



Wyoming
Association of
Municipalities
Building Strong Communities



Community & Economic Development

2023 LOCAL GOVERNMENT LEADERSHIP
CORE COURSE

Course Objectives

1

Understand community development concepts and legal requirements

2

Learn how economic development is being done in Wyoming

Wyoming Statutory References

9-8-101 (Land Use Planning Act)

15-1-401 (Annexation)

15-1-501 (Planning)

15-1-601 (Zoning)

16-1-101 (Joint Powers)

34-12-101 (Platting & Dedication)

Community and economic development topics are key opportunities for strategic planning

Establish Goals and Vision for Planning

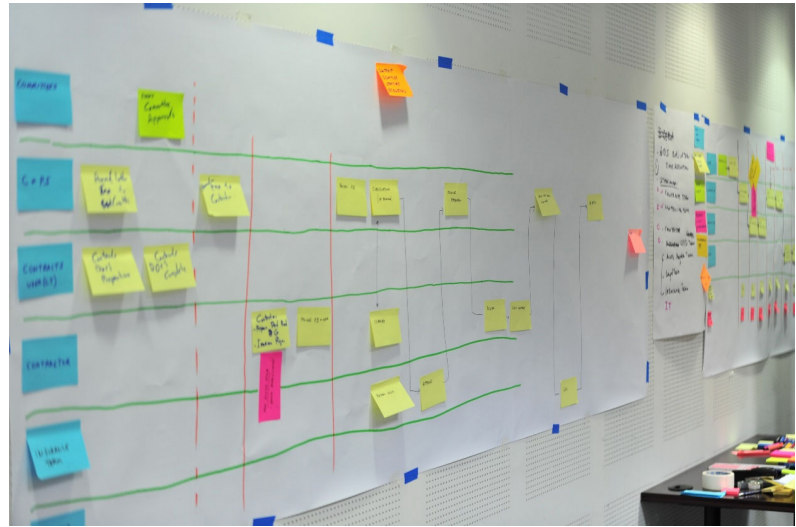
Public Input

Study and Analysis

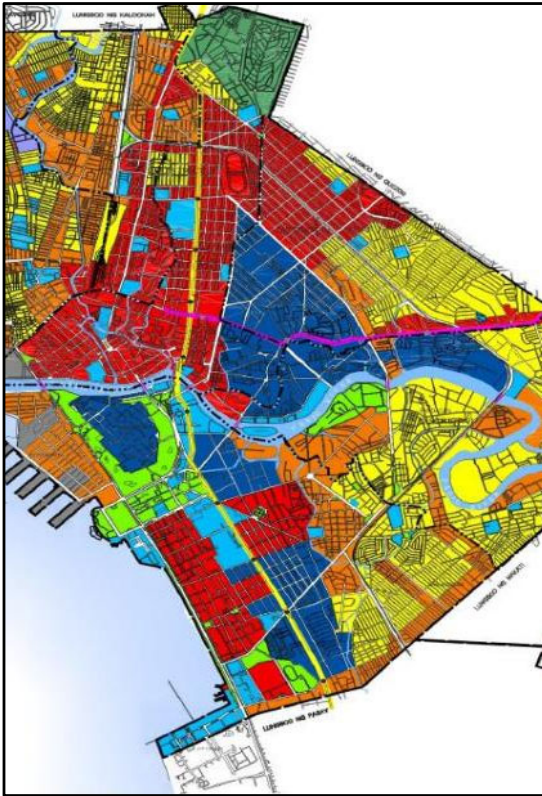
Preparation of Plan

Implementation

Feedback



1. Establishment of basic goals and vision. This involves asking questions such as: Do we want to grow? Where do we want to grow? Do we want to be a center for high-tech industry? Do we want to be a walkable community?
2. Public input and involvement is critical in order to end up with a plan that truly reflects the goals and values of the entire community. Without the input of its citizens, local government cannot have a true understanding of community values and needs. Focus groups, surveys and other public engagement processes should be used throughout the planning process
3. Study and analysis. Analysis of demographics, population trends, economics, public facilities or services and land use of the area is performed.
4. Preparation of the plan. A plan or policy is prepared for the community as a whole or for a segment of it. It is a basic statement of how the community will develop, in what direction, and perhaps at what pace.
5. Implementation. To carry out plans, tools such as zoning ordinances, subdivision regulations, annexation regulations and development guidelines are established.
6. Monitoring and feedback. This step determines how well plans and policies are being carried out.



Wyoming law requires all municipalities to have a Master Plan

The **Planning Commission** shall adopt a “Master Plan for the physical development of the community.” This includes:

- General location, character and extent of streets, parks, waterways, public spaces, etc.
- General location and extent of public and private utilities
- Plans for future development
- Land Use and/or Zoning Plan

The "master plan" (aka "comprehensive plan" aka "growth policy plan"), is discussed in W.S. §15-1-503. This section contains the word "shall" as in, "the planning commission, after holding public hearings, shall adopt and certify to the governing body a master plan for the physical development of the municipality."

What is a Master Plan?

AKA "Land Use" or "Comprehensive" Plan

Inventory of current status

Statement of the community's vision and values

Identifies opportunities

Identifies goals and actions

Informs private investment, policy, & land use decisions

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GENERATION
CASPER

Table of Contents is Casper's Comp Plan.

At the broadest level is the comprehensive or land use plan, often referred to as a "master plan." A comprehensive plan will start with an inventory of the infrastructure, economy, population, existing land uses, and other physical factors of the community. The purpose of the comprehensive plan is to guide and achieve a coordinated and harmonious development of a municipality which will best promote the general welfare of that community.

W.S. §15-1-501 through §15-1-512 address "planning" and define what a comprehensive plan is.



Why is Comp Plan Important?

Reflects and guides the community's quality of life

Municipal leaders need a road map for the future

Provides guidance for decisions on public and private land development proposals

Helps focus priorities for expenditures of public funds

Anticipates future needs

Creates framework for collaborative and informed decision-making

Who Uses the Comprehensive Plan?



Anyone interested in future of community

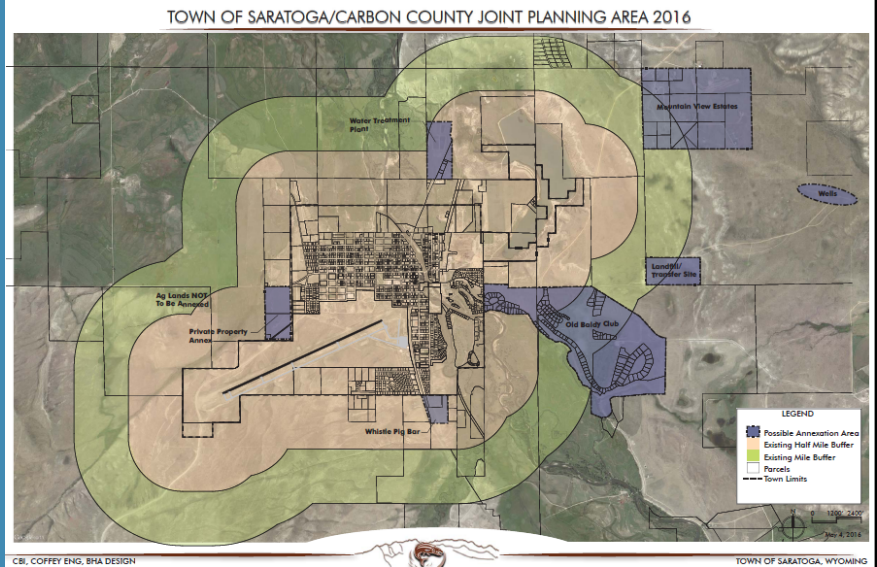
Residents interested in location of parks, trails, community facilities

Business and property owners

Elected officials – budgets; capital improvements



Planning Area



Input of County Commissioners and County P&Z Board, IF Plan involves land outside city limits. Law changed in 2018. Since then, if County has plan in place then municipality cannot plan that buffer area.

Because many of the problems of growth transcend city limits and cannot be solved by municipal action alone, Wyoming law expressly authorizes cities and towns to cooperate with other units of government in carrying out any of their legal powers, privileges, duties, or functions. This cooperation can be informal or subject to resolution, ordinance, or other written agreement. If is by written agreement, the parties can create a "joint powers board" to carry out the undertaking. (W.S. §16-1-101 through §16-1-109)

What do we mean by “Land Use”?



LAND USE MAP
(RESIDENTIAL,
COMMERCIAL,
AGRICULTURAL, AND
INDUSTRIAL)



NOT ZONING AT THIS
LEVEL



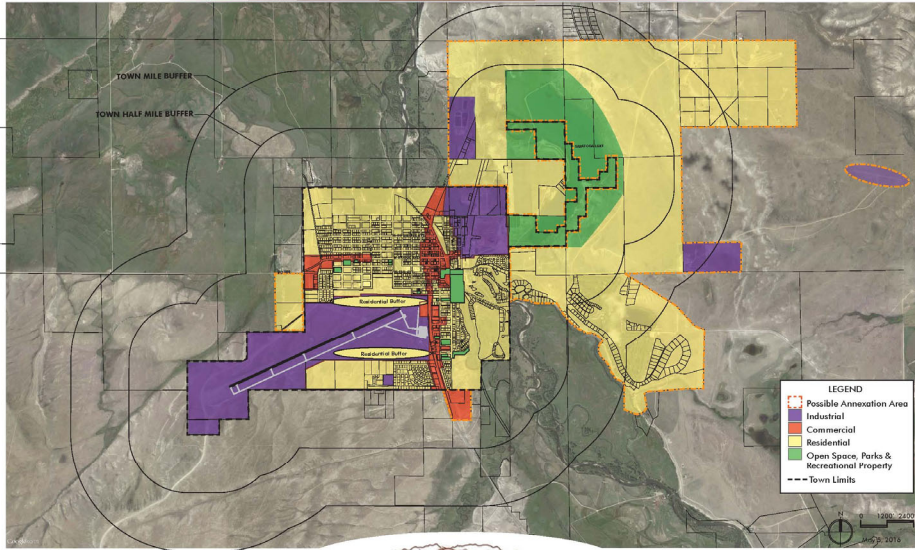
WHAT IS THE CURRENT
LAND USE – AND –
WHAT DO WE WANT IT
TO BE IN THE FUTURE?



MAP IT – HOW DO WE
GROW?

Planning Area
Current Land Use
Proposed Land Use/Zoning
Map

TOWN OF SARATOGA FUTURE LAND USE MAP 2016



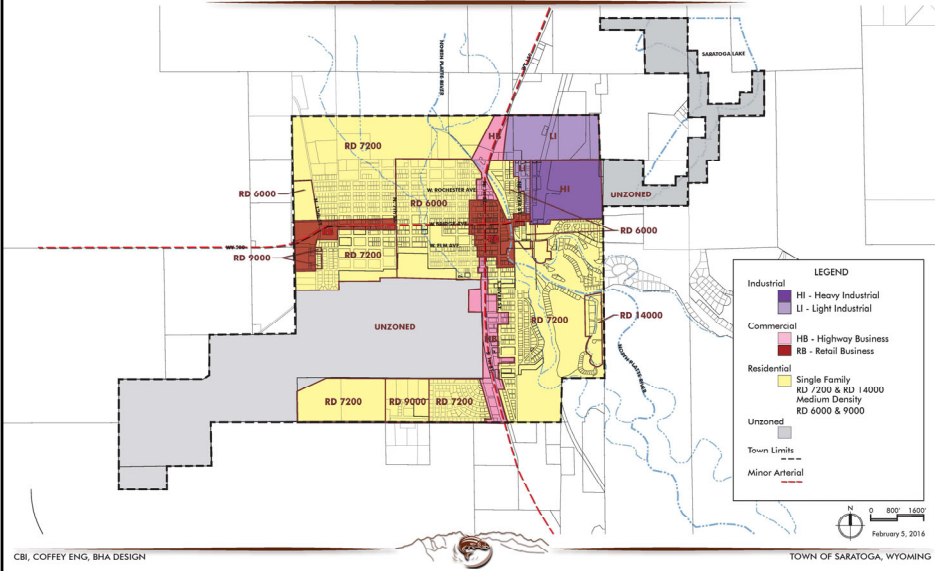
Land Use Plan/Map

CBI, COFFEY ENG, BHA DESIGN

TOWN OF SARATOGA, WYOMING

TOWN OF SARATOGA EXISTING ZONING MAP 2016

Zoning Map





Statutory-required items in Master Plan

Streets, parks, playgrounds, public ways

Public buildings and property

Public and private utilities

Zoning

Community centers and neighborhood units

Blighted areas

Transportation corridors, which includes ways to add or improve streets and public rights-of-way, including bicycles, pedestrians, airports and waterways;
Zoning plan for the regulation of the height, area, bulk, location and use of private and public structures and premises, and of population density;
General character, extent, and layout of the re-planning of blighted districts and slum areas.

The Dreaded “Z” Word!



ZONING SEEKS TO PROTECT
PUBLIC HEALTH, SAFETY AND
WELFARE BY REGULATING USE
OF LAND



CONTROL TYPE, SIZE
AND HEIGHT OF
BUILDINGS

Nothing strikes fear and loathing into property rights advocates more than the simple six-letter word - "zoning!" But it doesn't need to be a dirty word! Zoning is the most widely used technique for controlling land use and development. At the heart of most of today's land use issues lies the concept of zoning, which traditionally addressed legally separating land uses to protect residential areas from harmful or unattractive industries. The zoning code is the most important of the many tools a community can use to regulate land use and development.

The first zoning code was developed in 1916 in New York City. It was written after buildings being constructed would cover up the windows of neighboring buildings and block out sunlight. Zoning was implemented to prevent this in the future.

Goals of Zoning

Early goals –

- Prevent overcrowding and limit incompatible use

Modern goals –

- Transportation and residential development
- Pedestrian-friendly commercial corridors
- Preservation of historic neighborhoods

And yes, it's constitutional!

The constitutionality of zoning laws was established by the U.S. Supreme Court in the landmark 1926 case *Village of Euclid, Ohio vs. Ambler Realty Co.* Since that time, the majority of cities and towns in the United States have adopted zoning codes to regulate land uses.



Changing Times

Mixed-use development

Form-based zoning regulations

Unified Land Development Codes

The idea of what is “good” zoning has changed drastically over time. The original purpose of zoning was created in an era where cities were still overcrowded centers of industrialization. Officials decided it was improper to be housing residents next door to smoky, polluting factories, so they created zoning to separate these uses and restrict where housing could be placed and where industry could be placed. As a result, different uses were always placed singly and separately from each other in different parts of the city. Forward to the 21st century and planners’ ideas have very much changed. Today, planners often promote **mixed-use development** and form-based zoning regulations, that focus land use regulations towards creating more livable communities.

Mixed-use development recognizes that there is no reason these uses can’t all be together, provided it is done correctly. Why not be able to walk from home to a center where there is shopping, a transportation hub, school, a park, and perhaps even one's office?

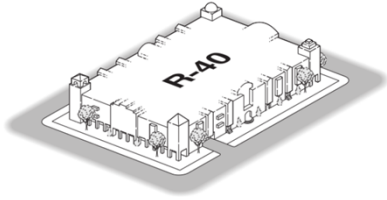
A planned unit development (PUD), involves a mixture of single-family residences, duplex or townhomes, apartments, some commercial and institutional uses and, occasionally, some industry.

Form-based codes focus on building form as it relates to streetscape and adjacent uses rather than the uses themselves. Form-based codes will allow for a mixture of land uses based on the context of the building form. Compatibility of use is achieved through design and orientation, instead of strict land use separation. Where conventional zoning focuses on use and development of an individual lot, form-based codes focus on the role that individual buildings serve in shaping the public streetscape. Form-based codes rely on design concepts and patterns intended to preserve the assets of a community, creating more livable environments and spaces.

Unified Land Development Code apply to the development of land, including the construction of buildings and other structures as well as the use of land within the incorporated boundaries of a community

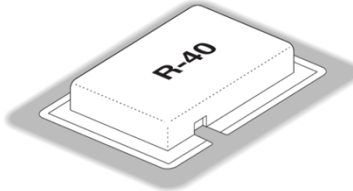
Zoning Design Guidelines

Conventional zoning requirements, plus frequency of openings and surface articulation specified



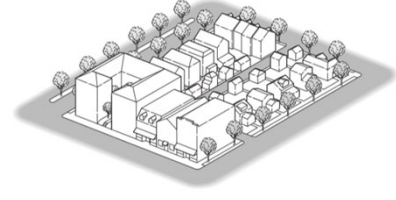
Conventional Zoning

Density use, FAR (floor area ratio), setbacks, parking requirements, maximum building heights specified



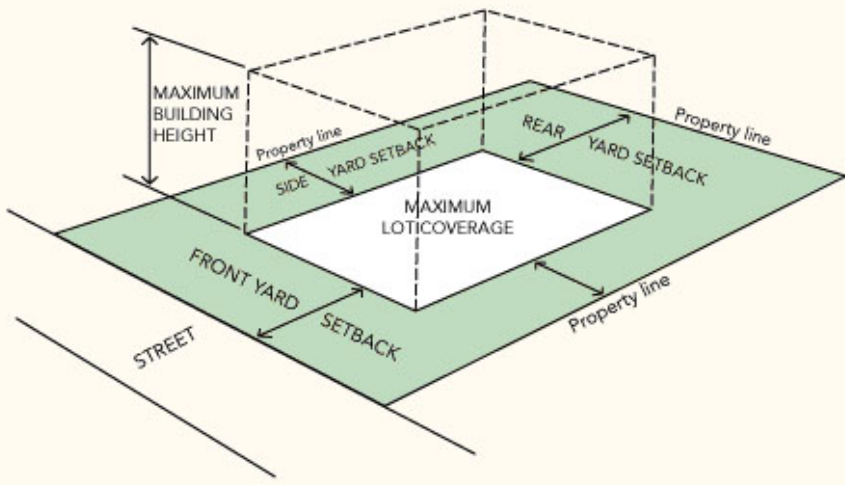
Form-Based Codes

Street and building types (or mix of types), build-to lines, number of floors, and percentage of built site frontage specified.



From Zoning to Form-Based Codes

Building Envelope



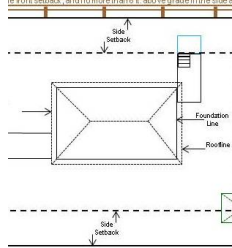
Wyoming law allows municipalities to zone many aspects of development

- Height, size
- % of lot
- Size of yards, open spaces; setbacks
- Density
- Location of buildings
- Districts (zones)

Height, number of stories and size of buildings and other structures;
Percentage of lot that may be occupied;
Size of yards, courts and other open spaces and setback lines for various districts;
Density of population; and
Location and use of buildings, structures and land for various purposes
(commercial, industry, residential).

The governing body may divide the municipality into districts (zones) and regulate and restrict development within these districts. All regulations must be uniform for each class or kind of buildings within a district, but the regulations in one district can differ from those in a different district.

In certain districts, a fence may be installed on a property line, provided it meets the following requirements: front setback, and no more than 6' above grade in the suite.



Zoning Code will regulate:

Bulk

Development

Signs

Environmental Standards



The code establishes bulk regulations for each district such as maximum allowed building height, minimum required building setbacks from property lines, maximum allowed site coverage, and minimum required off-street parking.

The code establishes development standards for special uses such as day care centers, mobile home parks, and the keeping of animals. It also contains sign. The code may also contain environmental standards to provide for the protection and conservation of significant natural resources.

To promote orderly and efficient patterns of new development, the zoning code also establishes the minimum standards for the subdivision of land including onsite improvements, stormwater control, utilities, and recording of plats.

What's in the Zoning Code?

Matter of right – use allowed

Conditional use - application of qualifying conditions.

Prohibited use - use not allowed under any circumstances.



A zoning ordinance typically consists of two parts - a map and the written ordinance. The map illustrates how a jurisdiction is divided into different use districts or zones. The most common zone districts include residential, commercial, industrial, and agriculture.

The zoning district must be consistent with and implement the Comprehensive Plan land use map category.

A use allowed in the zone without further review and without any other limitations other than density and setback requirements. An example would be a single-family residence allowed in a low density residential district.

Conditional use - A use that would become harmonious or compatible with neighboring uses through the application of qualifying conditions. An example would be a day care center in a low density zone provided hours of operation and parking issues are addressed; and,

Prohibited use - A use not allowed in a particular zoning district under any circumstances. A slaughterhouse would be prohibited in a low density residential district under any condition.

Overlay Districts

- Urban Design overlay district
- Historic Preservation overlay
- Airport Compatible Use overlay
- Laramie has an aquifer protection overlay district

The Overlay District is a planning tool used to supplement current zoning classifications. Overlay districts have their own standards and criteria that must be followed in addition to the existing zoning requirements. Overlay districts have been used to impose development or design restrictions in specific locations.

Municipal zoning authority is limited to Constitutional purpose



Zoning regulations must be in accordance with Comp Plan and designed to:

- Lessen congestion in the streets
- Secure safety from fire, panic and other dangers
- **Promote health and general welfare**
- Provide adequate light and air
- Prevent the overcrowding of land
- Avoid undue concentration of population
- Facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements

The Preamble to the Constitution is an introductory, succinct statement of the principles at work in the full text. It is referred to in countless speeches, judicial opinions, and in a song from Schoolhouse Rock. Courts will not interpret the Preamble to confer any rights or powers not granted specifically in the Constitution.

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.



Public Input

PUBLIC HEARINGS AND PUBLIC NOTICE REQUIREMENTS

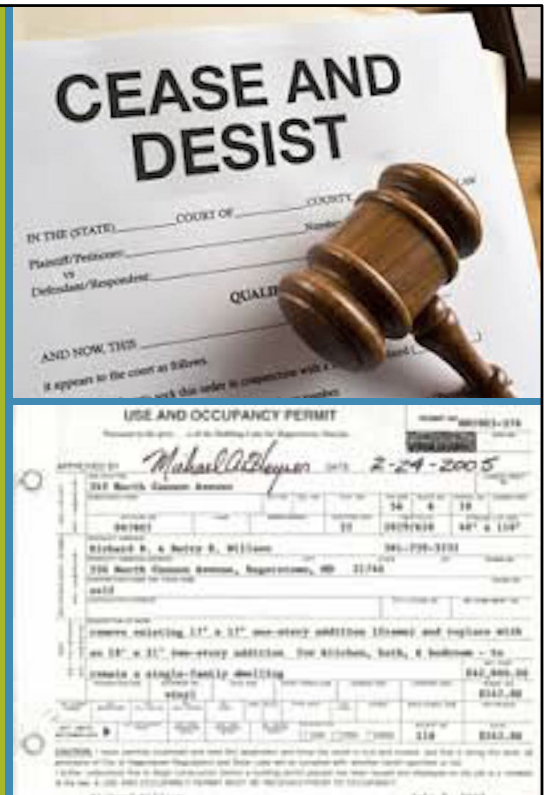
Public hearings and public notice are required for any zoning action, including the drafting of a zoning code, an amendment to said code, or the designation or changing of a zoning district. Fifteen days' notice of a public hearing must be provided. If 20% or more of the owners of the lots included in a proposed zone change, or 20% of those within 140 feet of the area proposed for change object, the change must receive at least a 3/4 vote of the governing body in order to pass.

Enforcement Action

Cease and desist

Revocation of certificate of occupancy

Municipalities have authority to institute “any appropriate action” to address or prevent violations



If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure or land is used in violation of a zoning code or ordinance or other regulation made under its authority, the proper authorities of the city or town, in addition to other remedies prescribed by ordinance, may institute any appropriate action to prevent the violation; the occupancy of the building, structure or land; or any illegal act, conduct, business or use in or about the premises.



Board of Adjustment

Sitting as Board of Adjustment, reviews zoning decisions made by municipal official

Appeal of ruling to District Court

NO appeal to governing body

A Board of Adjustments is the appeals body for a zoning decision made by a municipal official. The board shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of any zoning ordinance or provision.

An appeal suspends the action taken unless the officer concerned certifies to the board of adjustment that, because of facts stated in the certificate, the suspension in his opinion would cause imminent peril to life or property. If that occurs, the action taken by such officer can be stayed only if the district court grants a restraining order.

Board meetings are quasi-judicial proceedings, meaning oaths are administered and witnesses compelled to attend if necessary.

The Board of Adjustments hears and decides special exemptions to the terms of the ordinance, and varies or adjusts the strict application of any of the requirements of any zoning ordinance adopted in the case of any physical condition applying to a lot or building -- if the strict application would deprive the owner of the reasonable use of the land or building involved.

The Board's powers are very closely defined. No adjustment in the strict application of any provision of an ordinance may be granted unless:

There are special circumstances or conditions, fully described in the board's findings, which are peculiar to the land or building for which the adjustment is sought and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of the ordinance;

For reasons fully set forth in the board's findings, the circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land or building, the granting of the adjustment is necessary for the reasonable use thereof, and the adjustment as granted is the minimum adjustment that will accomplish this purpose; and

The granting of the adjustment is in harmony with the general purposes and intent of the ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Board of Adjustments may grant exceptions and variances upon request after a showing that an illegal construction or a nonconforming building or use existed for a period of at least five (5) years in violation of local ordinance and the city or town has not taken steps toward enforcement.

It may then (by majority vote), reverse or affirm wholly or partly the order, requirement, decision or determination as necessary, but no power exercised shall exceed the power or authority vested in the administrative officer from whom the appeal is taken.

Zoning Red Flags

Singling out specific businesses

Sign ordinances that restrict content of sign

Exclusionary zoning that completely excludes use

Extraterritorial jurisdiction

Spot zoning

Taking of property rights

Non-conforming uses



Big Box Retail that single out specific businesses such as "No Wal-Marts are allowed in any zone" would violate the law.

Sign ordinances that restrict the content of a sign based upon its location.

Exclusionary zoning that completely excludes a legitimate use or specific group of people from the community or an area (tattoo parlors or sexually-oriented businesses or low-income families). The municipality must show that any exclusion is substantially related to the promotion of public health, safety and welfare.

Extraterritorial jurisdiction is the legal authority for a municipality to extend its jurisdictional limits outside of the incorporated municipal limits for specific purposes, including zoning or subdivision regulations. Any such extension will require the approval of the external territory (such as the county), or with a legal authority that covers both territories (statutory authority from the state).

Spot zoning - where the government singles out a small portion of land and classifies it differently from the surrounding properties, for the sole benefit of the land owner and to the detriment of surrounding owners. Spot zoning will almost always be prohibited by law.

Taking - No regulation is valid if it constitutes an unconstitutional taking without compensation. The Fifth Amendment to the Constitution (and the 14th Amendment which applied that provision to states), provides that private property cannot be taken for public use without just compensation. Courts have found that zoning or other regulatory acts may amount to an unconstitutional taking. For example, if a governmental entity zones historically zoned residential property for non-developable airport clear space and prohibits the owner from making any other use of it, the government has effectively "taken" the right of the property owner to use the property for residential purposes without compensation. Any existing residential structures become "non-conforming uses."

Non-conforming Uses - Buildings, structures or uses of land that were existing at the time of the enactment of a zoning code which do not conform to the regulations of the district in which it is located are called non-conforming uses. Typically, non-conforming uses may be continued as long as alterations are not made to the building or structure, no extensions or enlargement to the nonconforming use are made, or changes to another non-conforming use are not made. In the above example, the existing homes would be allowed to exist as long as homes are not removed, replaced with larger structures or compensation provided to remove the structures.



Private Covenants and Zoning

Completely different

No effect whatsoever on each other!

Restrictive covenants are private land use controls included in the chain of title of property. A valid covenant restricts the use of the property against which it is recorded and is enforceable by a limited group of persons - usually landowners in the same subdivision. It is important to understand that covenants have **no effect whatsoever** on zoning and that zoning has no effect whatsoever on covenants. In general, local government has no power to enforce covenants.

Garden plan (again)

2015-05-16d



Hmm... maybe I can plant more tomatoes in the basil section, and use kale in between the choy and the other greens...

This might actually work. 😊
Even if it doesn't, I can learn more about irrigation design...

Link between Planning and Zoning

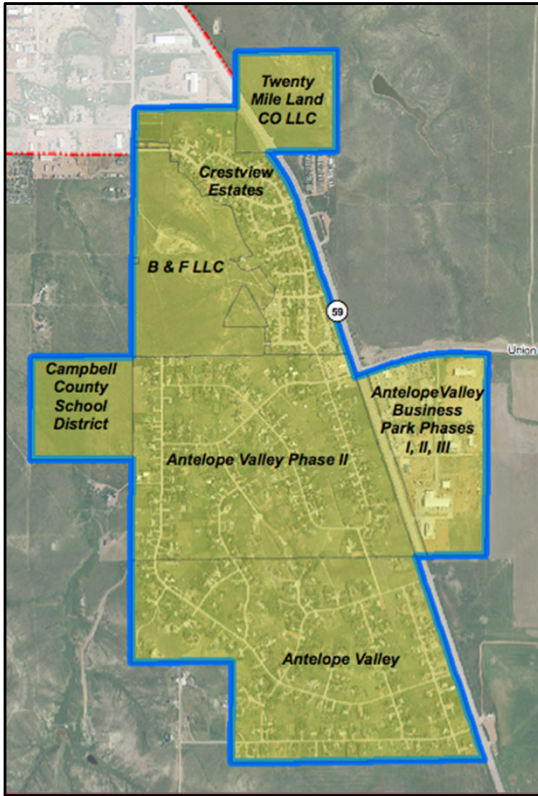
Comprehensive Plan is a **guide** (a plan)

Zoning Code is a regulation **tool**



The Comprehensive Plan is a guide that outlines the vision, policies and goals of the community over the long-range. It outlines general development types and land uses.

The zoning code is a regulation tool that implements the Comprehensive Plan's policies through provisions for requirements, enforcement, penalties, and incentives. The zoning code outlines specific zoning districts.

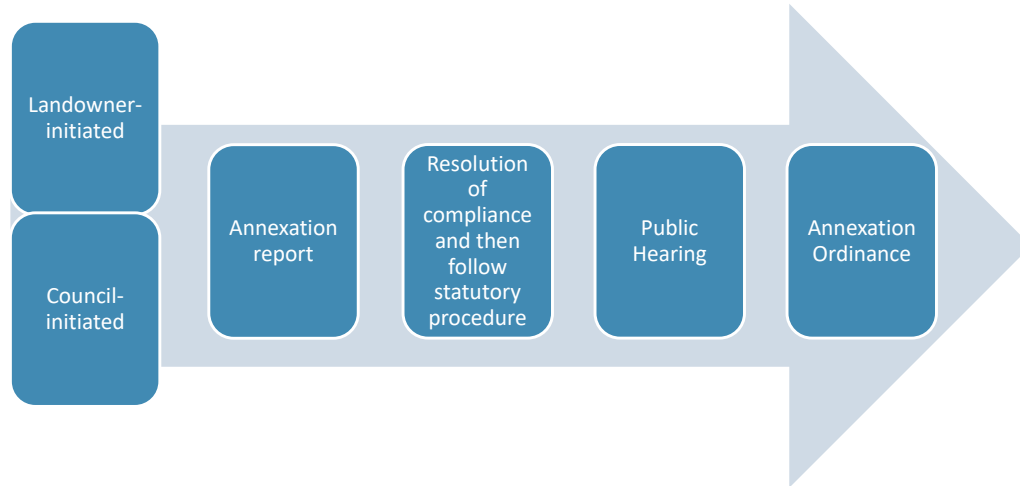


Annexation

Governing body must find that the annexation is for:

- Protection of health, safety, welfare
- Development would constitute natural, geographical, economical, social part of town or city
- Area is a logical and feasible addition, and that extension of basic services can be available to area to be annexed
- Area is contiguous with or adjacent to city or town

State statutes dictate annexation process

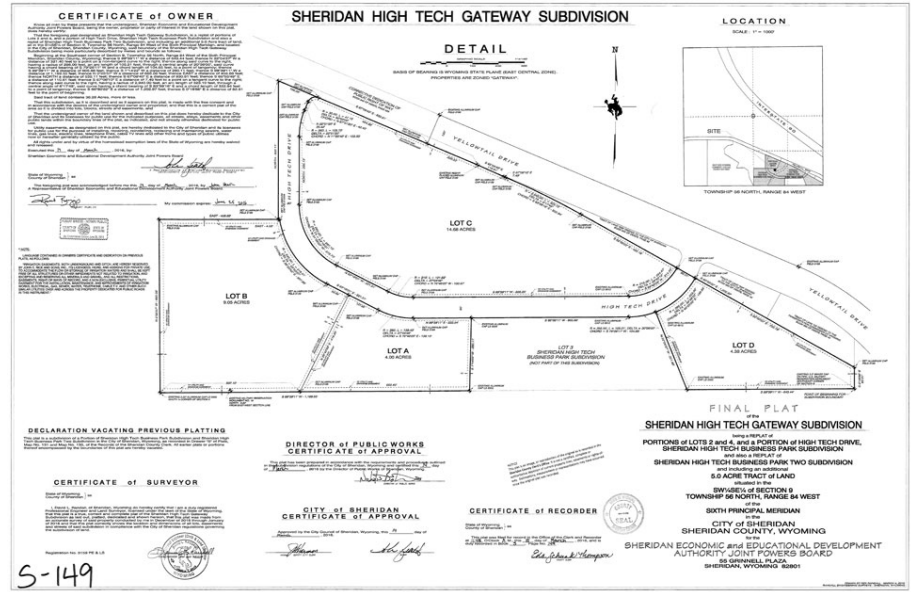


Subdivisions

Division into blocks, lots, streets, alleys, etc.

Defined in statute as the division of a tract or parcel of land into three (3) or more parts for immediate or future sale or building development

Land sold within municipal limits must be in recorded subdivision and described by lot and block within designated subdivision



WSS 15-1-501 addresses subdivisions – “Planning”



Economic development can grow your tax base and improve the quality of life for your community

You should think of economic development as “Building Blocks”. Each block in the foundation supports subsequent blocks. Obviously, the more stable the base, the more stable the economic development program.

As you scan the block titles, you can readily see that economic development is much more than financing businesses ... it’s building a community to support and grow business.



What is Economic Development?

A lot more than you think!

Economic development efforts should address all the building blocks, not just business recruitment.



1. LEADERSHIP

The foundation of all economic development is leadership. Leaders provide vision, planning, communication, and the ability to bring a community together to think creatively about its future. Partnerships between elected officials, civic organizations, chambers of commerce, economic development organizations, individual business leaders and community members are essential for a thriving economy.



2. INFRASTRUCTURE, WORKFORCE & QUALITY OF LIFE

Wyoming's quality of life is unique: wide-open spaces, small rural communities and low population are just some of its characteristics. For economic development, important components also include good health care and high-quality schools, police and fire protection, affordable housing, cultural and recreational opportunities, and an attractive environment. Infrastructure like available land and buildings, water, sewer, gas, electricity, telecommunication services and transportation are all critical to successful businesses.



UNDERSTAND THE BUILDING BLOCKS OF ECONOMIC DEVELOPMENT

WEDA is the statewide association promoting economic development. Like WAM, they use their conference time to train local communities. Your local economic development group should belong to WEDA, and if you don't have a local group you can always reach out to WEDA and the Wyoming Business Council (Regional Director).

WEDA emphasizes the need for effective Leadership. Resources are hard to come by, so vision and efficiency are critical.

Likewise, understand the underlying need for adequate infrastructure, workers, and a good quality of life for residents.



3. EXISTING BUSINESS & ENTREPRENEUR DEVELOPMENT



New jobs usually come from expansion of existing businesses. Likewise, local entrepreneurs are usually the best at identifying new product ideas and business opportunities appropriate for their community. Many success stories reflect the power of creativity to improve existing services and facilities as a way to invest in the community and enhance its economic potential.



4. RECRUITING NEW BUSINESS

When the other building blocks are in place, a community is prepared to recruit new businesses. We've all seen signs of failed economic development efforts—abandoned shopping centers or empty shops along Main Street. To avoid such mistakes it's critical that all the pieces of the puzzle are in place. Building from the bottom up allows communities to attract new businesses and residents with confidence that they can provide critical support so all business endeavors are successful.



UNDERSTANDING THE BUILDING BLOCKS OF ECONOMIC DEVELOPMENT

If you want business growth, start by helping the businesses that are already in your community. Help them thrive and expand.

Only after you have a proven track record of helping local businesses – and gaining their support – can you start recruiting new businesses.



**WYOMING
TECHNOLOGY
BUSINESS CENTER**



SBDC
MRC & PTAC



WYOMING
State Chamber of Commerce

**Wyoming
SBIR/STTR
Initiative**

**WYOMING
WOMEN'S
BUSINESS
CENTER**



Wyoming Department
of Workforce Services



Wyoming
Business
Resource
Network
can help you



Questions
about
Community
and Economic
Development?

Thank You!

This presentation was prepared by Community Builders, Inc., a Wyoming-based consulting firm specializing in community and economic development, under contract and in cooperation with the Wyoming Association of Municipalities.

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