Upon receipt of an application, the Planning Department shall make a provisional assignment of points based upon its review and evaluation of the aspects of the project against the recommended positive and negative points assignable. The Planning Commission may adopt and confirm the provisional point total, or may adjust the positive and/or negative points awarded, either upward or downward, based on its own evaluation of the project's attributes and the provisions of this Resolution. The Planning Commission's recommendation to the Board should reflect its own assessment of the points assignable to the project. The Board of Commissioners, in turn, may adopt and confirm the points awarded by the Planning Commission or may adjust the points awarded and subtracted based upon its own assessment of the project's attributes.

Section 2. Other Regulations Still Apply. Nothing in this chapter shall relieve the developer or development from meeting the requirements and standards of the Uinta County Subdivision Resolution, or other applicable regulations of Uinta County. Neither shall this chapter be construed to prevent the Planning Commission and Board from requiring additional improvements and/or site design changes as conditions of approval of proposed subdivisions, applications for Conditional Use Permits or other significant land developments.

Section 3. Planning Commission Can Divide Site into Geographic Areas. Where the site of a proposed development has two or more areas of distinctly different character due to the natural topography, flood hazard areas, soils conditions, different accesses, or bordering on different land uses, the Planning Commission may at its discretion divide the proposed development into distinct geographical areas and evaluate separately each such area.

Section 4. Development/Land Use Policies.

a. The following development/land use policies have been adopted by the Planning Commission and the Board as policies to guide the future physical development of the county and to protect the public health, safety and morals of residents of the County.

(1) To maintain the economic assets of the County including agricultural lands, mineral and timber resources and recreational areas by preserving each as important and viable elements in the county economy.

(2) To ensure that home sites and other developments are provided with necessary essential services of adequate water supply, adequate sewage disposal, police and fire protection, adequate school and recreational facilities, and adequate access, etc. in order to protect the public health, safety and morals.

(3) To ensure that the human living environment is of a high quality by providing that incompatible land uses are not inappropriately intermingled, and that commercial and industrial uses which may be allowed to locate near residential areas be designed to mitigate undesirable effects.

(4) To promote the efficient use of energy and the efficient and economical delivery of governmental services (police and fire protection, streets and roads maintenance, education, sewage treatment, garbage collection, etc.) development is encouraged near existing towns and cities or existing developed areas.

(5) To encourage development in areas that are from a natural standpoint suitable for the proposed development. Excessively steep slopes, unsuitable soils, flood hazard areas and areas of other natural hazard are to be avoided as much as possible.

Section 5. Point Values of Proposed Improvements, Essential Services, Site Characteristics and Environmental Compatibility

a. Considering the quantity and/or quality of the improvements, facilities and/or amenities proposed for the development and the relation of the development to essential services.

(1) Proposed Sewage Disposal.

(a) Sewage generated by the proposed development will be collected and treated by a central system operated by a city, town or joint powers board. A letter from the appropriate body stating they will provide service and have adequate capacity shall be submitted. Points assigned: +5.

(b) Sewage to be collected and treated by a central system to be built by the developer. Points assigned: +3.

(c) Sewage treatment by on-site septic tank systems and considering the suitability of the soils for such systems, points assigned as follows. If the soils are rated good for septic systems, +2 assigned. If the soils are rated moderate, +1 points are assigned. If the soils are rated severe for septic tank systems, negative 5 points are assigned and if there is a high groundwater problem an additional negative 5 points are assigned.

(2) Proposed Water Supply.

(a) Central water supply system under a minimum of twenty (20) pounds per square inch (p.s.i.) under all conditions of flow and providing a minimum of three hundred fifty (350) gallons per day per lot or proposed dwelling unit. The water supply system must be operated by a town, city or joint powers board. A letter from the entity stating they will provide service and have adequate capacity shall be submitted. Points assignable: +5.

(b) Private central water supply meeting the conditions of flow and quantity as above and with a guarantee of quantity and quality. Points assignable: +3.

(c) If individual on-lot wells are to be developed by the individual lot purchasers, and considering the known history of other wells in the general area, points shall be assigned as follows:

(i) History of adequate quality and quantity: +3 points.

(ii) No guarantee of quality or quantity: negative 5 points.

(3) Proposed garbage collection and disposal.

(a) Collection and disposal by town, city, the county or a joint powers board on a minimum weekly basis. A letter from the entity stating they will provide service shall be submitted. Points assignable: +5.

(b) Private collection, on a minimum weekly basis, by the developer or a private contractor. A copy of a binding agreement assuring the service for a reasonable period of time shall be submitted. Points assignable: +3.

(c) Collection and disposal by each individual property owner or resident. Points assignable: +1.

(4) Fire protection equipment response time: considering the distance from the nearest fire station - measured along established and proposed roadways - to the farthest lot or residence.

(a) Nearest fire station within one mile. Points assignable: +5.

(b) Nearest fire station within five (5) miles. Points assignable: +3.

(c) Nearest fire station more than five (5) miles. Points assignable: -3.

(5) Proposed on-site firefighting facilities.

(a) Firefighting water distribution system, with hydrants, under a minimum of twenty (20) p.s.i. residual pressure. Hydrants shall be spaced at least every five hundred (500) feet of lineal road frontage, and shall supply a minimum flow of five hundred (500) gallons per minute at each hydrant. Points assignable: +5.

(b) A firefighting water source of an on-site pond, tank, or similar storage facility, protected from freeze up during winter, with storage of five thousand (5,000) gallons at all times and located within four hundred (400) feet of the farthest lot or dwelling unit to be served. Points assignable: +3.

(c) No proposed firefighting water source. Points assignable: -2.

(6) Access to improved roads - state, county, town or city improved with paving and maintained year round - as measured from the farthest lot or dwelling unit. This criterion shall only apply to year-round residential developments.

(a) Within one quarter ($\frac{1}{4}$) mile. Points assignable: +5

(b) Within one mile. Points assignable: +4.

(c) Farther than one mile but less than five. Points assignable: +3.

(d) Farther than five miles but less than ten. Points assignable: 0.

(e) Farther than ten miles. Points assignable: -5.

(7) Distance from the farthest lot or dwelling unit in the proposed development - as measured along existing and proposed roadways to the nearest elementary school. This criterion shall apply only to year-round residential developments.

(a) School within one half ($\frac{1}{2}$) mile. Points assignable: +5.

(b) School within one mile. Points assignable: +3.

(c) School farther than one mile but less than five. Points assignable: +1.

(d) School farther than five miles but less than ten. Points assignable: 0.

(e) School farther than ten miles. Points assignable: -1.

(8) Distance from farthest lot or dwelling unit - as measured along existing and proposed roadways or public walkways - to proposed or existing parks, playgrounds or other outdoor recreational facilities. This criterion shall only apply to residential developments.

(a) Within one quarter ($\frac{1}{4}$) mile. Points assignable: +3.

(b) Within one half ($\frac{1}{2}$) mile. Points assignable: +2.

(c) Within one mile. Points assignable: +1.

(d) Farther than one mile. Points assignable: 0.

(9) Distance from the farthest lot or dwelling unit - as measured along existing and proposed roadways - to nearest full service commercial area (must include a grocery store, pharmacy and gasoline service station). This criterion shall only apply to year-round residential developments.

(a) Within one mile. Points assignable: +2

(b) Within five (5) miles. Points assignable: +1.

(c) Farther than five (5) miles. Points assignable: 0.

b. Considering the natural suitability of the site for the proposed land use(s) or development, and considering the effect the proposed development may have on nearby land uses and on the natural environment.

(1) Soils limitations for construction purposes. (Soils limitations for septic tank systems are considered under subsection a (1)).

(a) Soils are generally suitable for the proposed development. Points assignable: +5.

(b) Moderate soils limitations. Points assignable: +3.

(c) Severe soils limitations. For severe soils limitations negative points shall be assigned for all of the criteria below which apply:

(i) Shrink-swell excessive. Points assignable: -2.

(ii) High groundwater. Points assignable: -2.

(iii) Corrosive soils. Points assignable: -2.

(2) Soils limitations for lawns, trees, shrubs and other plantings and landscaping. This criterion shall only apply to residential developments.

(a) Soils generally suitable. Points assignable: +4.

(b) Moderate limitations. Points assignable: +2.

(c) Severe limitations. Points assignable: 0.

(3) The average slope of the site. The Planning Commission may at its discretion divide the site into two distinct areas for separate evaluation; one area with slope over thirty percent (30%) the other with slope less than thirty percent (30%). The developer may choose to leave undeveloped or in open space uses, those areas of over thirty percent (30%) slope.

(a) 0 to 3% slope (may have poor drainage). Points assignable: +3.

- (b) 3% to 10% slope. Points assignable: +5
- (c) 10% to 20% slope. Points assignable: +2.
- (d) 20% to 30% slope. Points assignable: 0.
- (e) Over 30% slope. Points assignable: -5.

(4) Identified Flood Hazard Areas. The Planning Commission may at its discretion, divide the site into two distinct areas for separate evaluation; one area within the identified flood hazard area and the other outside. The developer may choose to remove areas of identified flood hazard (especially where the flood elevation is five feet or more above natural ground elevation) from the proposed development. No development shall be allowed in designated Flood ways. Developers should refer to the "Flood Hazard Area Overlay district requirements" and the "Uinta County Flood Insurance Rate Maps".

- (a) Out of flood plain. Points assignable: +5.
- (b) Average site elevation is two feet or less below the maximum flood elevation. Points assignable: 0.
- (c) Average site elevation is between two and five feet below the maximum flood elevation. Points assignable: -3.
- (d) Average site elevation is greater than five feet below maximum flood elevation. Points assignable: -5.

(5) Other natural hazard areas such as landslide areas, areas of subsidence, etc. Points ranging from negative one to negative five shall be assigned by the Planning Commission.

(6) Poor or unsafe vehicular and pedestrian access to the development. Points shall be assigned for all of the criteria below which apply to the proposed development.

- (a) Access to the site is provided by only one state, county, town or city road and access is only from one direction with no existing or proposed additional access. Points assignable: -2.
- (b) Access to the development is over a narrow (less than sixteen (16) feet wide) bridge with no alternative route. Points assignable: -5.
- (c) Access to the development is over a railroad crossing with no alternate route. Points shall be assigned as follows.
 - (i) unimproved grade crossing. Points assignable: -20.
 - (ii) automatic signal lights. Points assignable: -10.
 - (iii) automatic signal lights and gates. Points assignable: -5.

(d) Other serious access problem(s) which affect the safety and convenience of access to the proposed development. Points ranging from negative one to negative twenty shall be assigned by the Planning Commission.

(7) Effect on natural resources.

(a) The site contains irrigated farmland. The Planning Commission may, at its discretion, divide the site into two distinct areas, irrigated farmland and non-irrigated land, for separate evaluation of each. The developer may choose to remove irrigated farmland from the proposed development. Based on the nature and suitability for development of surrounding or nearby lands and weighing such factors against the policies of the County Comprehensive Plan and the purposes of this resolution the Planning Commission may assign points as follows.

(i) irrigated farmland. Points assignable: 0 to -5.

(ii) non-irrigated land. Points assignable: +1 to +4.

(b) The site is in an area of economically recoverable natural resources of clay, sand and gravel, coal, oil and gas or other minerals and the proposed development would impair or preclude the extraction of the minerals. Points assignable: -2.

(c) The site is in a unique or fragile natural area or development of the site would have an adverse effect on unique or fragile natural area(s). Points assignable: -2.

(8) General character of surrounding land uses and the compatibility of the proposed development with the existing land uses in the area.

(a) Industrial development proposed next to existing residential area or use(s); or residential development proposed next to existing industrial area or industrial uses(s). Points assignable: -20.

(b) Commercial development proposed next to existing residential area or use(s) without proper buffering; or residential development proposed next to existing commercial area or use(s). Points assignable: -5.

(c) Industrial development proposed next to existing commercial area or use(s); or commercial development proposed next to existing industrial area or use (s). Points assignable: 0.

Section 6. Mitigation of Negative Points. Negative points assignable to a proposed development may be mitigated by: the developer agreeing to increase and/or improve amenities and/or improvements; overcoming natural deterrents to site development through various methods; altering the design of the development and/or proposed land uses within the development; financing off-site improvements to overcome access problems; or by other methods negotiated with the Planning and Zoning Commission. According to the comprehensiveness of the techniques proposed the Commission may recommend to the Board the reduction of the negative points. A report on their recommendation shall be made to the Board and the Board must concur before the Commission will take any final action on the proposal.

Section 7. Point Totals for Approval/Disapproval.

a. Positive and negative points assigned to development shall be totaled separately. A proposed residential development should have a total of thirty (30) points assigned to it before the Planning Commission recommends its approval and before it is approved by the Board. If the proposed residential development has twenty (20) or more negative points assigned to it, it should not be approved.

b. A proposed commercial development should have a total of twenty-five (25) points assigned to it before the Planning Commission recommends its approval and before it is approved by the Board. If the proposed commercial development has twenty (20) or more negative points assigned to it, it should not be approved.

c. A proposed industrial development should have a total of twenty-five (25) points assigned to it before the Planning Commission recommends its approval and before it is approved by the Board. If the proposed industrial development has twenty (20) or more negative points assigned to it, it should not be approved.

CHAPTER 7

CONDITIONAL USE PERMITS

Section 1. Application for Conditional Use Permits. Any person owning property for which a Conditional Use Permit is sought, or having a proprietary or tenancy interest therein, may apply for a Conditional Use Permit. The owner of record of the property must concur in the application.

Section 2. Procedure. The procedure for applying for a Conditional Use Permit shall be as contained in Chapter 3 of this resolution.

Section 3. Data to be Submitted.

a. The necessary fees as required in Chapter 3, Section 13 this resolution.

b. A site plan showing the location and type of existing and proposed structures on the site; existing contours at an interval of two feet; square feet of retail, industrial, wholesale or other use; number and location of off-street parking and loading spaces; location of other common areas and their usage; existing and proposed ingress and egress to the property and proposed internal circulation systems; and existing and proposed buffer areas and proposed planting or other screening.

c. Applications for proposed sand, gravel and other mining operations shall submit plans for development and operation phases and also a plan for reclamation and reuse of the area so affected. This is to ensure that land is not left in such a condition that reuse will be difficult and/or impossible, and to protect other land uses from dust, noise, fumes, erosion or sedimentation, etc.

d. Any applicable state or federal permits required such as air discharge permits or water discharge permits should be submitted with the application for the Conditional Use Permit.

e. Applications for proposed Sexually Oriented Business Conditional Use Permit shall provide:

(1) The correct legal name of each applicant, corporation, partnership, limited partnership, or entity doing business under an assumed name;

(2) All corporations, partnerships, or non-corporate entities include on the application shall also identify each individual authorized by the corporation, partnership, or non-corporate entity to sign the checks for such corporation, partnership, or non-corporate entity;

(3) For all applicants, or individuals, and employees or potential employees, for a background check, the application must also state:

- (a) Any other name or aliases used by the individual,
- (b) The age, date, and place of birth.
- (c) Height,
- (d) Weight
- (e) Color of eyes,
- (f) Tattoos, scars, or other identifying marks,
- (g) Present business address and telephone number,
- (h) Present residence and telephone number,
- (i) Social Security Number,
- (j) All criminal convictions or pleas of nolo contendere, except those which have been expunged, and the disposition of all such arrests for the applicant, individual, or other entity subject to disclosure under this chapter, for the past ten years.

(4) A fee for background check shall be submitted for every individual included in part three (3). Fee amount will be determined by current industry standards.

Section 4. Commission Review for Conditional Use Permits. The application and related documents shall be reviewed by the Planning Commission for the following:

a. Whether the proposed use would be consistent with the character and pattern of development of the area and whether it would create substantial adverse effects for legally established neighboring land uses. If the proposed use would create adverse effects on neighboring land uses, measures proposed to mitigate such effects shall be evaluated, and must be implemented as a condition of approval of the use.

b. Whether the proposed use would cause significantly increased traffic on minor roads or streets bringing about congestion, traffic hazards and noise, and whether those impacts can be effectively mitigated.

c. Whether the proposed use would meet the development and performance standards of Chapter 5 of this resolution.

Section 5. Commission Review for S.O.B. Conditional Use Permits.

a. If the owner has been convicted:

- (1) In the last two years of any misdemeanor sex offence;
- (2) In the last year of any misdemeanor drug offence;
- (3) In the last five (5) years of promotion of prostitution;
- (4) In the last five (5) years of any felony drug distribution offence;
- (5) In the last twenty (20) years of any felony sex offence;
- (6) In the last twenty (20) years of any felony distribution or possession of child pornography; the S.O.B. Conditional Use Permit shall be denied.

b. If the owner has served all or part of a sentence resulting from a conviction of a felony sex offence or felony distribution of possession of child pornography within the last five (5) years the S.O.B. Conditional Use Permit shall be denied.

c. If a prospective employee has been convicted:

- (1) In the last two years of any misdemeanor sex offence;
- (2) In the last year of any misdemeanor drug offence;
- (3) In the last five (5) years of promotion of prostitution;
- (4) In the last five (5) years of any felony drug distribution offence;
- (5) In the last ten (10) years of any felony sex offence;
- (6) In the last ten (10) years of any felony distribution or possession of child pornography;

the S.O.B. Conditional Use Permit shall be give a conditional approval, based upon the condition that the said employee shall not be hired to work at the establishment.

d. If a prospective employee has served all or part of a sentence resulting from a conviction of a felony sex offense or felony distribution of possession of child pornography within the last five (5) years the S.O.B. Conditional Use Permit shall be given a conditional approval, based upon the condition that the said employee shall not be hired to work at the establishment.

e. If the proposed establishment has or is attempting to obtain a liquor license the S.O.B. Conditional Use Permit shall be denied.

Section 6. Permit Approval May Include Conditions. In permitting a new Conditional Use or the alteration of an existing Conditional Use, the Planning Commission may recommend and the Board may impose, in addition to those standards and requirements expressly specified by Chapter 5 of this resolution, additional conditions which the Planning Commission considers necessary to protect the best interests of the surrounding area of the County as a whole. These conditions may include but are not limited to the following:

- a. Increasing the required lot size or yard dimensions.
- b. Limiting the height, size or location of buildings and structures.
- c. Controlling the location and number of vehicle access points.
- d. Increasing the street width.
- e. Increasing the number of required off-street parking spaces.
- f. Limiting the number, size, location or lighting of signs.
- g. Limiting the daily hours of operation of the proposed use.
- h. Requirements for diking, fencing, screening, landscaping, buffering or other facilities to protect adjacent or nearby property from the effects of noise, dust, fugitive light, vibration, and other off-site impacts.
- i. Designating sites for open space.
- j. Limiting the term of the permit.

All approved Conditional Use Permits shall be reviewed annually by Planning Office Staff for continuing compliance with the conditions of approval. Failure of the permittee to maintain and observe the conditions of approval will constitute grounds for revocation of the Conditional Use Permit.

Section 7. S.O.B. Permit shall include conditions.

- a. Prohibition against minors in a sexually oriented business.
The S.O.B. Conditional Use Permit is violated if:
 - (1) A person under the age of 18 years is admitted or remains on the premises of a sexually oriented business.
 - (2) A person under the age of 18 years purchases goods or services at the business premises;

- (3) A person under the age of 18 years employed at the business.
- b. Conditions pertaining to Adult Theaters, and Adult Cabarets. The S.O.B. Conditional Use Permit is violated if:
- (1) Any person other than an employee entertains or performs in a semi-nude condition in an adult theater or adult cabaret while semi-nude.
 - (2) Any employee who entertains or performs in a semi-nude condition in an adult theater or adult cabaret while semi-nude is closer than ten (10) feet from any patron or customer and on a stage elevated at least two (2) feet from the floor;
 - (3) A patron or customer to pay or give directly any gratuity to any employee, before, during or after an employee has performed or entertained in an adult theater or cabaret, a patron who wishes to pay or give a gratuity to a performer shall place the gratuity in a container that is at all times located separately from the performer;
 - (4) An employee, while semi-nude, has physical contact with a customer or patron while on the premises.
- c. Exhibition of sexually explicit films, videos or live entertainment in viewing rooms.

The S.O.B. Conditional Use Permit is violated if a sexually oriented business, other than an adult motel, exhibits on the premises in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, if the following conditions are not complied with:

- (1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's or employee's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's or employee's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's or employee's station.
- (2) At least one employee shall be on duty at all times that any patron is present inside the premises.
- (3) All viewing rooms and booths shall remain unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other

materials and, at all times, no patron shall be permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

- (4) No viewing room may be occupied by more than one person at any time.
- (5) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candles as measured at the floor level.
- (6) The illumination described above shall be maintained at all times that any patron is present in the premises.
- (7) No openings of any kind shall be allowed to exist between viewing rooms or booths.
- (8) No employee shall knowingly or with reasonable cause to know, permit or allow a patron to commit on the premises an act of "public indecency" as set forth in Wyoming Statute 6-4-201.

d. New employees effect on S.O.B. conditional use permit.

(1) Within one week of hiring a new employee the establishment shall provide all information required under this Chapter, Section 3.e. (3) (4) to the Uinta County Sheriff's Office. If any conditions are discovered that would result in the disapproval or conditional approval of the S.O.B. Conditional Use Permit because of the new employee, the business has 10 days from notice of said condition to terminate the employee. If the employee is not terminated within the ten days a violation of the conditional use permit results.

(2) The establishment, manager, owner, or person with authority to hire employees shall not hire a person as an employee if he knows or should have known that the employee would need to be terminated under the above part one (1). Such hiring is a violation of the conditional use permit.

(3) If an employee is arrested in any jurisdiction for any crime enumerated in part (c) written notice of the arrest shall be given to the County Attorney with copy of S.O.B. Conditional Use Permit and said employee shall not work on the premises until the charges have been settled. If convicted the employee shall be terminated as an employee immediately. Failure to give notice or otherwise comply is a violation of the conditional use permit.

e. Effect of Criminal Conviction of Owner

If an owner of the establishment is arrested in any jurisdiction for any crime enumerated in part (a) written notice of the arrest shall be given to the County Attorney with copy of S.O.B. Condition al Use Permit. If a conviction results from the charge the permit is violated.

Section 8. Permit is for Development as Represented. A Conditional Use Permit or S.O.B. Conditional Use Permit is only for the development as represented by the applicant to the Commission. Significant modification or deviation of the development from its represented and approved form shall void the Conditional Use Permit and subject the applicant to the penalties provided for in Chapter 11, Section 5.

Section 9. Time Limit on Permit. A Conditional Use Permit or S.O.B. Conditional Use Permit shall be void after one year of issuance unless substantial construction or development has taken place. However, the Board may extend authorization for an additional period not to exceed one year on request by the applicant. If a Conditional Use is discontinued for a period of twelve consecutive months, the Conditional Use Permit shall expire and a new Conditional Use Permit will be required.

Section 10. Nontransferable. A Conditional Use Permit or S.O.B. Conditional Use Permit is not transferable without written consent of the Board on terms and conditions acceptable to the Board, and all conditions of the transferred permit shall be binding on the new permittee.

CHAPTER 8
WIND ENERGY FACILITIES

Section 1. County Regulation of Wind Energy Projects; exceptions.

(a) It is unlawful to locate, erect, construct, reconstruct or enlarge a wind energy facility without first obtaining a Uinta County Wind Energy Facility Land Use Certificate from the Board of Uinta County commissioners.

(b) No wind energy facility constructed or being constructed prior to the authorization of this resolution shall be required to have the permit required by this resolution. No wind energy facility for which an application for a permit has been made to the industrial siting council, or that has received findings of fact, conclusions of law and an order from the industrial siting council, prior to July 1, 2010 shall be required to have the permit required by this resolution.

Section 2. Application.

(a) The owner or developer of a wind energy facility shall submit an application to the Board of Uinta County Commissioners using forms authorized by said Board and available through the Uinta County Planning Office. The application shall:

(i) Certify that reasonable efforts have been undertaken to provide notice in writing to all owners of land within one (1) mile of the proposed wind energy facility and to all cities and towns located within twenty (20) miles of the wind energy facility. Notice shall include a general description of the project including its location, projected number of turbines and the likely routes of ingress and egress;

(ii) Certify that notice of the proposed wind energy facility will be published in a newspaper of general circulation within Uinta County at least twenty (20) days prior to the public hearing before the Uinta County Planning and Zoning Commission as required by this resolution and W.S. 18-5-506. The notice shall include a brief summary of the wind energy facility, invite the public to submit comments and identify the time and date of the hearing;

(iii) Certify that the proposed wind energy facility will comply with all the standards required by W.S. 18-5-504;

(iv) Certify that a written emergency management plan has been submitted for review and comment to the county fire warden, county emergency management coordinator and the county sheriff. If the permit is granted, the plan shall be supplemented and revised following construction of the facility and prior to its operation if there are any variations in the facility's construction which would materially impact the original emergency management plan;

(v) Provide a waste management plan that includes an inventory of estimated solid wastes and a proposed disposal program for the construction, operation and eventual decommissioning of the proposed wind energy facility;

(vi) Provide evidence sufficient for the Board of Uinta County Commissioners to determine if the proposed wind energy facility has adequate legal access. The application also shall describe how private roadways within the facility will be marked as private roadways and shall acknowledge that Uinta County is under no obligation to repair, maintain or accept any dedication of the private roadways as official county roads. The application also shall include a traffic study of any public roadways leading to and away from the proposed facility and the Board of Uinta County Commissioners may require the applicant to enter into a reasonable road use agreement for the use of county roads prior to construction of the facility;

(vii) Provide a project plan indicating the proposed roadways, tower locations, substation locations, transmission, collector and gathering lines and other ancillary facility components. If the application is granted, the Board shall require that the project plan be revised to show the final location of all facilities;

(vii) Certify that there shall be no advertising or promotional lettering on any tower, turbine, nacelle or blade beyond the manufacturer's or the applicant's logo on the nacelle of the turbine;

(ix) Provide a site and facility reclamation and decommissioning plan which indicates the planned life of the wind energy facility and the means by which the facility and its site will be decommissioned and reclaimed at the end of the facility's life and which certifies that any owner of land within the wind energy facility and its site who is not the applicant has been consulted in development of the reclamation and decommissioning plan. Such plan shall comply with all requirements adopted by the industrial siting council under W.S. 35-12-105(d). If the permit is granted, the plan shall be updated every five (5) years until site reclamation and decommissioning is complete;

(x) Wind energy facilities not meeting the definition of a facility as defined by this resolution and W.S. 35-12-102(a)(vii), shall provide a detailed summary of any significant adverse environmental, social or economic effects that the proposed wind energy facility may have together with any preliminary plans developed to alleviate any of the adverse effects.

Section 3. Minimum standards; incorporation into other processes.

(a) The Board of Uinta County Commissioners shall not issue a permit for a wind energy facility if that facility:

(i) Does not comply with standards properly adopted by the Board of Uinta County Commissioners and W.S. 15-5-501-513 for the construction of wind energy facilities.

(ii) Would locate the base of any tower at a distance of less than one hundred ten percent (110%) of the maximum height of the tower from any property line contiguous or adjacent to the facility, unless waived in writing by the owner of every property which would be located closer than the minimum distance;

(iii) Would locate the base of any tower at a distance of less than one hundred ten percent (110%) of the maximum height of the tower from any public road right-of-way;

(iv) Would construct any tower or other structure, other than underground structures, transmission lines, roadways and structures appurtenant to roadways, at a distance of less than five and one-half (5.5) times the maximum height of the tower, but in no event less than one thousand (1,000) feet from any platted subdivision unless this restriction is waived in writing by the owners of all lands included within the distance specified in this paragraph;

(v) Would locate the base of any tower at a distance of less than five and one-half (5.5) times the maximum height of the tower, but in no event less than one thousand (1,000) feet from a residential dwelling or occupied structure, unless waived in writing by the person holding title to the residential dwelling or occupied structure;

(vi) Would locate the base of any tower at a distance of less than one-half (1/2) mile from the limits of any city or town.

(b) The Board of Uinta County Commissioners shall not issue a permit under this resolution until it is satisfied that the applicant has provided notice to the record owners and claimants of mineral rights located on and under lands where the wind energy facility will be constructed. This shall conform to rules adopted by the industrial siting council for the same purpose pursuant to W.S. 35-12-105.

Section 4. Complete applications; notice.

Upon receipt of an application, the Uinta County Planning office, on behalf of the Board of Uinta County Commissioners shall conduct a review of the application to determine if it contains all the information required by this resolution and W.S. 18-5-503 and any other applicable rules and regulations. If the county determines that the application is incomplete, it shall within thirty (30) days of receipt of the application notify the applicant of the specific deficiencies in the application. The applicant shall provide the additional information necessary within thirty (30) days of receipt of a request for additional information from the county. When the Uinta County Planning Office determines that the application is complete it shall notify the applicant that the application is complete and shall provide notice of the date and time at which the hearing before the Uinta County Planning and Zoning Commission will be conducted. This hearing will be held no sooner than 45 days from the date the application is determined to be complete by the planning office.

Section 5. Public Hearing and Comment.

Once the application for a permit for a wind energy facility is determined by planning office staff to be complete it shall schedule a public hearing before the Uinta County Planning and Zoning Commission to consider public comment on the application no less than forty-five (45) days after determining that the application is complete. After thorough review of the application and public comments the Uinta County Planning and Zoning Commission will make a recommendation for either approval or denial to the Board of Uinta County Commissioners. A public hearing can then be scheduled before the Board of Uinta County Commissioners where a final decision will be made. This hearing before the board will be

held no sooner than 45 days after the recommendation of the Planning and Zoning Commission is made. Written comment on the application shall be accepted by the county for not less than forty-five (45) days after determining that the application is complete and prior to both hearings.

Section 6. Decision of the board; findings necessary.

(a) Within forty-five (45) days from the date of the public hearing before the Uinta County Planning and Zoning Commission The Board of Uinta County Commissioners shall hold a public hearing to make complete findings, issue an opinion, render a decision upon the record either granting or denying the application and state whether or not the applicant has met the standards required by this resolution and W.S. 18-5-501-513. The decision shall be subject to the remedies provided in W.S. 18-5-508. The board shall grant a permit if it determines that the proposed wind energy facility complies with all standards properly adopted by the board and applicable state statutes.

(b) A copy of the decision shall be provided to the applicant.

Section 7. Remedies.

(a) Any party aggrieved by the final decision of the board of county commissioners may have the decision reviewed by the district court pursuant to Rule 12 of the Wyoming Rules of Appellate Procedure.

(b) When a decision is issued after hearing on an application for a permit under this article, the decision is final for purposes of judicial review.

(c) Upon receiving a referral pursuant to this section and within fifteen (15) days after receipt of the referral, the director of the department of environmental quality may reject the referral by giving written notice of the rejection to the county making the referral and the applicant. No appeal from the decision of the director under this subsection shall be allowed.

Section 8. Revocation or suspension of permit.

(a) A permit may be revoked or suspended for:

(i) Any material false statement in the application or in accompanying statements or studies required of the applicant, if a true statement would have warranted the refusal to grant a permit;

(ii) Failure to comply with the terms or conditions of the permit after notice of the failure and reasonable opportunity to correct the failure;

(iii) Violation of this resolution and/or W.S 18-5-501 - 513, the rules and regulations adopted pursuant to these references or valid orders of The Board of Uinta County Commissioners or the industrial siting council;

(iv) Failure of the proposed wind energy facility to receive a required permit from the industrial siting council pursuant to the Industrial Development Information and Siting Act, W.S. 35-12-101 through 35-12-119; or

(v) Failure of the permitted wind energy facility to:

(A) Transmit electricity created by wind energy for a period of two (2) consecutive years or more;

(B) Maintain land rights necessary to operate the wind energy facility.

Section 9. Penalties for violations.

(a) No person shall:

(i) Commence to construct a wind energy facility without first obtaining a permit as required by this resolution;

(ii) Construct, reconstruct, operate, locate, erect, maintain, enlarge, change or use a wind energy facility, after having first obtained a permit, other than in specific compliance with the permit; or

(iii) Cause any of the acts specified in this subsection to occur.

(b) Any person violating subsection (a) of this section is liable for a civil penalty of not more than ten thousand dollars (\$ 10,000.00) for each violation. Each day of a continuing violation constitutes a separate offense.

(c) Any wind turbine tower or wind generator erected in violation of this article shall subject the owner of the tower or generator to a penalty of seven hundred fifty dollars (\$ 750.00) per day for every tower or generator so erected.

Section 10. Fees.

(a) The Board of Uinta County Commissioners shall charge the applicant a fee of \$500.00 which shall be used to offset the anticipated costs of processing and considering the application and conducting public hearings.

(b) The Board of Uinta County Commissioners shall also collect a fee of \$1000.00 plus \$100.00 for each Turbine or Tower for the approved Uinta County Wind Energy Facility Land Use Certificate.

CHAPTER 9

NON-CONFORMING USES, EXCEPTIONS AND VARIANCES

Section 1. Nonconforming Uses and Structures.

a. Subject to the provisions of W.S.A. 18-5-207, this resolution shall not prohibit the continuance of the use of any land, building or structure for the purpose for which the land, building or structure is used at the time this resolution is adopted and it is not necessary to secure any use certificate permitting such use. A nonconforming use or structure may not be altered or extended. The extension of a nonconforming use to a portion of an existing structure which was arranged or designed for the nonconforming use at the time of passage of this resolution is not enlargement or expansion of the nonconforming use.

b. If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this resolution.

c. If a nonconforming use is replaced by another use, the new one shall conform to this resolution.

d. If a nonconforming structure is destroyed by any cause to an extent exceeding eighty percent (80%) of its fair market value as indicated by the records of the County Assessor, any future structure on the site shall conform to this resolution.

e. Nothing in this resolution shall require any changes in the plans, construction, alteration, or designated use of a structure on which construction has begun prior to the adoption of this resolution, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the date of adoption of this resolution.

Section 2. Exceptions to Lot Size Requirements. If a property owner at the time of adoption of this resolution has a lot or contiguous property of which the area or dimension does not meet the minimum lot size requirements of Chapter 5 of this resolution, the land may be occupied by a use permitted in the district subject to other requirements of Chapter 5 and other applicable health and safety (sewage disposal, water supply, etc.) requirements. If there is an area deficiency, residential use shall be limited to one single family dwelling. The record of ownership as recorded in the office of the County Clerk at the time of adoption of this resolution shall be the basis for application of this exception unless the owner submits proof that a different ownership existed at the time the provisions of this resolution became applicable to the land concerned and that the land was not divided into nonconforming lots after the adoption of this resolution.

Section 3. Exceptions to Building Height Limitations. Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of Chapter 5 of this resolution.

Section 4. Authorization for Variances. The Board may grant or deny requests for variances from this resolution, after receiving a report and recommendation on same from the Commission. The Board may grant a variance from the requirements of this resolution where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the resolution would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the district in which the proposed use would be located. In granting a variance, the Board may attach conditions which it finds necessary to protect the best interest of the surrounding property or vicinity and otherwise achieve the purposes of this resolution.

Section 5. Circumstances for Granting a Variance. A variance may be granted when one or more of the following circumstances exist.

a. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances which make it difficult and/or impractical for the property owners to meet the requirements of this resolution.

b. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same district possess. This can be demonstrated by the existence of similar conditions as the variance applicant is proposing in the immediate neighborhood or area.

c. The arrangement of existing buildings, structures and facilities on the lot are such that the requested variance would allow for the more efficient use of the land and premises than would strict adherence to the requirement of this resolution.

In recommending the approval of a variance the Planning and Zoning Commission should be able to reach the following conclusions and in granting a variance the Board of County Commissioners should also be able to reach the following conclusions:

a. The variance request meets the requirement of one or more of the above circumstances.

b. Granting the variance will not be materially detrimental to the purposes of this resolution, or to other property in the same district, or conflict with the objectives of any county plan or policy.

c. Granting the variance will in the opinion of the Planning and Zoning Commission and the Board of County Commissioners not create adverse effects on county and public facilities such as excessive snow drifting onto county roads, create unsafe traffic conditions or interfere with public services.

d. The Planning and Zoning Commission and Board of County Commissioners should be able to reach the conclusion that the variance granted is the minimum variance from the standard that is necessary in the circumstances.

Section 6. Procedure for Taking Action on a Variance Request. The procedure for taking action on an application for a variance shall be as follows:

a. A property owner may initiate a request for a variance by filing an application with the Commission.

b. The procedures of Chapter 3 shall be followed.

c. Within five (5) days after a decision has been rendered by the Board in reference to a variance application, the County Planner shall provide the applicant with written notice of the decision of the Board.

Section 7. Time Limit on Granted Variance. Authorization of a variance shall be void after one year unless substantial construction has taken place. However, the Board may extend authorization for an additional period, not to exceed one year, on request.

CHAPTER 10

APPEALS

Section 1. From Ruling of County Planning Department. An appeal from a ruling of the County Planning Department regarding a requirement, or interpretation of this resolution may be made only to the Planning Commission by filing a Notice of Appeal with the Planning Commission within fifteen (15) days of the date of the decision appealed from. The Planning Commission shall schedule a hearing on the appeal and make its recommendation to the Board of County Commissioners within fifteen (15) days of the hearing. The Board shall study the appeal and the recommendation of the Planning Commission, and may schedule a hearing to take argument and evidence in support of the appeal and the decision appealed from. The Board shall make its decision on the appeal within fifteen (15) days of receipt of the Planning Commission's recommendation, or within fifteen (15) days of its hearing on the appeal, whichever date is later.

Section 2. From Board Decision. A decision of the Board of County Commissioners may be reviewed by the District Court of the county upon appeal taken thereto in the same manner as an appeal from justice courts in civil cases. The County Clerk shall prepare a transcript of the case upon the payment of the same fee as required for a transcript of a case from a Justice of the Peace, and the District Court shall consider the case upon the issues shown in the transcript. At the time the transcript is filed with the Clerk of the District Court, the appellant shall execute and file a sufficient bond in a penal sum of two hundred dollars (\$200.00) with at least two (2) sureties approved by the District Court conditioned to prosecute the appeal without delay and if unsuccessful to pay all costs incurred by the County because of the appeal. The appellant shall within three (3) days after the transcript is filed in the District Court give written notice to the County Attorney that the transcript is filed. The notice shall state a time not less than three (3) days from the time of service when the appellant shall request a hearing and the District Court shall at such time or at a future time as fixed by order of the court, hear and determine the appeal. If at the hearing it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law which shall constitute a part of the proceedings upon which the determination of the court is made. The court may reverse, modify or affirm the decision brought for review.

Section 3. Appeal of Disapproval of Sexually Oriented Business Conditional Use Permit. If the Board disapproves or conditionally approves a permit request, the applicant shall have thirty (30) days to file an appeal of the ruling.

a. The appeal shall be filed in the District Court of the Third Judicial District in and for the County of Uinta, State of Wyoming.

b. A permit shall be granted if the Court finds that the Board has acted in a manner inconsistent with W.S. § 16-3-114(c)(1)(ii).

Section 4. Appeal to the Supreme Court. An appeal from the judgment of the District Court lies to the Wyoming Supreme Court in the same manner as provided for a civil action.

CHAPTER 11

ADMINISTRATION AND ENFORCEMENT

Section 1. Development/Use Permits. No land shall be subdivided, nor shall the use of any land or structure be changed, nor shall any land be developed without first obtaining a Subdivision Permit, Map Amendment, Variance, Conditional Use Permit or Use Certificate as required by this resolution.

Section 2. Use Certificate. It is unlawful to locate, erect, construct, reconstruct, enlarge, or change any building or land use within any area included in this Land Use Resolution without first obtaining a Use Certificate from the Board of County Commissioners or their agent. No Use Certificate shall be issued unless the plans for the proposed building, structure or use fully complies with the regulations of this resolution. The Board or its agent shall act promptly upon any application and shall grant a Use Certificate when the proposed construction or use complies with the requirements of this resolution. If denied, the Board or its agent shall specify the reasons for the denial of the application. The decision of the Board or its agent may be reviewed by the District Court and by the Supreme Court upon appeal in the same manner as provided in W.S.A. 9-4-114 and 9-4-115. The Planning Department, as agent of the Board, shall grant or deny applications for use certificates according to the following:

a. In cases of Use Certificates for residential, commercial, agricultural or industrial uses the Planning Department shall issue a Use Certificate upon finding that the proposed structure and/or use is:

(1) Compatible with, and is a use by right (residential, commercial, agricultural, industrial, etc.) in the district where the subject property is located.

(2) Conforms with all applicable development and performance standards of Chapter 5 of this resolution.

b. The Planning Department may issue a Use Certificate for any structure associated with and reasonably necessary or incidental to any use-by-right allowed by this resolution.

c. The Planning Department shall issue a Use Certificate for any land use and/or structures granted a Conditional Use Permit.

d. Upon finding by the Planning Department that a proposed structure or use does not conform with the requirements of Sections a., b., and c. above, the Use Certificate shall be denied. The applicant may appeal the decision of the Planning Department to the Board of Commissioners pursuant to the procedures of Chapter 10.

Section 3. Uses Not Requiring a Use Certificate.

The following uses do not require issuance of a Use Certificate:

a. Agricultural uses including the grazing of cattle, sheep, horses, etc., in such number of animal units per acre as dictated by the carrying capacity of the land and good conservation practices. The raising and harvesting of forage and grain crops consistent with good conservation practices. Other sound agricultural land uses.

b. The timber harvesting operations now in operation and the establishment of new areas for timber harvesting are subject only to good and accepted standards of operation and conservation. Sawmills, planing mills, and like plants which transform harvested timber into finished or semi-finished products shall require the issuance of a Conditional Use Permit.

c. Public and private utilities above or underground such as: electricity (not to include commercial electrical generating plants), natural gas service lines, gas and hydrocarbon collection lines, telephone, cable TV, fiber optic, water and sewer mains and appurtenances thereto (but not including large wastewater treatment facilities) and other similar uses normally associated with and necessary to serve residential, commercial, industrial and agricultural, and mineral development land uses.

d. Any utility or appurtenance thereto which may, in the opinion of the Planning Commission, creates a hazard to health and safety or create annoyance, attractive nuisance, or nuisance, or create unsightliness shall be subject to the issuance of a Conditional Use Permit. The Planning Department shall refer all matters that he has a question on to the Planning Commission for their review to determine if a Conditional Use Permit will be required. Utilities and others are encouraged to make early contact with the Planning Department and the Planning Commission to determine if a Conditional Use Permit will be required.

e. Regardless of the above subsections, if the utility involves the erection of any structure, or building, or changes the use of land by coverage or enclosure or other methods, a Use Certificate is required (i.e. natural gas compressor stations, electrical substations and other similar uses require a Use Certificate).

Section 4. Enforcement. The Board or their agent shall enforce the regulations of this land use resolution by:

a. Issuing "stop work or use" orders for any actions in violation of this resolution;

b. Ordering the voiding or rescission of any sale, or destruction of any construction or development in violation of this resolution;

c. The provisions of this resolution are also enforceable by injunction, mandamus or abatement;

d. Prosecuting any violation of any portion of this resolution in accordance with the penalties provided in Section 6 following.

Section 5. Violation. No person shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building, structure or land in violation of this resolution or amendments hereto adopted by the Board. Each day's continuation of such violation is a separate offense.

Section 6. Penalty. Whoever violates any provisions of this resolution shall be fined not more than seven hundred and fifty dollars (\$750.00) for each separate violation. Each of the following may be considered a separate violation.

- a. Each individual use or development in violation of Section 1 of this Chapter.
- b. Each structure erected, or use established without a use certificate.
- c. Each lot sold in violation of the subdivision regulations.
- d. Each day that use continues or construction continues in violation of a "stop work or use" order.
- e. Each day that construction or development which has been ordered removed remains.
- f. Each day lapsing between the issuance of an order to void or rescind a sale and the actual voiding or rescission of said sale.