

CHAPTER VIII - CHANGE OF ZONING DISTRICT BOUNDARY

Section 1. Change of Zoning District Boundary. Zoning district boundaries shall be changed in accordance with the following procedure:

- a. A proposed Change of Zoning District Boundary may be initiated at the request of any property owner.
- b. Refer to Chapter IV – Administration, Section 1. Application Process of Land Use Permits
- ~~c. A public hearing shall be held by the Planning and Zoning Commission after notice in accordance with Wyoming Statutes, after which the Planning and Zoning Commission shall certify its recommendation to the Board of County Commissioners.~~
- ~~d. A public hearing shall be held by the Board of County Commissioners after notice in accordance with Wyoming Statutes. Within 45 days after its hearing, the Board of County Commissioners shall, by resolution of the Board, approve or deny the proposed change in zoning district boundary.~~

Section 2. Procedure

A. Action by the Applicant:

1. A completed pre-application conference with Planning & Zoning office staff prior to the submission of the application.
2. A completed Master Plan in accordance with Chapter IV. Section 1 submitted to the Planning and Zoning Office
3. The completed application shall be submitted with the applicable fees, for formal review after the pre-application conference is completed.

B. Action by the Planning and Zoning Office:

1. The Planning and Zoning staff shall review the final application and determine completeness.
2. The Planning and Zoning Office Staff shall prepare a report covering compliance with zoning regulations applicable to the proposed request and general conformity with the Sublette County Comprehensive Plan.
3. The Planning and Zoning Office staff shall submit a report to the Planning and Zoning Commission and the applicant no less than seven (7) days prior to the public hearing.

~~d. The applicant shall be notified of the Board of County Commissioner's final action by the Planning and Zoning Office.~~

C. Action by the Planning and Zoning Commission:

1. The Planning and Zoning Commission shall review the application, any accompanying material and the report of the Planning and Zoning Office staff at public hearing.
2. Findings Necessary for the Planning & Zoning Board recommendation and County Commissioners' final decision: for a zoning change to be considered the following findings must be made by the Planning & Zoning Board and Board of County Commissioners:
 1. The applicant has provided a complete application with sufficient information for review;
 2. The applicant has adequately addressed the following impacts as applicable:
 - a. **Compatibility with Surrounding Properties:** The proposed zoning change is compatible with the existing land use of surrounding properties.
 - b. **Patterns of Development:** The proposed zoning change results in a logical and orderly development pattern in the area and considers the use of the affected property as currently zoned
 - c. **Public Impact:** The proposed zoning change is not likely to be detrimental to the public health, safety or welfare, or significantly injurious to properties or improvements in the vicinity.
 - d. **Natural Resource Impacts:** The proposed zoning change will not result in significant adverse impacts to natural and environmental resources such as water quality, air quality, crucial wildlife habitat, wetlands, streams, etc.
 - e. **Road Network Impacts:** The existing road network can accommodate any increase in traffic generated by the zoning
 - f. **Impacts on Public Services and Utilities:** Public services and utilities will adequately meet the needs of the proposed zoning change.
 3. The zone change is in general conformity with the applicable goals and policies of the Sublette County Comprehensive Plan;

- c. After review, the Planning and Zoning Commission shall submit its recommendation, and any prescribed conditions it deems necessary to the Board of County Commissioners at their next regularly scheduled hearing on planning and zoning items.

~~d. If the proposed use is commercial or proposed as a subdivision, the recommendation by the Planning and Zoning Board and final decision by the Board of County Commissioners' may be made conditional upon the applicant developing the property as described in the applicant's master plan. The Planning and Zoning Commission in making its recommendation, and the Board of County Commissioners in making its decision, shall require the applicant to submit master plan. for the development of the property if the use is commercial or proposed as a subdivision. The zoning district boundary change may be made conditional upon the applicant developing the property as described in the applicant's master plan.~~

D. Action by the Board of County Commissioners:

1. The Board of County Commissioners shall consider the application at a regularly scheduled meeting of the Board within 45 days after the recommendations of the Planning and Zoning Commission have been received.
2. The Board of County Commissioners may request further review by any qualified person or by any public agency that may have interest in the proposal.
3. The Board of County Commissioners shall adopt a resolution approving, modifying or denying the recommendations of the Planning and Zoning Commission.
4. The applicant shall be notified of the Board of County Commissioner's final action by the Planning and Zoning Office.

- ~~e. The Planning and Zoning Commission in making its recommendation, and the Board of County Commissioners in making its final decision, shall consider the following factors and shall make a determination on all three (3) findings before making a recommendation or decision regarding a change of zoning district boundary. All three findings must be made in the majority of affirmative for the action of recommendation of approval or denial, or a final decision of approval or denial.~~

FACTORS

~~1. Whether the proposed zoning district and use complements the nearby properties and districts;~~

~~2. The change in value of the affected properties if any, promotes the public welfare;~~

~~3. Is the property currently utilized as zoned;~~

~~4. The suitability of the property for its current use verse's the proposed use;~~

~~5. The proposed rezoning is necessary to provide land for a public need, in an area that has changed or is changing to such a degree that it's in the best interest of the public to redevelop the area.~~

FINDINGS:

~~1. That the applicant has a complete application and has provided all required sufficient information for review;~~

~~2. That the zoning district boundary change is in general conformity with the applicable goals and polices of the Sublette County Comprehensive Plan;~~

~~3. That a change in the zoning district boundary will not likely be detrimental to the public health, safety or welfare, or significantly injurious to properties or improvements in the vicinity. In the alternative, in the event that zone change is likely to be significantly injurious to properties in the vicinity, a finding that a change in property value is outweighed by the anticipated benefit to the public welfare therefrom.~~

~~the use and zoning of nearby property; Whether the proposed zoning and use is conpattable or compliments the zoning of nearby properties or zonng districts.~~

~~(1) the effect of the zoning district boundary change on property values;~~

~~(2) the extent to which the reduced **change in** value of affected property, if any, promotes the public welfare;~~

~~(3) **the public gain or loss compared to the applicant's owner's hardship;**~~

~~(4) the suitability of the affected property for it's its zoned use, **current and proposed;**~~

~~(5) the time the property has been vacant as zoned; is the property being currently utilized as zoned?~~

~~(6) **The public** the community need for the proposed use;~~

~~(7) **whether the property is currently zoned in conformity with surrounding uses and if those uses are uniformed and established;**~~

~~(8) the availability of water for the proposed use.~~

~~(9) general conformity of the zoning district boundary change with the goals~~

~~and policies of the Comprehensive Plan.~~

Section 3. A change in a zoning district boundary shall be conditioned on the following:

- a. Compliance with any conditions or restrictions placed on the zoning district change by the Board of County Commissioners.
- b. If the proposed use is commercial or proposed as a subdivision, the recommendation by the Planning and Zoning Board and final decision by the Board of County Commissioners', may be made conditional upon the applicant developing the property as described in the applicant's master plan (in accordance with Ch. IV Sec. 1).

Section 4. Lapse. If substantial development of the site contained within the zoning district boundary change has not commenced in accordance with the revised zoning within two (2) years of the date that the zoning district boundary change is approved, the zoning district boundary change may be subject to revocation by the Board of County Commissioners.

If the zoning district boundary change is made in connection with a proposed subdivision, substantial development shall mean the approval of a final plat for the associated proposed subdivision. ~~All existing zoning district boundary changes on which no substantial development has occurred prior to the passage of this provision shall comply with the provisions of this section within two (2) years of the date this section is adopted.~~

Section 5. Revocation. Violation of the provision of the above section ~~shall~~**may** result in the termination of the related zoning district boundary change. In the event of such termination, the prior zoning classification shall be enforced. **(In accordance with Ch. XI- Enforcement)**

~~(10) Termination of a zoning district boundary change shall be initiated and structured in the same manner as a change of zoning district boundary under this section.~~

~~f. The Planning and Zoning Commission or the Board of County Commissioners may require submittal of a conservation district review regarding soil suitability, erosion control, sedimentation and flooding problems prior to the issuance of a zone change when at least one of the following criteria applies: **MOVE TO ADMIN**~~

~~(1) land in the vicinity of the proposed zone change has received questionable conservation district reviews;~~

~~(2) if either the Board or the Commission has reason to question the suitability of soils for development in that area;~~

~~(3) the zone change will permit the development of a subdivision.~~

~~g. The Planning and Zoning Commission in making its recommendation, and the Board of County Commissioners in making its decision, shall require the applicant to submit a master plan for the development of the property if the use is commercial or proposed as a subdivision. The zoning district boundary change may be made conditional upon the applicant developing the property as described in the **applicant's**~~

~~**master plan, when such a plan is required.**~~

- ~~(1) MASTER PLAN SEC For commercial development the master plan shall show a clear representation of the site upon which the proposed project is located. The submitted commercial master plan shall show the following: Name of owner and applicant; property description and boundaries; building elevations and colors; landscaping plan detailing location, plant size and type of landscaping; location of buildings and uses; roadways and general circulation pattern; other information the County Planning and Zoning office determines is necessary at this stage of the review process.~~
- ~~(2) Where the change of the zoning district boundary is sought for the following zoning districts: C-1 (General Commercial); CH-1 (Highway Commercial); I-L (Light Industrial); I-H (Heavy Industrial) for the purpose of development or sale of lots and the applicant will not be the developer of the parcel or lot, the submitted commercial master plan shall show the following: Name of the owner and applicant; description and boundaries; a written description of the proposed uses applicable to the site for which the zoning change is sought; roadways and circulation pattern; a copy of any restrictive covenants; and any other information the Planning and Zoning office determines is necessary at this stage of the review process. The zoning district boundary change may be conditional upon the site being developed as described in the submitted written description of the proposed uses applicable to the site.~~
- ~~(3) A subdivision master plan shall show the following: Name of property owner and applicant; property description and boundaries; floodplain; wetlands as defined by the United States Army Corp of Engineers; location of open space; size and location of lots; roadways and circulation.~~

~~Section 2. Pre-application conference. A pre-application conference with Planning Department staff shall be held prior to the submission of a change of zoning district boundary application. The pre-application conference may be held in person or via telephone. The purpose of the pre-application conference shall be to discuss the proposed change based upon the information provided by the applicant and the provisions of the County Zoning and Development Regulations, to ascertain what provisions of the Zoning and Development Regulations apply to the proposed change.~~

~~Section 3. Notice of Public Hearing. A proposed change of zoning district boundary requires a public hearing and such hearing shall be advertised in the legal notice section of a newspaper of general circulation in the County. Such notice shall require publication in a newspaper of general circulation in the County at least (30) days before the Planning Commission public hearing and at least forty-five (45) days before the Board of County Commissioners public hearing. The legal notice shall include the type of application proposed, a short description of the action requested, address and legal description of the land subject to the application, location, date and time of the public hearing(s) and where additional information may be obtained.~~

~~Mailed notice, containing all information required under subparagraph (Notice of Public Hearing) shall be sent by mail to all landowners within 1,000 feet of the land subject to the application, **or greater if determined reasonable by the County Planning and Zoning Administrator.** The applicant shall pay the cost of postage and envelopes per notice for any mailings in excess of twenty-five (25) notices. All mailed notices shall be sent no less than fifteen (15) calendar days prior to the first public hearing.~~

~~Section 5. Similar Application. When an application has been denied, no application for the same or a similar change of zoning district boundary proposal shall be accepted or considered for all or part of the same or substantially the same land for a period of one (1) year after the date of the final **decision by the County Commissioners.** denial.~~