Chapter 5. Planning and Zoning

Article 1. County Planning Commission


§18-5-102. Repealed by Laws 2013, Ch. 192, §2, eff. March 13, 2013

§18-5-103. Repealed by Laws 2013, Ch. 192, §2, eff. March 13, 2013

§18-5-104. Repealed by Laws 2013, Ch. 192, §2, eff. March 13, 2013

§18-5-105. Repealed by Laws 2013, Ch. 192, §2, eff. March 13, 2013

§18-5-106. Repealed by Laws 2013, Ch. 192, §2, eff. March 13, 2013

§18-5-107. Repealed by Laws 2013, Ch. 192, §2, eff. March 13, 2013

Article 2. Planning and Zoning Commission

18 WY ST Ch. 5, Art. 2, Refs & Annos

§18–5–201. Authority Vested in Board of County Commissioners; Inapplicability of Chapter to Incorporated Cities and Towns and Mineral Resources

§18–5–201. Authority Vested in Board of County Commissioners; Inapplicability of Chapter to Incorporated Cities and Towns; Mineral Resources; Private Schools

§18–5–202. Planning and Zoning Commission; Composition; Residency Requirements, Terms and Removal of Members; Vacancies; Rules; Record; Meetings to be Public; Secretary; Preparation and Amendments; Purpose; Certifications and Hearing; Amendments

§18–5–203. Certificate Required to Locate Buildings or Use Land Within Zoning Resolution; Issuance and Denial; Appeal upon Denial

§18–5–204. Violation of W.S. 18–5–202(c); Continuing Violation

§18–5–205. Enforcement of Zoning Resolution by Injunction, Mandamus or Abatement; Appeal

§18–5–206. Penalty for Violation of W.S. 18–5–201 Through 18–5–204

§18–5–207. Continuation of Existing Uses; Effect of Alteration or Addition; Future Use After Discontinuation of Nonconforming Use

§18–5–208. Special Expertise of Board of County Commissioners and Coordination of Planning Efforts with Federal Agencies

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§18–5–309. Permit Fee

§18–5–310. Repealed by Laws 2001, Ch. 169, §1, eff. July 1, 2001; Laws 2001, Ch. 208, §2, eff. July 1, 2001

§18–5–311. Investigatory Powers

§18–5–312. Enforcement

§18–5–313. False Statement or Misrepresentation; Penalty

§18–5–314. Penalties

§18–5–315. Provisions Minimum

§18–5–316. Requirements for Large Acreage Subdivision Permits
§18–5–317. Subsequent Sale of Subdivided Lots
§18–5–318. Large Parcels Used for Agricultural Purposes

Article 4. Conservation Design Process
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§18–5–402. Definitions
§18–5–403. Cluster Development Permits
§18–5–404. Enforcement; Rules and Regulations
§18–5–405. Cluster Development; Notice to State Engineer

Article 5. Wind Energy Facilities
§18–5–501. Definitions
§18–5–502. County Regulation of Wind Energy Projects; Exceptions
§18–5–503. Application
§18–5–504. Minimum Standards; Incorporation into Other Processes
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§18–5–506. Hearing and Public Comment
§18–5–507. Decision of the Board; Findings Necessary
§18–5–508. Remedies
§18–5–509. Referral
§18–5–510. Binding Effect
§18–5–511. Revocation or Suspension of Permit
§18–5–512. Penalties for Violations
§18–5–513. Fees
§ 9-8-301. Development of plans

(a) All local governments shall develop a local land use plan within their jurisdiction.

(b) All incorporated cities and towns shall have the option to develop a land use plan in accordance with the requirements of W.S. 9-8-302(a), or cooperate with the county to develop such a plan under W.S. 9-8-302(b).

(c) All counties shall develop a countywide land use plan which shall incorporate the land use plans of all incorporated cities and towns within the county.

(d) As used in this article:

(i) “Local land use plan” means any written statement of land use policies, goals and objectives adopted by local governments. Such plans shall relate to an explanation of the methods for implementation, however, these plans shall not require any provisions for zoning. Any local land use plan may contain maps, graphs, charts, illustrations or any other form of written or visual communication;

(ii) “Zoning” means a form of regulatory control granted to local governments which may be used to guide and to develop specific allowable land use.

Credits


W. S. 1977 § 9-8-301, WY ST § 9-8-301
Current through chapters effective March 15, 2019 of the 2019 General Session. Some statute sections may be more current, see credits for details.
§ 9-8-302. Procedural requirements; intergovernmental cooperation

Currentness

(a) The duty, procedures and requirements for public hearings and responsibility for land use planning at the local level shall be exercised by the cities and towns pursuant to W.S. 15-1-601 et seq. and by the respective counties pursuant to W.S. 18-5-201 et seq.

(b) For the purpose of development of local land use plans, the local government within each city, town and county may cooperate in the development of land use plans in accordance with the powers granted by the Wyoming Joint Powers Act.

Credits


Notes of Decisions (1)
W. S. 1977 § 9-8-302, WY ST § 9-8-302
Current through chapters effective March 15, 2019 of the 2019 General Session. Some statute sections may be more current, see credits for details.
W.S.1977 § 18-5-201

§ 18-5-201. Authority vested in board of county commissioners; inapplicability of chapter to incorporated cities and towns and mineral resources

Effective: February 27, 2019
Currentness

<As amended by Laws 2019, ch. 141, § 1, eff. Feb. 27, 2019. See, also, § 18-5-201 as amended by Laws 2018, ch. 196, § 1, eff. March 15, 2019. >

To promote the public health, safety, morals and general welfare of the county, each board of county commissioners may regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county. However, nothing in W.S. 18-5-201 through 18-5-208 shall be construed to contravene any zoning authority of any incorporated city or town and no zoning resolution or plan shall prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources in or under any lands subject thereto. Nothing in W.S. 18-5-201 through 18-5-208 shall be construed to allow any board of county commissioners, through the establishment of minimum lot size requirements or otherwise, to prevent residential or agricultural uses authorized for land divisions that are exempt from subdivision requirements pursuant to W.S. 18-5-303(a)(i).

Credits
Laws 1959, ch. 85, § 1; Laws 1967, ch. 202, § 1; Laws 1977, ch. 124, § 1; Laws 2010, ch. 82, § 1, eff. March 9, 2010; Laws 2019, ch. 141, § 1, eff. Feb. 27, 2019.

Notes of Decisions (54)
W. S. 1977 § 18-5-201, WY ST § 18-5-201
Current through chapters effective March 15, 2019 of the 2019 General Session. Some statute sections may be more current, see credits for details.

W.S.1977 § 18-5-201

§ 18-5-201. Authority vested in board of county commissioners; inapplicability of chapter to incorporated cities and towns; mineral resources; private schools

Effective: March 15, 2019

Currentness

<As amended by Laws 2019, ch. 196, § 1, eff. March 15, 2019. See, also, § 18-5-201 as amended by Laws 2018, ch. 141, § 1, eff. Feb. 27, 2019.>

(a) To promote the public health, safety, morals and general welfare of the county, each board of county commissioners may regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county. However, nothing in W.S. 18-5-201 through 18-5-208 shall be construed to contravene any zoning authority of any incorporated city or town. No zoning resolution or plan shall prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources in or under any lands subject thereto. No zoning resolution or plan shall regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for the use of a private school as defined in W.S. 21-4-101(a)(iii) in any manner different from a public school, provided that the private school:

(i) Is certified by the professional engineer or architect of record for the private school as being substantially similar to school facility commission guidelines for education buildings and siting and is designed to be constructed with appropriate materials, means and methods;

(ii) Has capacity for fifty (50) students or more; and

(iii) Is owned and operated by a not for profit entity.

Credits

Laws 1959, ch. 85, § 1; Laws 1967, ch. 202, § 1; Laws 1977, ch. 124, § 1; Laws 2010, ch. 82, § 1, eff. March 9, 2010; Laws 2019, ch. 196, § 1, eff. March 15, 2019.

Notes of Decisions (54)
W.S.1977 § 18-5-207

§ 18-5-207. Continuation of existing uses; effect of alteration or addition; future use after discontinuation of nonconforming use

Effective: February 28, 2019
Currentness

(a) A zoning resolution enacted under the provisions of W.S. 18-5-201 through 18-5-206 shall not prohibit the continuance of the use of any land, building or structure for the purpose for which the land, building or structure is used at the time the resolution is adopted and it is not necessary to secure any certificate permitting such continuance. However, the alteration or addition to any existing building or structure for the purpose of effecting any change in use may be regulated or prohibited by zoning resolution. If a nonconforming use is discontinued any future use of such land, building or structure shall be in conformity with the provisions of the resolution regulating uses in the area in which the land, building or structure is located.

(b) A county shall not enact a zoning resolution or take any other action that eliminates livestock grazing on any private land or land owned by the county without first complying with the provisions of this article.

Credits

Notes of Decisions (18)
W. S. 1977 § 18-5-207, WY ST § 18-5-207
Current through chapters effective March 15, 2019 of the 2019 General Session. Some statute sections may be more current, see credits for details.
W.S.1977 § 18-5-303

§ 18-5-303. Exemptions from provisions

Effective: February 27, 2019
Currentness

(a) Unless the method of sale or other disposition is adopted for the purpose of evading the provisions of this article, this article shall not apply to the following subdivisions of land however, the following subdivisions are subject to requirements which may be adopted by the board of county commissioners regarding documentation of the proper use and implementation of the following exemptions:

(i) A division of land made outside of platted subdivisions for the purpose of a single gift or sale to a member of the landowner’s immediate family, subject to the following requirements:

(A) A member of the immediate family is limited to any person who is a natural or adopted child, stepchild, spouse, sibling, grandchild, grandparent or parent of the landowner;

(B) The purpose of the division is to provide for the housing, business or agricultural needs of the grantee;

(C) The land shall have been titled in the name of the grantor, or in the name of a trust controlled by the grantor, for a combined period of not less than ten (10) years prior to the division and parcels created under this paragraph shall be titled in the name of the immediate family member for whom the division is made for a period of not less than five (5) years unless such parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;

(D) No parcel smaller than five (5) acres created under this paragraph shall be further divided unless the owner obtains a subdivision permit pursuant to W.S. 18-5-304;

(E) Where the landowner is a business entity and eighty percent (80%) of the ownership interest or shares in the business entity are held by, or in the name of a trust controlled by, individuals related by blood or marriage, the sale or gift may be made subject to the provisions of this section to an immediate family member of any shareholder who has owned at least five percent (5%) of the outstanding shares for at least five (5) years continuously before the date of the sale or gift.

(ii) A division which may be created by any court of this state pursuant to the law of eminent domain, by operation of law or by order of any court in this state, except that this paragraph shall not exempt a partition of real property
pursuant to W.S. 1-32-101 through 1-32-122 from compliance with this article if the division would otherwise be subject to the provisions of this article;

(iii) A division which is created by a lien, mortgage, deed of trust or any other security instrument, easements and rights-of-way;

(iv) Lands located within incorporated cities or towns;

(v) A division which is created by the sale or other disposition of land to the state of Wyoming or any political subdivision thereof;

(vi) A division which affects railroad rights-of-way;

(vii) A division which is a sale or other disposition of land for agricultural purposes or affects the alignment of property lines for agricultural purposes;

(viii) A division which is created by boundary line adjustments where the parcel subject of the sale or other disposition is adjacent to and merged with other land owned by the grantor;

(ix) A division which creates cemetery lots;

(x) A division which is created by the acquisition of an interest in land in the name of the husband and wife or other persons in joint tenancy or as tenants in common, and the interest shall be deemed for purposes of this subsection as only one (1) interest;

(xi) A division of land creating a parcel five (5) acres or less for the purpose of establishing unmanned communication facilities, compressor stations, metering stations, fiber optic booster stations or similar unmanned facilities;

(xii) A division which creates a cluster development pursuant to and in accordance with article 4 of this chapter;

(xiii) The sale or disposition of separate parcels of land that were separate when lawfully created or conveyed and which have not been combined by a recorded instrument of conveyance signed by all of the owners.

(b) Except as provided in W.S. 18-5-316, this article shall not apply to the sale or other disposition of land where the parcels involved are thirty-five (35) acres or larger, subject to the requirement that ingress and egress and utility easements shall be provided to each parcel by binding and recordable easements of not less than forty (40) feet in width to a public road unless specifically waived by the grantee or transferee in a binding and recordable document.

(35 acres)