

Johnson County Zoning Regulations

PART IV

ADMINISTRATION

SECTION 18. ADMINISTRATION

I. Purpose

This Section establishes the authority, roles, and responsibilities of the Johnson County Planning and Zoning Department (Department) and the Zoning Administrator (Administrator).

II. Administering and Enforcement Entity

- A. The Department shall be responsible for the administration and enforcement of these *Regulations*.
- B. The Department shall:
 1. be responsible for initial activity regarding applications, including:
 - a. receive and review all applications for *Zoning Certificates (Certificates)* for use and development activities, change in use or occupancy of land or structures subject to these *Regulations*;
 - b. receive applications for amendments to the text of these *Regulations* or to the County Zoning Map (Map);
 - c. refer applications to appropriate agencies for comment;
 - d. submit applications, along with the comments of the examining agencies and the comments of the Planning and Zoning Commission (Commission), to the Johnson County Board of Commissioners (Board);
 - e. prepare recommendations on applications received for review and action by the Commission;
 - f. receive all applications for variances from the provisions of these *Regulations*, and transmit, along with the record of the denial, order, or requirement from which the request was made, to the Board of Zoning Appeals;
 - g. receive all applications for appeals from the provisions of these *Regulations*, and transmit, along with the record of the denial, order, or requirement from which the appeal was made, to the Board of Zoning Appeals;
 2. propose to the Commission and the Board any changes to these *Regulations* or Map that may be desirable or necessary. All such changes shall be subject to the amendment procedures set forth in these *Regulations*;
 3. conduct any necessary examinations or studies, relative to the use of land or structures to determine compliance with and appropriateness of these *Regulations*;
 4. maintain all records and files necessary for the efficient conduct of the above duties;
 5. maintain the Map and other records showing the current zoning classification of all lands within the County; and
 6. perform all other tasks associated with the administration of these *Regulations*.

III. Zoning Administrator

There shall be an Administrator designated within the Department by the Board, who shall have the following duties:

- A. Establish and administer procedures for implementation of these *Regulations*, including the development of necessary departmental forms and processes.
- B. Coordinate with other officials in the administration and enforcement of these *Regulations*, as per *Part IV -- Section 23: Enforcement Procedures*.
- C. Approve or disapprove applications for Administrative Zoning Certificates (uses classified as Principle Allowable Uses in these *Regulations*), based on their conformance with the provisions of these *Regulations*.
- D. Receive, review, and process applications for Discretionary Zoning Certificates (uses classified as Conditional Uses in these *Regulations*).
- E. Participate in meetings or public hearings related to zoning before the Commission, the Board of Zoning Appeals, or the Board.
- F. Upon reasonable cause, revoke any *Zoning Certificate* and/or initiate procedures for "cease and desist" orders or other lawful action with the County Attorney's office to insure compliance with the provisions of these *Regulations*.

SECTION 19. PROCEDURES for APPLICATION and APPROVAL OF ZONING CERTIFICATES

I. Purpose

This Section establishes the procedures by which applications for *Administrative and Discretionary Zoning Certificates* will be processed. *Table 19-1* summarizes the *Zoning Certificate* application and review process.

II. Definitions

- A. *Administrative Zoning Certificate* is a Zoning Certificate that is issued by the Zoning Administrator (Administrator) upon determination that a proposed project complies with *Administrative Zoning Certificate* requirements set forth in these *Regulations*.
- B. *Discretionary Zoning Certificate* is a Zoning Certificate that is granted by the Board following recommendation by the Commission to approve based on the proposed project meeting the requirements of these *Regulations*.

III. General Requirements for Zoning Certificates

- A. *Administrative and Discretionary Zoning Certificate (Certificate)* applications are submitted to the Administrator and processed for review based upon the procedures in this Section.
- B. A copy of all *Zoning Certificates* shall be retained on file at the Planning and Zoning Department (Department) and shall be available for examination.
- C. *Zoning Certificates* are required for:
 - 1. establishing or changing the *Principal Allowable* use of any land or structure, except for *Principal Allowable Uses* in the Agriculture District;
 - 2. the construction or alteration of any *Principal Allowable* structure (see "alteration" in *Part V -- Section 27: Definitions and Interpretation*);
 - 3. establishing all *Conditional Uses* allowed by these *Regulations*; and/or
 - 4. development in floodplains as allowed by these *Regulations*.
- D. *Zoning Certificates* are not required for:
 - 1. *Principal Allowable Uses* in the Agriculture District;
 - 2. structures legally existing, or for the use of any structure or land area legally established, prior to the effective date of these *Regulations*; provided that any expansion to an existing structure or change of use of any structure or land area shall require a *Certificate*, as provided by these *Regulations*. See *Part III -- Section 10: Nonconforming Uses and Structures*;
 - 3. any structure or trailer, tent, shed, garage, barn, or other building which shall be reasonably required, convenient, or incidental to the construction of a permanent structure for a period of one (1) year after issuance of *Certificate for Principal Allowable Use*, though extensions may be granted with justification; and/or
 - 4. repair and/or routine maintenance and upkeep of structures and properties.

- E. The erection, alteration, use or occupancy of any structure intended for human dwelling or conducting business with the public must be served by an approved water and sewage system in accordance with the appropriate District regulations.

IV. Administrative Zoning Certificates

A. *Administrative Zoning Certificates for Principal Allowable Uses*

- 1. Circumstances that require an *Administrative Zoning Certificate*:
 - a. Establishment of a new *Principal Allowable Use*.
 - b. Change of previously authorized *Principal Allowable use(s)*.
 - c. Change in occupancy rating of a building that results in an increase to the building's sewage design flow.

B. *Administrative Zoning Certificates for Floodplain Development*

- 1. Circumstances that require an *Administrative Zoning Certificate for Floodplain Development* are prescribed in these *Regulations in Part I -- Section 8: Overlay Regulations* (in Section 8, see I. *Overlays in General* and III. *Floodplain Overlay*).

C. Application Process for *Administrative Zoning Certificates*

- 1. Application for an *Administrative Zoning Certificate* shall be made to the Administrator on a Standard Form provided by the Department and shall include the following information:
 - a. name and address of the applicant;
 - b. location, shape and dimensions of the land area in question;
 - c. dimensions, shape and location of existing and proposed structures, including accessory structures;
 - d. existing and proposed uses of the structure, structures or land area;
 - e. location of existing and proposed water, sewer and utilities;
 - f. location, layout and number of spaces for off-street parking and loading;
 - g. the stated purpose for which the structure or land is to be used; and
 - h. a scaled sketch.
- 2. Upon request of the Administrator, additional information (such as drawings, data, computations) necessary to ensure compliance with these *Regulations* shall be provided by the applicant.
- 3. Additionally, applications for *Administrative Zoning Certificate for Floodplain Development* shall also include the following:
 - a. the nature, location, dimensions, and elevations of the area in question;
 - b. existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities;
 - c. the location of the watercourse relative to proposed use; and
 - d. description of and the extent to which any watercourse will be altered or relocated as a result of the proposed development.

D. Upon receipt of application for an *Administrative Zoning Certificate*, the Zoning Administrator shall:

- 1. Receive, review, process and approve or deny all applications for Administrative Zoning Certificates based on the requirements of these *Regulations*.
- 2. Schedule a Floodplain Administrator review of all applications for *Floodplain Development Permits* to determine whether proposed building sites are within an

“area of special flood hazard” and/or will be reasonably safe from flooding, and that the requirements of *Part II --Section 8 – Floodplain Overlay* have been satisfied.

3. Advise the applicant that additional Federal or State permits may be required.
 - a. When additional Federal or State permits are required, require applicant to provide copies of the required permits.
 - b. Maintain said permits on file with the *Floodplain Development Permit*.
4. Determine whether the application has met the requirements of these *Regulations* and all known State and Federal laws.
5. Maintain all records pertaining to the provisions of this Section.
 - a. Said records shall be filed in the office of the Zoning Administrator.
 - b. Records shall be open for public inspection.

E. Administrative Zoning Certificate Approval Standards

1. The Administrator shall approve or deny all applications for *Administrative Zoning Certificates* within fourteen (14) calendar days of the receipt of the complete application.
2. The Administrator shall issue an *Administrative Zoning Certificate* when the proposed use conforms to the requirements of these *Regulations*.
3. A letter of denial of an *Administrative Zoning Certificate* application shall include reasons for the denial.

F. Expiration of Administrative Zoning Certificates

The *Administrative Zoning Certificate* shall expire if the construction or use authorized by an *Administrative Zoning Certificate* has not begun within one year of issuance (see “Start of Construction” in *Part V -- Section 27: Definitions and Interpretation*).

G. Appeals

Decisions by Administrator to approve or deny *Administrative Zoning Certificates* may be appealed to the Board of Zoning Appeals pursuant to *Part IV -- Section 20: Zoning Appeals and Variances* of these *Regulations*.

V. Discretionary Conditional Use Zoning Certificates

A. A *Conditional Use Zoning Certificate* is required for the following circumstances:

1. Establishment of a new *Conditional Use*.
2. Change from a previously authorized *Conditional Use*.
3. Changes in occupancy rating of a building that results in an increase to the building’s sewage design flow.

B. Application Process for *Conditional Use Zoning Certificates*

1. Pre-Application Meeting
 - a. A pre-application meeting is optional and may be scheduled at the applicant’s request. The purpose of the pre-application meeting is for the applicant to obtain information regarding the applicable provisions of these *Regulations* early in the project development phase.
 - b. Pre-application meetings are held with the Zoning Administrator (Administrator).
2. The application for *Discretionary Zoning Certificate* shall:
 - a. be on a Standard Form provided by the Department;

- b. be submitted to the Administrator;
 - c. be submitted by the landowner or by an authorized agent;
 - d. include required information specified for the type of application;
 - e. include a Site Plan (as per *Section 25: Site Plans*); and
 - f. be accompanied by any required fees specified for the type of application.
3. Initial review of application
 - a. Within fourteen (14) calendar days of receiving an application, the Administrator shall determine if the application is complete.
 - b. If the application is incomplete, the Administrator shall notify the applicant of the deficiencies by the end of the 14-day period and return the application material.
 - c. When the application is deemed complete, the Administrator shall schedule a public hearing and begin the review process.
 4. Agency Referrals
 - a. The Administrator is authorized to refer the application, for comments, to any local, state, or federal agency or office that may have relevant interest(s) or expertise.
 5. Staff Report
 - a. The Administrator shall prepare a staff report on the application. The staff report shall:
 - 1) include a summary of the proposed action, background information, and a summary of outside agency comments;
 - 2) indicate whether the application complies with the requirements of these *Regulations*;
 - 3) contain recommendations for action; and
 - 4) be mailed to the applicant and to the body holding the hearing at least seven (7) calendar days prior to the hearing.
 6. Public Hearings
 - a. The Administrator shall be responsible for the scheduling of public hearings.
 - b. Public hearings shall be conducted at regular meetings of the Commission or Board, or at a special meeting called for that purpose.
 - c. Hearings shall be scheduled at the next available time and date on the Commission's or Board's schedule, but no later than sixty (60) calendar days after receipt of a complete application.
 7. Public Notice Requirements
 - a. The Administrator shall be responsible for publishing notices and mailing notices prior to the hearing at least the number of days equal to the notice period specified for the type of application in *Table 19-1: Application Review Process*.
 - b. Notice Contents: Notices for public hearings shall include the following:
 - 1) A brief description of the project;
 - 2) The project's location relative to landmarks or cross roads and the address, if available;
 - 3) An abbreviated legal description;
 - 4) Applicant's name;
 - 5) Hearing date, time, and place; and
 - 6) Where additional information can be obtained.

- c. Published Notice: The notice of a public hearing shall be published in at least one newspaper of record designated by Johnson County.
- d. Mailed Notice: Written notice shall be mailed to the following:
 - 1) applicant;
 - 2) security interest holders as identified by the applicant;
 - 3) owners of all adjacent properties as shown in the property ownership records of the County Assessor, as provided by the applicant;
 - 4) owners of all properties within 600 feet of the subject property as shown in the property ownership records of the County Assessor, as provided by the applicant; and
 - 5) any person who requests to be informed of a pending hearing.
- e. Incorrect Notice:
 - 1) If notice is not provided in accordance to the notice requirements of these *Regulations*, the public hearing shall be rescheduled and the hearing shall be re-noticed pursuant to this Section.

C. Planning and Zoning Commission (Commission) Review

- 1. The Commission shall conduct a public hearing on all applications subject to the Commission's review pursuant to *Table 19-1: Application Review Process*.
- 2. The Commission shall evaluate the application's compliance with the required approval standards.
 - a. In evaluating the application, the Commission shall consider the staff report, outside agency comments, and any public comment received at the public hearing.
- 3. The Commission shall render a recommendation within forty-five (45) calendar days of the hearing.
 - a. This time limit may be extended with consent of the applicant.
 - b. If no action is taken by the Commission within the specified time, the application shall be deemed as recommended for approval by the Commission and shall be referred to the Board.
- 4. Referral of Application to Johnson County Board of Commissioners (Board)
 - a. Administrator shall refer applications that require Commission recommendations to the Board within fourteen (14) calendar days after the Commission's action.
 - b. The Commission's recommendations, background material, and support information will be included when the application is forwarded to the Board.
 - c. Within the same 14-day period, the Administrator shall schedule a hearing date.
 - d. At the applicant's request, scheduling of the hearing may be delayed one time up to 90 calendar days.

D. Johnson County Board of Commissioners (Board) Review and Decision

- 1. The Board shall conduct a public hearing on all applications requiring the Board's approval pursuant to *Table 19-1: Application Review Process*.
- 2. The Board shall evaluate the application for compliance with the approval standards applicable to the type of application and the recommendation of the Commission.
- 3. The Board shall render a decision within forty-five (45) calendar days of the hearing. This time limit may be extended with consent of the applicant.
- 4. If no action is taken by the Board within the specified time, the application shall be deemed approved.

E. Continuances

1. The body responsible for conducting a public hearing may continue the public hearing to a subsequent regular meeting or special meeting called for this purpose.
2. Public hearings continued to a specific date do *not* need be re-noticed.
3. Hearings continued to an indefinite date, or hearings closed and then reopened shall be re-noticed.
 - a. Notice shall be mailed to all parties involved in the public hearing at least ten (10) calendar days prior to the rescheduled hearing date.

F. Concurrent Review

1. Applicants whose projects require approval of more than one type of construction or use application may choose concurrent processing of these applications.
2. Whenever concurrent processing is used, the applicant's submittal shall include the complete information required for each application.

G. Financial Guarantees

1. When on-site or off-site infrastructure is required, the Board may require the applicant to execute an agreement guaranteeing construction of physical improvements mandated by the *Discretionary Zoning Certificate*.
 - a. The agreement may include a financial guarantee, such as cash, a payment and performance bond, or irrevocable letter of credit, in an amount no less than 120 percent (120%) of the estimated cost of the required improvements.
 - 1) Estimated cost of improvements shall be determined by written estimates provided by a Wyoming licensed engineer, or the contractor who will install the improvements, or other qualified source at the discretion of Administrator.
 - 2) Estimates shall be provided by applicant.
 - b. A financial guarantee may be required when transportation, utilities, drainage, or other infrastructure construction is required.

H. Approvals Run With the Land

1. All *Discretionary Zoning Certificates* granted shall run with the land and the current property owner is responsible for compliance with the provisions of the *Certificate*.

I. Expiration

1. The *Discretionary Zoning Certificate* shall expire if the construction or use authorized has not begun within one (1) year of issuance (see "Start of Construction" in *Part V -- Section 27: Definitions and Interpretation*).
2. The Administrator may extend this time limit up to one additional year when the use or development authorized by the *Certificate* has been delayed due to circumstances beyond the applicant's control.
3. Request for extensions shall be in writing and shall state the circumstances for the request.

J. Appeals

1. Decisions to approve or deny *Discretionary Zoning Certificates* may be appealed pursuant to *Part IV -- Section 20: Zoning Appeals and Variances*.

TABLE 19-1: APPLICATION REVIEW PROCESS

Application Type	Notice Required	Notice Period *	Administrator Review	Agency Referrals	Commission Review	Board Approval
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ADMINISTRATIVE CERTIFICATES

Principal Allowable Use Certificate	No	N/A	Yes	No	No	No
Floodplain Development Certificate	No	N/A	Yes	No	No	No
Appeals	Yes	14 days	No	No	Yes	Yes, if required
		Court of Competent Jurisdiction in accordance with Wyoming State Statutes				

DISCRETIONARY CERTIFICATES

Conditional Uses	Yes	14 days	Yes	Yes	Yes	Yes
Appeals	Yes	Court of Competent Jurisdiction in accordance with Wyoming State Statutes				

VARIANCES and AMENDMENTS

Variations	Yes	14 days	Yes	Yes**	Yes	Yes
Zoning Map Amendment	Yes	30 days	Yes	Yes**	Yes	Yes
Zoning Text Amendment	Yes	30 days	Yes	Yes**	Yes	Yes
Appeals	Yes	Court of Competent Jurisdiction in accordance with Wyoming State Statutes				

* Days = calendar days

** If warranted

SECTION 20. ZONING APPEALS and VARIANCES

I. Purpose

- A. This Section establishes a hearing process and procedures for the granting of an exception from *Part III – Supplementary Provision* portion of these *Regulations* when topography or other extraordinary or exceptional circumstances specific to the property exist, and where the strict application of these *Regulations* would result in an unnecessary hardship.
- B. A variance is a specific exception which contravenes the usual requirement in accordance with this Section. An amendment to the Zoning Regulations or Zoning Map is a change made by correction, addition, or deletion. Granting a variance does not constitute an amendment to the *Regulations* or *Map*.
- C. This Section establishes the Johnson County Board of Commissioners (Board) as the Board of Zoning Appeals.
- D. This Section establishes the procedures for filing an appeal from a decision by the Zoning Administrator (Administrator) or Planning and Zoning Commission (Commission.)

II. Board of Zoning Appeals

- A. The Johnson County Board of Commissioners shall serve as the Board of Zoning Appeals.
- B. The Board shall designate a Secretary when serving as the Board of Zoning Appeals.
- C. The Board of Zoning Appeals shall have the following powers and jurisdictions:
 - 1. To interpret the provisions of these *Zoning Regulations (Regulations)* in such a way as to carry out the intent and purpose of these *Regulations* and the *Johnson County Land Use Plan*.
 - 2. To allow a variance from these *Regulations* as per Part III -- Section 9: *Development Standards* and *Part III* of this Section.
 - 3. To hear and decide appeals, as per *Part IV* of this Section, where it is alleged there is error in interpretation of law in any order, requirement, decision or determination made by the Administrator or Commission in the enforcement of these *Regulations*.

III. Variances

- A. The Board of Zoning Appeals may allow variances in the setback, yard, or height requirements of any District so as to:
 - 1. allow unusual arrangement of structures on a lot where there are practical difficulties or unnecessary hardships in the carrying out these provisions due to an irregular shape of the lot, topographical or other conditions.

- B. The Board of Zoning Appeals may allow variances to the District Regulations, upon formal application, whenever **all** of the following criteria are met:
1. a property owner can show that a strict application of the terms of these *Regulations* relating to the use, construction or alteration of structures, will impose upon the owner, practical difficulties or particular hardship; and
 2. that such variations of the strict applications of the terms of these *Regulations* are in accord with the general purpose and intent of the *Regulations*; and
 3. that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty; and
 4. ensure that the surrounding properties will be properly protected.
- C. The Board of Zoning Appeals shall not grant a variance from these *Regulations* that would:
1. allow a land use not otherwise allowed in the Zoning District;
 2. waive a specific prohibited activity;
 3. grant relief for self-imposed hardships;
 4. waive or modify a procedural requirement (e.g. site plan or public hearing); or
 5. relieve impacts due to cost or time.
- D. Procedures for requesting variance:
1. A request for a variance shall be filed with the Administrator on forms provided.
 2. Upon receipt of a request for a variance, the Administrator shall transmit the request and any other pertinent information to the Board of Zoning Appeals for consideration.
 3. The Board of Zoning Appeals shall schedule a hearing date and follow proper hearing notification procedures.
- E. Upon finding that there are special circumstances applicable to the property so that the strict application of these *Regulations* denies the property owner privileges enjoyed by other property owners with the same Zoning District, the Board of Zoning Appeals, by a majority vote, may approve a variance, with or without conditions.
- In approving a variance, the Board of Zoning Appeals may:
1. impose conditions necessary to ensure the variance does not grant special privileges inconsistent with the limitations on other properties in the vicinity and Zoning District in which the property is located; and/or
 2. impose reasonable conditions to ensure that the variance meets the criteria set out in this Section.

IV. Appeals

- A. Who may appeal:
1. Any order or decision of the Administrator or Commission may be appealed to the Board of Zoning Appeals by any person or agency affected by any such order or decision.
- B. Filing an Appeal:
1. Appeals shall be filed with the Administrator within thirty (30) calendar days following the date of the final decision.
 2. All appeals shall be in writing and provide sufficient information to describe the basis for the appeal.

3. Forms shall be provided for this purpose by the Administrator.
4. The Administrator shall transmit to the Board of Zoning Appeals within fourteen (14) calendar days the complete record of the action which is being appealed.

V. Hearings on Requests for Variances and Appeals

- A. A public hearing is required prior to any decision by the Board of Zoning Appeals regarding:
 1. request for variance from the provisions of these Regulations; or
 2. appeal from an order or decision of the Commission or Administrator.

- B. Hearings shall proceed in accordance with the following:
 1. The Board of Zoning Appeals shall fix a reasonable time and place for the hearing.
 2. Public notice shall be given of all hearings and adhere to the following:
 - a. A designated County official shall post sign on the affected property for at least five (5) calendar days prior to the date of the hearing; and
 - b. There shall be one (1) publication of a notice in the official newspaper at least five (5) days prior to the hearing.
 - c. Both the sign and the newspaper noticed shall:
 - 1) Identify the applicant,
 - 2) Briefly state the nature of the appeal or the variance sought, and
 - 3) Give the date, time, and place of the hearing.
 3. Notice of the hearing shall be given to the parties of interest, including the appellant, the Department, and the Commission as detailed in Table 19-1: Application Review Process of these *Regulations*.
 4. All hearings shall be open to the public.
 5. At any public hearing any interested party may appear in person or be represented by an agent or attorney.
 6. All testimony and evidence shall be presented publicly.
 7. The Board of Zoning Appeals may reverse or affirm, wholly or in part, the order, requirement, decision or determination of the Administrator or Commission as necessary.
 8. The Board of Zoning Appeals shall keep a record of the proceedings for each matter heard, which shall be kept on file and copies made available to any party, at cost. The record of proceedings may include documents and physical evidence considered in the case.

- C. The Board of Zoning Appeals shall render a decision on each case heard in accordance with the following:
 1. The decision shall be in writing.
 2. The decision shall be made within thirty (30) calendar days of the hearing.
 3. Each decision shall be accompanied by their reasons and based on findings of fact.
 4. The record shall show the grounds for each decision and the vote of each member.
 5. The record of proceedings shall be a public record.
 6. The record shall include the nature of the variance, any time limitations, and any special conditions imposed.
 7. The concurring vote of a majority of the Board of Zoning Appeals shall be necessary to:
 - a. reverse any order, requirement, decision or determination of the Administrator or Commission;

- b. decide in favor of the appellant; or to
- c. affect any variation in these Regulations.

VI. Appeal from the Board of Zoning Appeals Decision

- A. All decisions of the Board of Zoning Appeals are appealable to the District Court in accordance with Wyoming law.

SECTION 21. AMENDMENT PROCEDURES

I. Intent

- A. In harmony with the purpose of these *Zoning Regulations (Regulations)* as stated in *Part I -- Section 5: Purpose, Application and Severability*, these *Regulations* or the *Zoning Map (Map)* shall not be amended, except:
 - 1. to correct an error or oversight in the *Regulations* or *Map*; or
 - 2. to recognize changing conditions in Johnson County, which require that amendments be adopted for the promotion of the public health, safety and general welfare.

II. Applicability

- A. All amendments to the *Regulations* text and all amendments to the *Map* shall comply with the requirements of this Section, except upon the declaration by the Johnson County Board of Commissioners of emergency circumstances.

III. Initiation of Amendments

- A. The following may initiate amendments, in conformity with these Regulations:
 - 1. Johnson County Board of Commissioners (Board);
 - 2. Planning and Zoning Commission (Commission);
 - 3. Planning and Zoning Department (Department); or
 - 4. any person, firm or corporation.
- B. Types of Amendments:
 - 1. Amendments which seek to change the wording of the *Regulations*.
 - 2. Amendments which seek to change the district boundary lines on the *Map*.

IV. Application Requirements for Amendments

- A. Any proposed amendment, supplement, change, modification or repeal of these *Regulations* shall first be submitted to the Commission for its recommendation and report.
- B. *Application for Amendment* to the *Regulations* text shall be made to the Department on forms provided and shall include:
 - 1. name, address, and contact information of the applicant;
 - 2. specific reference to the text(s) to be changed;
 - 3. proposed wording of *Regulations* text amendment;
 - 4. applicant's interest in the application, i.e., whether owner of the land or structure affected, or agent;
 - 5. name and address of any other interested parties, such as owner or developer;
 - 6. nature and effect of the proposed amendment;
 - 7. statement of the legal basis for such an amendment, whether to correct an error or to recognize changing conditions; and
 - 8. other information as requested by the Administrator or required by these *Regulations*.
- C. Amendments to the *Map* shall be made to the Department on forms provided and shall include:
 - 1. name, address, and contact information of the applicant;
 - 2. the legal description of the land sought to be rezoned;

3. a map of the area sought to be rezoned, showing the relationship of the property to abutting properties;
4. existing District designation and proposed District designation;
5. landowner authorization if amendment is initiated by other than landowner, except as follows:
 - a. amendments of general application;
 - b. wide-area application; or
 - c. amendments initiated by the Board, the Commission or the Administrator.
6. time schedule for development;
7. names and addresses of all owners of land within the area proposed for rezoning and land located within one thousand (1,000) feet of the outer limits of the area to which the applicant desires a Zoning change; and
8. a written statement describing the consistency of the proposal with the *Land Use Plan* and these *Regulations*.

D. Emergency Amendments

1. Amendments adopted by the Board under emergency circumstances shall be considered by the Commission at a special meeting or its next regular meeting and a recommendation and report shall be made.
2. Upon receipt of a recommendation from the Commission relating to emergency amendments, the Board shall vote to ratify or rescind the previous action.

V. Amendment Procedures

A. Any party requesting any Amendment shall file an application with the Department according to this Section.

B. Upon receipt of any *Application for Amendment*, the Administrator shall:

1. refer the application to the Commission for study and recommendation; and
2. report to the Board the recommendation of the Commission concerning the nature of the application.

C. Public Hearings on Applications for Amendment

1. All amendment applications shall be the subject of a public hearing prior to consideration by the Commission.
2. The Board shall hold a public hearing in accordance with Wyoming law on such proposal.
3. A public hearing shall be held only after notice of the hearing has been published in a newspaper of general circulation designated by Johnson County at least thirty (30) calendar days prior to the date set for said hearing.

D. Decisions on Applications for Amendment

1. After the public hearing, the Commission will deliberate on District amendment proposals and will forward its findings and recommendations to the Board.
2. In its deliberations on the proposed amendment, the Board shall take into consideration any evidence and material available to it, comments of public agencies, comments from the public, and the findings and recommendations of the Commission.
3. A favorable vote of a quorum of the Board is required for any change in a District to be put into effect.

SECTION 22. FEES

The Johnson County Board of Commissioners establishes the following fees for *Certificates*, determinations, applications, and other services under these *Zoning Regulations*.

TYPE OF CERTIFICATE / ACTIVITY	REFERENCE	FEE
Administrative Zoning Certificates for Principle Allowable Uses	Part IV; Section 19	\$ 00.00
Administrative Zoning Certificates for Floodplain Development	Part II; Section 8	\$ 25.00
Discretionary Zoning Certificates	Part IV; Section 19	\$ 25.00
Temporary Use Certificates	Part IV; Section 26	\$ 10.00
Site Plan Review	Part IV; Section 25	\$ 50.00
Amendments Amendment to County Zoning Map Amendment to County Zoning Regulations Text	Part IV; Section 21	\$ 25.00 \$ 25.00
Appeal	Part IV; Section 20	\$ 25.00
Variance	Part IV; Section 20	\$ 25.00
Commercial Telecommunication Tower Certificate	Part IV; Section 13	\$ 25.00
Commercial Wind Energy System Certificate	Part III; Section 15	\$ 5000.00 or \$ 250.00 for each turbine; whichever is greater.

SECTION 23. ENFORCEMENT PROCEDURES

I. General

- A. The purpose of this Section is to establish procedures for discovery and resolution of violations to, and to specify penalties for violations to, these *Regulations*.
- B. 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*.

II. Discovery of Violations

- A. The Zoning Administrator (Administrator) shall act upon violations discovered by any of the following means:
 - 1. Complaint:
 - a. Complaints of zoning violations shall be made to the Administrator.
 - b. Any person, including any resident or landowner of the county and including any Johnson County officer or employee, may make a complaint.
 - c. The Administrator may act upon anonymous complaints if they appear valid.
 - d. The Administrator shall investigate all complaints and shall take further action only if the Administrator verifies that a probable zoning violation exists.
 - e. The Administrator shall apprise complainant of the final disposition of the complaint.
 - 2. Record Checking:
 - a. The Administrator is authorized to review any public records to discover and investigate zoning violations.
 - 3. Inspections:

The Administrator is authorized to discover and investigate zoning violations by:

 - a. conducting on-site inspections of properties provided the landowner consents to the inspection;
 - b. inspecting properties by viewing them from public areas or other areas where consent has been obtained;
 - c. observing zoning violations in the course of conducting other Johnson County business for which the Administrator has permission to enter the property or which otherwise allows the Administrator to witness a violation;
 - d. obtaining an inspection warrant from a court of competent jurisdiction if other means of inspecting a probable violation are ineffective; and
 - e. other methods approved in advance by the Johnson County Attorney.

III. Informal Resolution

- A. Upon finding that a zoning violation has probably occurred, the Administrator shall attempt to resolve the matter informally by contacting the responsible party and discussing the violation.
- B. In the case of complaints, no more than 30 days shall be allowed for informal resolution.
- C. If informal resolution is not successful within the specified time, a *Notice of Violation* shall be issued.

IV. Notice and Formal Resolution of Violation

- A. When the Administrator has determined that a zoning violation has probably occurred, and informal resolution is unsuccessful or inappropriate due to the nature of the violation, the Administrator shall send a *Notice of Violation* as follows:
1. Notice shall be sent to the landowner or a responsible party, as defined in this Section,
 2. Notice shall be sent by certified mail, return receipt requested.
 3. A copy of the *Notice of Violation* shall also be sent to other county offices.
 4. The *Notice of Violation* shall state:
 - a. the location of the property;
 - b. the nature of the violation;
 - c. reference to the specific *Zoning Regulations* that are allegedly violated;
 - d. a time limit for compliance not to exceed 30 calendar days;
 - e. the penalty for violations; and
 - f. required corrective actions.
- B. Time Extension
1. At the Administrator's discretion, the time limit for compliance may be extended for an additional 60 calendar days if the landowner is making meaningful progress toward compliance.
- C. Failure to Comply
1. If substantial compliance is not achieved within the specified time, the Administrator shall notify:
 - a. the County Attorney of possible enforcement action; and
 - b. the Board, if applicable, for possible revocation of *Certificate*.
- D. Appeals
1. The Administrator's issuance of a Notice of Violation may be appealed to the Board of Zoning Appeals pursuant to *Part IV -- Section 20: Zoning Appeals and Variances*.
 2. The Notice of Violation shall advise of this opportunity for appeal.
- E. Withholding Of Certificates
1. Upon issuance of a *Notice of Violation*, all County offices may withhold the issuance of any *Certificate* approved under authority of the Board for the subject land.
 2. Such *Certificate* shall be withheld until the Administrator clears the *Notice of Violation*.
 3. However, such *Certificate* may be issued if the Administrator determines that the issuance of the *Certificate* will facilitate correction of the violation.
- F. Revocation of Board Approvals
1. The Board may revoke a *Zoning Certificate* or variance if terms or conditions of approval are violated. Prior to revocation, the land owner shall be given an opportunity for a hearing before the Board. Notice shall be provided in accordance with *Part IV -- Section 20: Zoning Appeals and Variances*. The Board may specify a time by which action shall be taken to correct any violations in order for the approval to be retained.

2. Revocation of Zoning Administrator Approvals: The Administrator may revoke any *Administrative Zoning Certificate* if it is determined that the project for which the *Certificate* was issued is in violation of these Regulations. Revocations by the Administrator may be appealed to the Board pursuant to *Part IV -- Section 20: Zoning Appeals and Variances*.

H. Responsible Parties

1. The County may institute enforcement action against any parties responsible for the violation including, but not limited to: any landowner who authorizes, commissions or allows any construction or other use of land in violation of these *Regulations*; any tenant, renter, contract purchaser or other occupant of the land who authorizes, commissions or allows any construction or other use of land in violation of these *Regulations*; any contractor, firm, or other person who engages in construction or land development activities in violation of these *Regulations*.

I. Record Keeping

1. The Administrator shall maintain complete records of all violations, including information leading to the discovery of the violation, the results of investigations, and copies of all correspondence. Unless the violation is active and the case is open, violation records shall be made available to the public upon request.

J. Penalties

1. The penalty for any violation of any provision of these *Regulations* shall be determined in a court of law in accordance with *Wyoming Statute (W.S.) 18-5-206*.

K. Additional Legal Remedies

1. When other means of enforcement have failed, or in cases warranting immediate abatement, the County Attorney is authorized to pursue additional legal remedies pursuant to *W.S. 18-5-205*.

SECTION 24. CONDITIONAL USES

I. Conditional Uses Generally

- A. *Conditional Uses* allow for flexibility in these *Regulations* by providing a review process, as an alternative to outright prohibition, for certain specified uses that might be disruptive or incompatible with other uses in the District.
- B. If applicable, such uses are designated as *Conditional Uses* in each District.
- C. *Conditional Uses* may be approved provided the use is reviewed and adverse impacts are identified and mitigated.

II. Applicability

- A. *Conditional Uses* are discretionary and subject to the review and approval requirements of the Discretionary Development Application Procedure outlined as per *Part IV -- Section 19: Procedures for Applications and Certificates* of these *Regulations*.
- B. A *Conditional Zoning Certificate* is required before commencing or establishing any use specified in *Part II -- Section 7: District Regulations* of these *Regulations* as a *Conditional Use* in a District, except as provided in C, D, and E, below.
- C. Any use of land or structures legally established prior to the enactment of these *Regulations* and permissible as a *Conditional Use* in the District where it is located shall be considered an Principal Allowable Use, except if discontinued for one year or more. Thereafter, a *Conditional Zoning Certificate* shall be required to re-establish the use.
- D. Uses classified as *Conditional* by these *Regulations* that have been legally established prior to the enactment of these *Regulations* shall not be enlarged, relocated, extended or increased in intensity unless an application is made and *Conditional Zoning Certificate* received. The *Conditional Zoning Certificate* is necessary only for the additional activity.
- E. The Administrator may waive the *Conditional Zoning Certificate* requirement for minor expansion of pre-existing *Conditional Uses* provided all of the following four conditions are met:
 - 1. The expansion does not include improvements which might require a performance bond or other financial guarantee.
 - 2. The expansion will not intensify the impacts on neighboring lands or public facilities including roads.
 - 3. The expansion will not result in an increase of more than 50 percent in either the floor area of the structure housing the use or in the outdoor area occupied by the use.
 - 4. The proposal shall not involve a change in the type of use.

III. Application Requirements

- A. The following information shall be submitted to the Department with any application for a *Conditional Use*:
 - 1. Written Material:
 - a. Completed Standard Application Form;
 - b. Written statement from the property owner consenting to the filing of the application, if the applicant is not the property owner;
 - c. Legal description and acreage;
 - d. Description of proposed use including, if applicable:

- 1) amount of building square footage;
 - 2) types of activities;
 - 3) method of operation;
 - 4) hours of operation; and
 - 5) characteristics having impact on adjacent properties.
- e. Evidence that an adequate water supply in terms of quantity, quality, and dependability for the use is, or will be, available;
 - f. Evidence that an adequate means of sewage and wastewater disposal is, or will be, available;
 - g. Evidence that utilities, public services and infrastructure are available to serve the use;
 - h. Soils report prepared by the local soil conservation district, or a professional soils engineer or geologist when appropriate;
 - i. Evidence that the proposed use does not violate any existing covenants;
 - j. Statement of how compatibility with adjacent land uses will be achieved;
 - k. Statement of how adverse impacts will be mitigated;
 - l. Written recommendation from the appropriate airport board or official if the proposal is in an *Airport Overlay* as described in these *Regulations*.
2. Graphic Material:
 - a. Vicinity map;
 - b. Plan-view drawing showing building locations, utility location and size, parking areas and parking arrangement, access and circulation, storm water drainage, and activity areas;
 - c. Building floor plans and elevations;
 - d. Map showing site topography and natural features; and
 - e. Site Plan as per *Part IV -- Section 25: Site Plans*, if required.
 3. Waiver of application requirements.
 - a. The Administrator may waive an application requirement if the specified item(s) is not relevant to the project review.

IV. Approval Standards

- C. A *Conditional Use* shall be approved only if it is determined that:
 1. The use complies with all specific criteria stated in these *Regulations* for the use;
 2. The use complies with any additional requirements, if applicable;
 3. The use is determined to be in harmony and compatible with surrounding land uses;
 4. The use will not create a substantial adverse impact on adjacent properties; and
 5. Adequate services and infrastructure are available to serve the use, or the applicant has agreed to provide services and infrastructure in sufficient time to serve the proposed use.
- B. Conditions of Approval
 1. In approving a *Conditional Zoning Certificate*, the Commission may impose reasonable requirements or conditions to ensure compatibility with the surrounding area and mitigate project impact, provided that such conditions or requirements:
 - a. are limited to issues directly related to the impacts of the proposed use; and
 - b. are proportional to the impacts.

C. Expiration / Revocation

1. The *Conditional Zoning Certificate* expires one year from date of issuance if significant action to establish the use or *Start of Construction* (reference *Part V – Section 27: Definitions*) has not occurred.
2. The Administrator may extend this time limit up to one additional year if establishment of the *Conditional Use* has been delayed due to circumstances beyond the applicant's control.
3. Cessation of a *Conditional Use* for one year after having been established shall cause the *Conditional Zoning Certificate* to be revoked.
4. The Board may revoke a *Conditional Zoning Certificate* if terms or conditions of approval are violated.
5. After expiration or revocation of a *Conditional Zoning Certificate*, no *Conditional Use* may resume unless an application is filed and approved in accordance with the procedures for the review and approval of a new *Conditional Zoning Certificate*.

V. Appeals and Variances

- A. Appeals and variances are discussed in detail in *Part IV -- Section 20: Zoning Appeals and Variances* and should be reviewed for specific requirements.

SECTION 25. SITE PLANS

I. Purpose of Site Plan Review

- A. A Site Plan is a graphical plan drawn to scale, showing uses and structures proposed for a parcel of land and site development features, both natural and manmade in sufficient detail to accurately portray the intent of the proposed project or development.
- B. Site Plan Review is the process whereby county officials review the Site Plan of a proposed project prior to implementation to:
 - 1. assure the stated purposes and standards of these *Regulations* are met;
 - 2. provide for the necessary public facilities such as roads and drainage structures;
 - 3. provide for adequate site development including sewage disposal, parking, water supply and other requirements through appropriate siting and design of structures and other improvements;
 - 4. determine how the proposed project will impact adjacent properties; and
 - 5. determine compliance with the *Land Use Plan*.

II. Uses Subject to Site Plan Review

- A. Site Plan Review is required prior to the construction or establishment (including site preparation) of any use listed in *Table 25-1. Uses Subject to Site Plan Review*:

TABLE 25-1. USES SUBJECT TO SITE PLAN REVIEW
1. All <i>Conditional Uses</i> in any District
2. Multifamily dwelling
3. Construction of any building or building addition resulting in more than 3,750 square feet of ground floor area, except for buildings constructed as a <i>Principle Permitted Use</i> or <i>Accessory Use</i> in an Agriculture District
4. Development of more than one acre for a land use
5. Large Non-Commercial Wind Energy System
6. Commercial Wind Energy System
7. Commercial Telecommunication Tower
8. Sand and Gravel Operation
9. All uses in the Heavy Industrial District
10. Uses in other Districts where significant impact may occur as determined by the Administrator

III. Waiver of Site Plan / Exceptions

- A. The Zoning Administrator (Administrator) may waive part or the entire Site Plan requirement provided all of the following conditions are met:
 - 1. The proposal does not include any improvements that require posting of a financial guarantee.
 - 2. The proposal will not involve an increase in the intensity of impacts on neighboring lands or public facilities, including roads.
 - 3. The proposal will not result in an increase of more than 50 percent in either:
 - a. the floor area of the structure housing the use; or
 - b. the outdoor area used.
 - 4. The proposal does not involve a change in the type of use.

B. Exceptions

1. The Planning and Zoning Commission (Commission) may grant such exceptions from these Site Plan standards:
 - a. as may be reasonable and within the general purpose and intent of this Section; or
 - b. if literal enforcement of the standards is impractical or will exact undue hardship because of peculiar conditions of the land in question.

- C. Site Plan review is required pursuant to this Section regardless of whether the proposed use also requires another form of discretionary development approval (Variance, County *Zoning Map* amendment or *Zoning Regulations* text amendment). Such approvals may be obtained prior to Site Plan review or may be applied for and processed concurrently.

IV. Site Plan Requirements

A. Site Plan Procedure

1. A Site Plan shall be submitted as part of the *Zoning Certificate* application package for uses requiring a Site Plan.
2. The Site Plan shall include information described in this Section, unless a waiver of such requirements, or a portion thereof, is granted by the Zoning Administrator (Administrator).
3. The Administrator shall review the Site Plan to ensure it meets the basic Site Plan standards and any applicable special Site Plan standards. The Administrator's findings will be included in the report to the Commission regarding the application.
4. Further Site Plan action will occur as per *Part IV -- Section 19: Procedures for Applications and Certificates*.

B. Specific Site Plan Requirements:

All Site Plans shall meet the following basic standards, as provided by applicant:

1. Domestic water supply:
 - a. Where reliance on individual water supplies is proposed, evidence that an adequate quantity and quality of water is available or can be provided.
 - b. Where reliance on a public or central water system is proposed, evidence that the water system can and will serve the development's water supply needs.
2. Sewage disposal:
 - a. All on-site sewage disposal systems shall be designed in accordance with State and County standards.
 - b. Compliance with such standards shall be documented.
 - c. Where sewage disposal is proposed via a public or central sewage collection and treatment system, evidence that the sewage collection and treatment system can and will serve the development's sewage disposal needs.
3. Solid Waste Disposal Plan.
4. Hazardous substances:

Compliance with any applicable known state and federal regulations on the handling, storage and disposal of hazardous substances.
5. Utilities:
 - a. Adequate easements or rights-of-way shall be provided as necessary for all utilities proposed to serve the development.
 - b. Arrangements for utilities:
 - 1) comply with the standards of each utility, and

- 2) can and will serve the proposed development.
6. Signs:
Compliance with *Part III -- Section 11: Sign Requirements*.
7. Parking and loading areas:
Compliance with *Part III -- Section 12: Parking and Loading Requirements*.
8. Roads and access:
 - a. Evidence that state or county highway access permits have been or can be obtained.
 - b. Evidence of compliance with *Johnson County Road and Bridge Standards*.
9. Traffic impact study and plans to mitigate traffic impacts.
10. Fire protection:
 - a. Evidence of compliance with recommendations of the local fire district firefighting water supply, and wildfire mitigation; and
 - b. Evidence of compliance with any applicable requirements of the State Fire Marshal.
11. Protection of irrigation systems:
Evidence that irrigations systems are protected.
12. Water quality:
Evidence of compliance with any applicable known state and federal water quality regulations.
13. Wetlands:
Evidence of compliance with any applicable known federal wetlands regulations.
14. Stream corridors:
The open space use of stream corridors and the retention or restoration of riparian vegetation shall be encouraged.
15. Topography and Soils
 - a. Contours of the project site shall be shown in 10 foot increments.
 - b. Slopes greater than 15% shall be identified.
 - c. Site specific soil description as provided on soil map from local Conservation District.
 - d. Soils recommendation in writing from a licensed engineer.
16. Outdoor lighting:
Outdoor lighting shall be designed to meet the requirements of *Part III -- Section 9: Development Standards*.
17. Noise:
Anticipated noise level, frequency, and duration of proposed use.
18. Runoff and erosion control:
Compliance with *Part III -- Section 9: Development Standards*.
19. Air quality:
Compliance with any applicable known state and federal air quality regulations.
20. Standards for specific uses:
Compliance with *Part III -- Section 9: Development Standards*.
21. Overlays:
Compliance with all applicable requirements of *Part II -- Section 8: Overlays*.
22. Other zoning requirements:
Compliance with all applicable zoning requirements, including but not limited to building setbacks, minimum lot sizes, etc.

C. Board of Commissioners Review

1. The Board, based Site Plan review, may impose such requirements and restrictions upon the physical development of the site as deemed necessary to secure compliance with these *Regulations*. Such conditions shall:
 - a. be limited to matters directly related to impacts of the proposed use.
 - b. be proportional to the impacts.
 - c. be specified in the *Zoning Certificate*.
2. No *Zoning Certificate* shall be issued for any use requiring Site Plan review, until the Board has approved the Site Plan.

D. Minor Deviations / Amendments

1. Minor deviations from an approved Site Plan may be approved by the Administrator.
2. Allowable minor deviations and adjustments are those that are necessary in light of technical or engineering considerations first discovered during actual development and that are not reasonably anticipated during the approval process.
3. Minor deviations shall not include any change which materially or substantially alters the design or configuration of the development.
4. All changes not qualifying as minor deviations shall be considered amendments and shall be subject to *Part IV -- Section 21: Amendment Procedures* of these Regulations.

SECTION 26. TEMPORARY ZONING CERTIFICATES

I. Conditions for Temporary Zoning Certificates.

- A. Under the normal provisions of these *Regulations*, a *Zoning Certificate* is required before any *Principal Allowable* structure can be constructed, occupied, or use established. The following provisions apply for Temporary Uses:
1. Certain temporary uses may be operated under a *Temporary Zoning Certificate* in any District as described in this Section.
 2. The use shall end at the time period authorized or as it may be extended by the Zoning Administrator.
 3. The Administrator shall determine the appropriateness of the proposed use in the District in which the temporary use is proposed after considering impacts of traffic, parking, sanitation, noise, and these *Regulations*. If use is approved, appropriate requirements will be included with the *Temporary Zoning Certificate*.
 4. These *Certificates* are not intended to create a long term commercial uses of a property.
 5. Following termination of use authorized by *Temporary Zoning Certificate*, the site will be restored to pre-event condition, and all structures, materials, and refuse removed.

II. Temporary Zoning Certificate Requirements.

- A. Upon application to and issuance by the Administrator of a *Temporary Zoning Certificate*, the uses listed in this Section may be operated as *Uses by Temporary Zoning Certificate*.
- B. The application for a use by *Temporary Zoning Certificate* shall contain:
1. The name and address of the applicant, person, firm or organization responsible for the operation of the use by *Temporary Zoning Certificate*;
 2. a description of the location of the use or event, including the land area or structure or part of a structure to be occupied or otherwise utilized by use or event;
 3. a description of the activity for which the *Certificate* is being sought;
 4. a statement of the dates and hours of operation and the duration of the event or activity; and
 5. written approval of landowner.
2. Applications for Temporary Zoning Certificates should be submitted at least 30 days prior to the event or use for which the Temporary Zoning Permit is requested. Applications may be considered less than 30 days prior to the event or use, but the applicant may not have time to appeal any decision by the Zoning Administrator before the date of the event or use.

III. Uses by Temporary Zoning Certificate.

- A. Subject to the requirements listed this Section; the following uses may be operated as *Uses by Temporary Zoning Certificate*:
1. Rodeos, equestrian-related competitions, sheepdog trials, music festivals, races or other special events; provided:
 - a. *Certificate* shall be valid for the duration of the designated special event, including set up and take down period, as specified in *Certificate*.
 - b. Certified activity shall be allowed only during dates designated in *Certificate*.
 2. Farmers' markets, produce stands, flea markets, and temporary retail, provided:

- a. each *Certificate* shall be valid for the period of the event(s), not to exceed ninety (90) days in any calendar year; and
 - b. may be renewed for an additional thirty (30) day period in any calendar year.
3. Public gathering for a single purpose event, provided:
 - a. *Certificate* shall be valid for the duration of the designated event, including set up and take down period, as specified in *Certificate*.
4. Asphalt or concrete mixing plant necessary for construction in the immediately surrounding area, provided:
 - a. No product is intended for sale.
 - b. *Certificate* shall specify the relationship of the plant location to the construction activity;
 - c. *Certificate* shall be valid the period of use, not to exceed six (6) calendar months;
 - d. *Certificate* may be renewed at the same location subject to Administrator review based on its own merit and for continued compliance with all requirements of these *Regulations*.
5. Temporary building or yard for storage of construction materials and/or equipment, incidental and necessary for current construction in the immediately surrounding area, provided:
 - a. *Certificate* shall specify the location of the building or yard and its relationship to the construction activity;
 - b. *Certificate* shall be valid for the period of use, not to exceed six (6) calendar months;
 - c. *Certificate* may be renewed at the same location subject to Administrator review based on its own merit and for continued compliance with all requirements of these *Regulations*.
6. Temporary office, incidental and necessary for the sale or rental of property in the immediately surrounding area, provided:
 - a. *Certificate* shall specify the location of the office and its relationship to the properties being rented or sold;
 - b. *Certificate* shall be valid for the period of use, not to exceed six (6) calendar months;
 - c. *Certificate* may be renewed at the same location subject to Administrator review based on its own merit and for continued compliance with all requirements of these *Regulations*.
 - d. *Certificate* shall not be renewed for more than four (4) successive periods at the same location.
7. Temporary housing for workers as follows;
 - a. In a Residential District, a *Temporary Certificate* may authorize the use of up to ten (10) temporary housing units to be located on a construction site in a Residential District subject to the following:
 - 1) *Certificate* shall be valid for the period of use, not to exceed six (6) calendar months.
 - 1) The occupants of the housing are employed at the construction site.
 - 2) *Certificate* can be renewed for a maximum of two (2) successive periods on the same construction site.
 - 3) Each six-month extension shall be viewed on its own merit and for compliance with all requirements of this Section.

- 4) Compliance with the requirements that pertain to all temporary housing as per this Section.
- b. In a Commercial or Industrial District, a *Certificate* may authorize the use of up to ten (10) temporary housing units for 6 months, to be located on the property, subject to the following conditions:
 - 1) The occupants of the housing are employed by the business operated on the property.
 - 2) *Certificate* may be renewed annually.
- c. The following requirements pertain to all temporary housing:
 - 1) All units must utilize an approved source of water and sewage disposal, including self-contained units or portable toilets; subject to all applicable Federal, State, and County regulations.
 - 2) All units must be connected to electricity in an approved manner and with proper permits.
 - 3) The utility service accounts shall be in the name of the landowner who is responsible for the monthly payment.
 - 4) No temporary housing unit may be farther than 300' from fire protection
 - 5) All units shall be located in a safe manner on the property.
 - 6) All temporary housing units shall be maintained and operated in a safe and healthy manner.
 - 7) No grey or waste water shall be spilled or discharged onto the land.
 - 8) The landowner is responsible for the actions of the persons allowed to occupy the units relative to complaints and other violations of applicable Federal, State, and County regulations.
 - 9) Complaints, violations of applicable Federal, State, and County regulations, or non-compliance with the requirements of this Section constitute grounds for revocation of temporary housing *Certificates* and/or denial of requests to renew.
 - 10) Each *Certificate* shall be valid for a period of six (6) calendar months.

IV. Uses not subject to Temporary Certificate.

- A. Some uses do not require a *Certificate*. Examples include:
 1. Ranch, farm, or estate auctions conducted on property of person whose goods are being sold;
 2. charitable auctions and one-time fundraiser; and
 3. incidental garage or yard sales.

V. Appeals

- A. Applicants for temporary zoning certificates may appeal decisions of the Zoning Administrator pursuant to Part IV – Section 20: Zoning Appeals and variances, of these regulations.
- B. If the applicant does not submit an application for a Temporary Zoning Permit at least 30 days prior to the event or use for which the temporary permit is requested, the ability of the applicant to appeal any decision before the event or use may be limited.