

SECTION 1. AUTHORITY

I. Authority

These *Zoning Regulations* are adopted under the authority of *Wyoming Statutes Sections 18-5-201 through 18-5-208, as amended* and is hereby declared to be in accordance with all provisions of the statutes.

SECTION 2. RESOLUTION

I. Resolution Creating Regulations

- A. A Resolution has been passed by Johnson County creating *Zoning Regulations (Regulations)* that:
1. divide the county into districts in order to regulate the location and use of buildings and structures;
 2. regulate the use, condition of use, or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of Johnson County;
 3. include a map of the County showing boundaries and the classification of the districts;
 4. define certain terms used in said *Regulations*;
 5. establish administrative and enforcement procedures;
 6. establish a Board of Adjustment to hear appeals and rule on requests for variances;
 7. provide for changes and amendments to these *Regulations*;
 8. prescribe fees; and
 9. prescribe penalties for the violation of its provisions.
- B. These *Zoning Regulations* are comprised of *Parts I – VI*, including the *County Zoning Map*.
- C. These *Regulations* shall take effect and be in force as of the date filed with the Johnson County Clerk and Ex-officio Recorder of Deeds unless the Johnson County Board of Commissioners' Resolution of Approval specifies a later effective date.
- D. It is unlawful to locate, erect, construct, reconstruct, enlarge, change, or use any building or use any land without fully complying with the provisions of these *Regulations*.

SECTION 3. TITLE

- I. These *Regulations* shall be known and may be cited as the ***Johnson County Wyoming Zoning Regulations***.

SECTION 4. INTERPRETATION and SCOPE

I. Interpretation

In interpreting and applying the provisions of these *Zoning Regulations (Regulations)*, they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare of Johnson County, Wyoming.

II. Scope

- A. It is not intended that these *Regulations* interfere with, or abrogate or annul, any easements, covenants or other agreements between parties; provided, however, that where these *Regulations* impose a greater restriction upon the use or location of a building or premises or upon height of building, or require larger open spaces than are imposed or required by other rules, regulations, or permits, or by easements, covenants or agreements, the provisions of these *Regulations* shall govern.
- B. Nothing contained within these *Regulations* shall be construed to prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources, including oil and natural gas, in or under any lands subject thereto.
- C. These *Regulations* do not include or adopt building codes with the exception of those required in floodplains by Federal Emergency Management Agency (FEMA) so that the County may continue to qualify for FEMA-subsidized flood insurance.
- D. Nothing in these *Regulations* requires that any tax assessment status or privilege be automatically altered, conveyed or imposed based on a property's zoning designation.

SECTION 5. PURPOSE, APPLICATION and SEVERABILITY

I. Purpose

- A. In order to promote and protect the public health, safety and general welfare of the residents of Johnson County, the Johnson County Board of Commissioners adopted the Johnson County Comprehensive Land Use Plan (Land Use Plan), a plan for growth and development in the county, on April 19, 2005 (Johnson County Resolution No. 296).
- B. The Land Use Plan established a “Mission Statement for Land Use Planning” that consists of the following three statements:
1. Protect, preserve and develop important physical, cultural, economic, recreational, scenic, agricultural, environmental and other resources of Johnson County for current and future generations.
 2. Preserve or improve the quality of life of Johnson County residents through innovative and resourceful planning. Preserve the rural character of Johnson County.
 3. Balance individual rights with responsibilities, the land use needs for long-term community development, as well as long-term goals of the Land Use Plan.
- C. The Land Use Plan established several “Goals for Land Use Planning” in Johnson County that includes the following seven statements:
1. Protect or preserve the integrity of the county’s natural and other resources, including agriculture, water resources, wildlife habitat and open space.
 2. Conserve the customs, culture and rural character of Johnson County.
 3. Ensure that there is planned and responsible growth within Johnson County.
 4. Minimize the cost to provide services and infrastructure necessary to support future growth.
 5. Balance rights of property owners with responsibilities for protecting property values and the county’s quality of life.
 6. Enable future land use expansion that will sustain economic growth and provide greater stability to the county economy.
 7. Plan for future services and amenities for county residents.
- D. These *Regulations* are enacted for the purpose of implementing the Land Use Plan and achieving the mission statements and goal statements of the Land Use Plan.
- E. The intent of these *Regulations* is to protect property from natural hazards, facilitate access to all sites, develop land in a sensitive manner and contain the costs associated with other taxpayer-funded services such as firefighting, road maintenance, and emergency services in remote areas.

- F. Due to the unique nature and characteristics of some of the land in Johnson County, development standards for slope protection and fire safety may be applicable.
- G. The Overlay Section (Section 8) of these regulations also implements provisions of the Johnson County Airport Master Plan (AO-Airport Overlay), adopted by the Board of County Commissioners on February 4, 2014 via Resolution #491; and Flood Plain provisions (FP-Floodplain Overlay) to ensure Johnson County is in compliance with federal government requirements of the National Flood Insurance Program (NFIP).

II. Application

- A. These *Zoning Regulations (Regulations)* shall apply to all private lands within the unincorporated areas of Johnson County, Wyoming, and to all public lands within the same area that are legally subject to these provisions.
- B. After the effective date of these *Regulations*, any land acquired that was not previously subject to these *Regulations*, shall be assigned a Zoning District, as per *Part IV - Section 21: Amendments*, prior to establishing a use.
- C. After the effective date of these *Regulations*, no land shall be used or occupied; and no structure shall be erected, enlarged, used or occupied, except in conformance with the provisions of these *Regulations*.
- D. The enactment of these *Regulations* shall not prohibit the continuance of the previous legal use of any land or structure for the purpose for which such land, building or structure is used at the time these *Regulations* take effect; and it shall not be necessary to secure any approval allowing such continuance; provided however, that any significant alteration of or addition to any existing building or structure or the change in use of any land, building or structure within any area subject to the provisions of these *Regulations* shall be regulated or prohibited.
- E. The existence of restrictive covenants or agreements shall not be a substitute for these *Regulations*.
- F. Wherever higher or more restrictive standards are established by the provisions of any other applicable statute, resolution or regulations, the provisions of such other statutes, resolutions or regulations shall apply.
- G. No person, firm or corporation and no officer or employee thereof shall knowingly sell, rent or lease, or offer to sell, rent or lease any land or structure for any use or purpose contrary to the provisions of these *Regulations*.
- H. Mineral Resources: Nothing contained within these *Regulations* shall be construed to prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources, including oil and natural gas, in or under lands subject to these *Regulations*.
- I. Public Lands: The government of the United States of America and the State of Wyoming and their agencies and departments are exempt from the requirements of these *Regulations* when undertaking governmental activities on Federal and State lands. All other public land is subject to the requirements of these *Regulations*.
- J. Pending Land Use Applications: Development applications approved prior to the effective date of these *Regulations*, which have not expired, shall be reviewed and

all actions taken shall be in accordance with the Johnson County land use regulations in effect at the time of application.

III. Issuance of Zoning Certificate

After all requirements of these *Regulations* have been met, a Zoning Certificate shall be issued to the applicant.

IV. Severability

If any part or provision of these *Regulations* or their application is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined to the part, provision, section or application expressly involved in the controversy 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.

V. Suspension of Zoning Regulations during Local Emergency

The Johnson County Board of Commissioners may, by emergency resolution, suspend all or part of these *Regulations* on a temporary basis to facilitate response to a natural disaster or local emergency that threatens lives or property.

VI. Judicial Review

Any person aggrieved by a final decision of the Johnson County Board of Commissioners/Board of Zoning Appeals made pursuant to these *Regulations* may appeal to the District Court as provided by *Wyoming Statute 18-5-203*.