

The draft language mentioned in this memo is available for review upon request at the Natrona County Development Department. This version of the draft Zoning Resolution has since been revised. The current Zoning Resolution can be viewed here:

<https://www.natronacounty-wy.gov/zoningdraft>

# Natrona Next Zoning Resolution Rewrite

## Draft Zoning Resolution Memo

July 11<sup>th</sup>, 2022

### Introduction

The following memo provides the background of the Natrona Next Zoning Resolution Rewrite process, as well as a summary of the revisions to the Zoning Resolution. A "clean" version of the Zoning Resolution is attached to the end of this memo.

### Rewrite Process

Over the past 16 months, Logan Simpson has worked closely with Natrona County and the Natrona Next Steering Committee to completely revise the Zoning Resolution. The Zoning Resolution Rewrite Process, known as the Natrona Next process, began with a thorough review of the 2016 Natrona County Development Plan goals and policies, comparing them to the current zoning regulations, and creating an outline for the new regulations. A series of community stakeholder interviews were then held as an opportunity for interested community members to provide feedback on what was working, and what was not, with the existing Zoning Resolution. Feedback from the stakeholder interviews, as well as responses from the public open house and Board of County Commissioners work session in February 2021 were incorporated into an Assessment Report, which was released in April of 2021. The Assessment Report identified that the County's current Zoning Resolution, which was adopted in 2000, has seen individual, sporadic revisions since its initial adoption, and a full rewrite was necessary to modernize the Resolution and align it with the 2016 Development Plan of Natrona County.

Since April 2021, the consultant has held 10 steering committee meetings to develop and review draft language which meets the goals of the Natrona Next process as well as the needs of the community. The drafting process focused on the following guiding principles:

» **Update the Formatting and Structure of the Resolution**

The whole range of users cited the need for the Resolution to include clear and concise text that can be readily understood. Text should also be accompanied by illustrations, charts, and other graphics to communicate design principles and/or aid in document navigation.

» **Update Definitions and Allowed Uses**

In addition to updating the general formatting and structure of the Resolution, many stakeholders identified a need to update the definitions and allowed uses. Many of the uses in the current Resolution are outdated and should be updated for clarity and ease of use. Previously undefined terms, uses and definitions have also been clarified.

» **Simplify the Regulations and Reference Federal/State Statute**

Many of the standards within the Resolution are copied from other federal or state guidelines, have not been updated since their incorporation and do not provide clear implementation processes. To ensure that the most accurate standards are followed, federal and state statutes and standards should be referenced, rather than incorporated into the body of the Resolution so that as the federal and state regulations are updated, Natrona County does not need to amend its Zoning Resolution and users have an understanding of the requirements and review processes.

» **Enhance Code Enforcement**

Code enforcement was a topic that came up in nearly every stakeholder meeting. The Zoning Resolution is a legal document that provides Natrona County the ability to regulate development but without clear guidelines and enforcement procedures, the ability for staff to enforce adopted regulations and cite violations is limited.

» **Simplify and Clarify Application Procedures**

The current code has application procedures for multiple application types, however, there are not clear approval guidelines or a discussion of the purpose and applicability for many of these applications. Additionally, applications are spread throughout the Resolution instead of compiled into a single chapter.

During the first phase of interviews, multiple stakeholders also identified a need to revise the Mountain Residential – 1 and Mountain Residential – 2 zone districts to meet the current and future needs of residents on the Mountain, however, upon review of the 2016 Natrona County Development Plan and the associated 2004 Casper Mountain Land Use Plan, it was determined that in order to update the Mountain Residential zone districts updates, to the 2004 Casper Mountain Land Use Plan were needed.

## Summary of Revisions

The following sections are a summary of the revisions to each chapter based upon steering committee, staff, and public comment, as well as internal legal review for consistency with federal and state statutes and case law.

There are two outstanding sections we would like your feedback on. The first is the “allowed density” for each zone district. This metric would limit the number of individual homes, or dwelling units allowed per lot. This metric is common in most land use regulations but is inconsistent throughout zones in the current Natrona County Zoning Resolution. We would like your feedback as to what those maximums should be in each zone district.

The second item we would like you to focus on is the allowed uses table in Chapter 2. This use table describes which uses would be allowed by right or by conditional use in each zone district. The current Zoning Resolution lists use allowances for each zone district, but the table represents a more unified and clear approach to use allowances. Please review the proposed allowed use table and let us know if revisions are needed to reflect the desired future character for each zone district.

## Overall Changes

- » Defined terms are indicated in italics and underlined.
- » Added Hyperlinks for all cross references.
- » Replaced language copied from Wyoming State Statutes with references to the statutes for clarity and ease of use.
- » Reformatted the entire document with clear section headers and intents.
- » Consolidated all application procedures into a single chapter.
- » Consolidated all use-specific standards into a single chapter.
- » Consolidated all definitions into a single chapter.
- » Replaced all building standards with references the Natrona County Building Code to ensure consistency and accuracy across documents.
- » Developed additional graphics and tables for dimensional standards, use allowances, and measurements.
- » Revised the words should, encourage and may and replaced with standards that require less interpretation where feasible.
- » Consolidated language pertaining to public hearing procedures into a single process.

## Chapter 1: General Provisions

- » Consolidated existing *Chapter 1: General Provisions* and *Chapter 2: Application of Provisions* into a single chapter.
- » Removed existing *Chapter 2 - Section 4. Lot Reduction* and *Chapter 2 - Section 5. Lot Combination*, to be incorporated in the Subdivision Resolution.
- » Updated references to the 1998 Development Plan to reflect the 2016 update.
- » Removed *Chapter 1 - Section 2. Goals and Policies*.
- » Added text clarifying intent of text and graphics and maps and overlays.
- » Added language clarifying that maximum densities and intensities are not guaranteed.
- » Added language regarding consistency with the 2016 Natrona County Development Plan.
- » Added provisions for transition from prior regulations.

## Chapter 2: Zone Districts

- » Consolidated existing *Chapter 5: General Zoning Regulations* and *Chapter 6: Zone Districts* into a single chapter.
- » Removed existing *Chapter 5 - Section 2. Zone District History*.
- » Combined existing *Chapter 5 - Section 1. Establishment of Zoning Districts*, *Chapter 5 - Section 3. Zoning District Map*, and *Chapter 5 - Section 4. Uniform District Regulations* into a general provisions section at the beginning of the Zoning Districts chapter.
- » Incorporated all uses listed in the existing *Appendix A: Definitions*, *Appendix B: Table of Permitted and Conditional Uses*, and *Appendix D: Parking Requirements by Use* into a single use table at the beginning of this chapter. This table also replaces the individual lists of allowed uses in each zone district.
- » Incorporated bulk and dimensional regulations from existing *Appendix C* into dimensional tables for each zone district to ensure consistency and accuracy.
- » Relocated the application procedures from existing *Chapter 6 - Section 14, Planned Unit Developments (PUD)s* to the applications chapter.
- » Relocated existing *Chapter 6 - Section 16. Mountain/Wildfire Safety Overlay District* standards to a subsection of the Mountain Residential – 1 and Mountain Residential – 2 districts. Revisions were made to minimize duplicative standards and meet the best practices detailed in the 2018 International Wildland Urban Interface Code.
- » Removed “minimum district” size.
- » Replaced “Minimum Open Space” with “Maximum Lot Coverage” for clarity.
- » Created standards for addressing split zoning issues and discrepancies through an administrative decision by the Applicable Director.
- » Relocated the Slope Protection Overlay as Section 3.06 - Development in Steep Slopes & Natural Hazard Areas.
- » Revised the Airport Overlay District (A-D) to remove requirements for all properties to provide and avigation easement. The Avigation easement itself was also removed, as it does not need to be codified. References to the 2016 Airport Master Plan were included.
- » Revised the commercial and light industrial zone district standards to reflect a reduction in the number of residential uses and focus on commercial/industrial zone uses.
- » Removed the BP Soil Protection District as regulations are covered by State Agencies.

- » Reformatted of the Use Control Area District to match the formatting of other zone districts. Revisions to the use wording to match other zone districts. Additional language related to fence requirements for uses abutting residential areas added for clarity.
- » Revised the minimum lot size for the Urban Residential and Urban Mixed Residential Districts to ensure that lots can be built upon and meet requirements for the provision of water and sanitation facilities.

*Items to Address After Adoption of the revised Casper Mountain Land Use Plan*

- » Use allowances for the Mountain Residential – 1 and Mountain Residential – 2 districts and the Use Table are being revised with a Casper Mountain subcommittee following the adoption of the Casper Mountain Land Use Plan for consistency.

**Chapter 3: Development Standards**

- » Removed Rural Addressing and Premises Identification. This section will be moved to the Subdivision Resolution.
- » Combined *Chapter 7 - Section 1. Off-Street Parking, Section 2. Off-Street Loading Spaces, and Section 5. Access Drives* into a single Parking and Loading section
- » Incorporated *Appendix D: Table of Parking Requirements by Use* into the Parking and Loading section of this chapter.
- » Clarified appropriate fencing and landscaping materials to ensure consistency with state and federal standards.
- » Updated sign regulations to focus on content neutrality and comply with federal law.
- » Combined *Chapter 7 - Section 7. Nuisance Standards and Storage Requirements* with other enforcement sections.
- » Removed the nuisance enforcement section from the Zoning Resolution.
- » Removed CUP standards detailed in *Chapter 7. Section 13. Correctional Facility* and incorporated them into the general CUP application.
- » Revised *Chapter 7 Section 18. Flood Damage Prevention Regulations* to simplify standards and match the format of other sections.
- » Removed duplicative language, procedures, and standards from *Chapter 7 Section 18. Flood Damage Prevention Regulations*.
- » Removed *Section 19. Storm Water Management Program* and referenced WYDPES and WYDEQ standards.

## Chapter 4: Use Standards

- » Changed the term “single-family dwelling” to “Single-unit” dwelling to reference the structure rather than occupants.
- » Revised the definition of “Bed and Breakfast” to match the Casper-Natrona County Health Department definition.
- » Simplified and condensed *Chapter 7 - Section 14. Special Aggregate Regulations* into the use “extractive industries” and referenced WYDEQ mining regulations.
- » Rewrote existing *Chapter 7 - Section 15. Communication Towers and Wireless Telecommunication Facilities* to comply with federal statutes.
- » Removed building code standards, such as those pertaining to electrical and plumbing requirements, from existing *Chapter 7 - Section 8. Mobile and Manufactured Home Standards*
- » Removed standard stating Collector Car limited conditional use runs with property owner. All Conditional Use Permits run with the land.
- » Combined “Commercial Feed Lot or Dairy” and “Confinement Livestock Facility” into a new agricultural use called “Feedlot” as defined by W.S. 11-39-101.
- » Revised all timelines/deadlines to match state and federal standards (i.e., Abandoned vehicles – state says 30, County says 5 – can’t get paperwork until 30)
- » Developed standards for intensity of use for home-occupations.
- » Developed standards for Drive-Through Facilities.
- » Revised definition of trailer.
- » Developed standards for trailer storage in residential areas.
- » Revised Standards for group homes to comply with federal and state regulations.
- » Revised Adult Entertainment and Business use standards to comply with federal requirements.
- » Revised the standards for Guest or Dude Ranch/Hunting or Fishing Facility to clarify application procedures and occupancy and size restrictions.
- » Combined heavy and Light Auto Repair uses into a single category for Auto Repair using the definition for heavy auto repair.
- » Separated Metrological Towers and Wind Energy Facility uses (formerly Wind Energy Conversion Systems) into two separate uses for clarity.

- » Incorporated and revised existing standards for Solar Facility and accessory solar generators.
- » Updated Child Care Center, Family Child Care Home, Family Child Care Center terminology to match the WY Department of Family Services terminology.
- » Added allowances for drive-thru facilities for restaurants and cafés
- » Defined all uses and consolidated similar uses for clarity.
- » Developed Accessory Use standards for general accessory uses.
- » Added standards and definitions for the following uses:
  - Accessory Dwelling Unit
  - Agricultural Event Facility
  - Agricultural Residence
  - Animal Shelter/Kennel
  - Assisted Living Facility
  - Brewery / Distillery / Winery
  - Campgrounds, commercial large scale
  - Campgrounds, commercial small scale
  - Civil Space
  - Communication Studio
  - Dwelling, Single Unit Attached
  - Dwelling, Single Unit Detached
  - Dwelling, Multi-Unit
  - Entertainment Facility
  - Farm, garden, lumber, or building supply store
  - Financial Institution
  - Firearm Range, Indoor
  - Firearm Range, Outdoor
  - Greenhouse, Commercial
  - Ground Passenger Transportation
  - Heavy Load Electric Users
  - Industrial and Manufacturing, Heavy
  - Industrial and Manufacturing, Light
  - Medical Care Facility
  - Medical or Dental Clinic
  - Office
  - Personal Services
  - Public Safety
  - Recreation Entertainment, Indoor
  - Recreation Entertainment, Outdoor
  - Recreational Vehicles for Temporary Use
  - Religious Land Use
  - Remediation Services
  - Research and Development
  - Short Term Rentals
  - Solar Facility
  - Solar Generator, accessory
  - Stable
  - Utilization of Mobile Home and/or Manufactured Homes for Storage Purposes
  - Wind Energy Facility
  - Wind Generator, accessory.
  - Work Camp, Major and Minor

## Chapter 5: Administration

- » Combined the existing *Chapter 4 - Permits, Chapter 9 - Non-Conforming Lots, Structures and Uses, Chapter 10 - Zone Map and Text Amendments, and Chapter 11 - Variances and Conditional Use Permits* into a single chapter.
- » Relocated PUD application standards from existing *Chapter 6 - Zone Districts* into this chapter.
- » Removed redundant application procedure language for each application and developed a General Procedure section to detail the general procedure for all applications.
- » Created Table 5.02-1 detailing the review and decision-making bodies, as well as public notice requirements for all application types.
- » Defined a standard procedure for each application type detailing purpose and intent, applicability, procedure, and clear findings for approval for each application type.
- » Clarified language for who makes the decision regarding application changes and new evidence to allow reapplication.
- » Incorporated *Section 9 - Traffic Standards* as a general requirement.
- » Removed requirement to physically post notice of applications to subject property.
- » Developed a separate sign permit process.
- » Developed standards to address different ownership types for building and use permits.
- » Developed standards to allow accessory buildings prior to a main residence if the main residence is under construction.
- » Replaced all uses of “Planning Director” with “Applicable Director”.
- » Increased written notice requirement to “1,000 feet excluding rights-of-way.”
- » Updated written notice requirement from 7 days to 14 days prior to the public hearing for consistency and compliance with Wyoming State Statute.
- » Added a definition for “Lapse of Approval” for permit approval.
- » Added a new section to the Conditional Use Permit procedures stating that no unresolved zoning or nuisance violations may be located on the property for which the application is submitted.
- » Added definition of “bulk” within Chapter 5 for clarity.
- » Added provisions for defining “Discontinuance” to allow for pasture and crop rest and rotation.

- » Incorporated review and approval process for new Wireless Communications Towers.
- » Incorporated review and approval process for Solar Facilities. This section is a combination of the existing procedure and some additional standards.
- » Added standards to clarify the ability/inability to expand a conforming portion of a non-conforming use.
- » Revised non-conformity regulations to minimize impact on property owners and allow minimal expansion of non-conforming land uses/features.

## Chapter 6: Definitions

- » Added terms:
  - Applicable Director
  - Bachelor Dwelling
  - Building frontage
  - Channelized waterways
  - Commercial Storage
  - Contiguous
  - Foundation
  - Fuel Break
  - Height
  - Improvements
  - Mass / Scale
  - Maximum lot coverage
  - Maximum Lot Size
  - Minimum lot size
  - Non-conforming lot
  - Non-conforming project
  - Non-conforming situation/ use
  - Parcel
  - Plat
  - Right-of way
  - Rezone
  - Roadway
  - Roofline
  - Sections
  - Site Development
  - Size
  - Stream
  - Subdivision or Subdivided Land
  - Town
  - Township
  - Tract
  - Outdoor Storage
  - Zoning District
  - Zoning Map
- » Relocated the following terms to the Chapter 4: Use Standards. These terms were revised to match the new use terminology:
  - Adult Establishments
  - Collector Car Storage
  - Agriculture, Commercial Ranching and Agriculture Accessory Use

- Agriculture, Light
- Airport Or Heliport
- Airstrip
- Animal Clinic
- Arena, Commercial
- Arena, Recreational
- Auto Reduction Yard / Recycling Center
- Auto Repair
- Auto Service Station
- Auto Wrecker Service
- Automobile, Truck and Trailer Sales
- Bar
- Bed And Breakfast Business Retail
- Business Wholesale
- Campground
- Cemetery
- Child Care Home
- Club Or Lodge, Membership Club
- Collector Car Storage
- Commercial Recreation
- Communication Tower
- Confinement Livestock Facility
- Construction Yard or Shop
- Convenience Store
- Correctional Facility
- Drilling Rig Assembly
- Dwelling, Mobile Home
- Dwelling, Multifamily
- Dwelling, Single Family
- Dwelling, Two Family
- Golf Course Greenhouse, Commercial
- Guest Or Dude Ranch, Hunting Lodge
- Halfway House
- Hospital
- Hot Mix Plant
- Light Agriculture
- Meteorological Tower
- Met Tower/ Met Tower Site
- Mini Warehouse
- Minimum District Size
- Mobile Home Park
- Mobile Home Storage
- Mobile Home Storage, Temporary
- Hotel/Motel
- Office General
- Office Professional
- Oil Field or Mining Equipment Excluding Pipe Yards and Drilling Rig Assembly
- Parking Structure
- Personal Service Shop
- Pipe Yard
- Place Of Worship
- Recreation Facility
- Retail Sales
- Sale Barn
- Salvage Yard
- Sanitary Landfill
- Shopping Center
- Solid Waste
- Specialty and Sundry Shop
- Stable
- Storage
- Truck Stop

- Truck Terminal
- Utility Installation
- Warehouse

- Wholesaling
- Wind Generator

» Revised terms:

- Variance
- Nonconformities
- Dwelling Unit (Added Unit, definition is the same)
- Development