7. LAND USE DEFINITIONS

7.1 DEFINITIONS

Unless the context otherwise specifies, the following words, terms and phrases and their derivatives shall be interpreted in the same fashion:

A. "Shall" and "required" are mandatory.

B. "May" is a permissive requirement; "should" is not mandatory, but less permissive than "may".

C. "Encouraged" is associated with a standard or policy which encourages or discourages certain kinds of performance by an applicant.

D. Words used in the present tense shall also include the future tense; words used in the singular shall also include the plural.

E. Predominant land use shall have hierarchy for permitting projects with a mixture of uses.

Abandonment - The actual cessation of a non-conforming use.

Accessory Building - A building that is subordinate to, and incidental to the principal building on the same lot or parcel, but does not include any building containing a dwelling unit as hereinafter defined.

Accessory Use - A use incidental and subordinate to the principal use of the premises.

Action - A decision is made, by motion, on a particular application by the Planning and Zoning Commission and Board of County Commissioners.
Adjoining Property - A lot, parcel, or tract of land which shares all or part of a common lot, parcel, or tract line with another lot parcel, or tract; a lot, parcel, or tract which is across a road from another lot, parcel, or tract.

Administrator - The Planning Director, Senior Planner, and the staff of the Office of Planning and Development, Lincoln County, Wyoming. The Administrator is the staff member responsible for a particular development or task.

Adult Uses - Retail and/or entertainment establishments offering adult entertainment, the sale of sexually explicit materials, and similar uses as determined by the Board of County Commissioners.

Agricultural Accessory Building - A building that is subordinate to but does not include any building containing a dwelling unit as herein defined; with an accessory use that is incidental and subordinate to the principal agricultural use; i.e. shed, barns, etc.

Agricultural Land - Means land which has been used or employed during the previous two (2) years and presently is being used and employed for the primary purpose of obtaining a monetary profit as agricultural or horticultural use or any combination thereof. Agricultural land shall generally include land actively farmed or ranched to obtain a fair rate of return.

Agricultural Processing - The processing or manufacturing of crops, forage, or livestock, including, but not limited to dairies, poultry processing, meat packing plants, breweries, and wineries.

Agriculture - Means cultivation of the soil, the production of forage or crops, and rearing, feeding, and management of livestock, poultry, bees, fish, or other animal species in domestic or captive environments.

Aircraft - Any vehicle which carries one or more persons and which is used or, intended to be used, for flight in the air. Aircraft include, but are not limited to, the following types:
   a. Lighter than air, including balloons and airships.
   b. Powered fixed wing
   c. Rotory wing, including helicopters and gyroplanes.
   d. Ultra-light, including powered hang gliders, powered paragliders, powered gliders and powered fixed wing aircraft with: an empty weight less than 254 Lbs.; less than 5 gallons of fuel capacity; and, capable of less than 55 knots airspeed at full throttle.
   e. Unpowered fixed wing, including gliders, hang gliders, paragliders and kites.

Airport - Any area of land or water that is used or intended for use by aircraft, including the necessary appurtenant structures and facilities located therein, excepting there from any area of land used primarily for the manufacture of aircraft.

Airstrip - Either improved or unimproved private, non-commercial (including flying lessons) landing area used by a pilot to land, take off, and/or taxi powered fixed wing aircraft. Airstrips shall not include landing areas, which are or may become eligible to receive federal funding pursuant to the Federal Airport and Airway Improvement Act of 1982 and subsequent amendments thereto.
Antenna: a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to, radio, television, cellular, paging, personal telecommunications services, microwave telecommunications and services not licensed by the FCC; excluding those used exclusively for the County’s fire, police and exclusively for private citizen’s bands, and amateur radio. Attached Antenna: an antenna mounted on an existing building, silo, smokestack, water tower, utility or power pole or a support structure other than an antenna tower.

Applicant - The owner of the land of the existing and/or proposed development, or the applicant’s representative.

Archery Range - A general term that includes uses in which the primary or accessory activity includes shooting sports that involve the firing of arrows by general public or club membership in a structured or controlled setting.

Automobile Sales and/or Repair - Premises on which new or used passenger automobiles, trailers, or light trucks in operating condition are displayed in the open for sale or trade. Automotive repair includes rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning. The storage and dispensing of fuels are not included.

Bank - A financial institution such as a full service bank, credit union, or similar business which generally requires extensive parking and drive through area.

Batch Plant and/or Rock Crusher - Batch Plant is an operation, which mixes ready mix concrete, batch mixes concrete for fabrication of products, mixes asphalt for road, drive way, or parking lot construction. Rock Crusher is an operation which crushes rock for production of gravel.

Bed and Breakfast Establishment - A single family residence that serves as a lodging facility containing not more than four guest rooms and the primary entry to each guest room is from within the residence.

Board of County Commissioners - Board means the elected Lincoln County, Wyoming, Board of County Commissioners.

Bottling and Distribution Plant - An operation which packages beverages in bottles or cans for wholesale or retail trade or which stores quantities of beverages for distribution.

Buffer - Land, berms, fences, landscaping or other methods used to separate two distinct land uses that acts to separate or mitigate the effects of one land use on the other.

Build-able Area - Areas specified as building areas on subdivision plats or areas on lots, parcels, or tracts. (see Section 6.11.E).
**Building** - Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communication doors, windows or opening; which is designed or intended for the shelter, enclosed for protection of person, animals, chattels or property of any kind.

**Building, Detached** - A building surrounded by open space on the same lot, parcel, or tract.

**Building, Non-conforming** - Any building that does not conform to the requirements of these Land Use Regulations.

**Building, Principal** - A building in which is conducted the main or principal use of the lot, parcel, or tract on which said building is situated.

**Bulk Storage of any Fuels** - A storage facility for fuels, which serves as a depot or distribution point for wholesale or retail fuel sales.

**Business or Commerce** - The purchase, sale, exchange or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood; or the ownership or management of office buildings, offices, recreation or amusement enterprises or the maintenance and use of offices of professions and trade rendering services.

**Canal or Ditch** A canal is defined as a manmade waterway with an average water surface width of five (5) feet or greater. A ditch is a manmade waterway with an average water surface width of less than five (5) feet. See Section 6.21, Irrigation Facilities and Surface Water.

**Campground** - An area of land used or designed to commercially accommodate in an outdoor recreational manner, camping parties including tents, camping trailers or other camping outfits.

**Cemetery** - Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

**Central Sewage Treatment System** – A sewage treatment system for three or more connections that is designed and operated according to Wyoming State DEQ standards and with DEQ approval.

**Central Water System** – A water system for three or more connections that is designed and operated according to Wyoming State DEQ standards with DEQ approval.

**Child Care Center** - A private establishment enrolling twelve (12) or more children between 2 and 5 years of age and where tuition, fees, or other forms of compensation for the care of the children is charged; and which is licensed or approved by the State of Wyoming to operate as a child care center.

**Church** – A building together with its accessory buildings and uses where persons regularly assemble for religious worship which is maintained and controlled by a religious body organized to hold public or private worship.
Commercial Arena - Stables, Riding Academies - A detached accessory building or arena in which horses or other animals are kept and which such animals are kept for hire or sale.

Commercial Entertainment Facilities - Any profit-making activity that is generally related to the entertainment field, such as motion picture theaters, carnivals, bowling alleys, dance halls, and similar entertainment activities.

Commercial Feedlot - An establishment where livestock are kept confined in a compound or fenced area in order to be fattened for sale or slaughter. Excludes livestock feeding which are accessory to the operation of a working ranch where animals are also raised on pasture.

Commercial Parking Lot - An area where vehicles may be temporarily stored for commuters, shoppers, travelers, etc.

Commercial Storage Unit(s) - Any lot, parcel, or tract or portion of the lot, parcel, or tract which is used for the sole purpose of storage of items in enclosed unit(s). This does not include large amounts of hazardous material as per applicable state and federal laws.

Commercial Storage Yard - Any lot, parcel or tract or portion of the lot, parcel, or tract which is used for the sole purpose of the indoor/outdoor storage of fully operable vehicles, construction equipment, construction materials, or other tangible materials and equipment in an orderly manner. This does not include large amounts of hazardous material as per applicable state and federal laws.

Communications Tower, Commercial: A structure intended for transmitting or receiving television, radio, telephone, or microwave communications which may include parabolic dishes or microwave relay dishes mounted on the tower. Towers that are needed for communications in operation of a business that is involved in the sale of communications.

Communications Tower, Private: A structure intended for transmitting or receiving television, radio, telephone, or microwave communications which may include parabolic dishes or microwave relay dishes mounted on the tower. Towers that are needed for communications in business or private operations, but communications are not sold, and the primary function of the operation is not telecommunications.

Comprehensive Plan - A plan, including a Comprehensive Plan Map, adopted by the Board of County Commissioners, promoting the health, safety, morals, and general welfare of the un-incorporated areas of the county per W.S. (see Appendix K).

Condominium - A building, or group of buildings, in which units of airspace, as interpreted by W.S. (see Appendix L), are owned individually, and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.

Conditional Use - A conditional use is the term applied to a use or occupancy of a structure, use of land or premises, permitted only upon the issuance of a Conditional Use Permit according to the provisions of these Land Use Regulations.
Conservation Design Large Parcel: Development for 35 acre divisions of land using cluster development and density bonuses to preserve open space (see Chapter 3.5)

County - Lincoln County, Wyoming.

County Surveyor - The County Surveyor appointed by the Board of County Commissioners.

Development Agreement: An agreement between the property owner and the County that clearly establishes the owner’s responsibility regarding project phasing, the provision of public and private facilities, improvements and other mutually agreed to terms and requirements/conditions.

Drainage Facility - A natural or manmade waterway or structure for the drainage of land including but not limited to: canals, ditches, overflow channels, culverts, catch basins, or other similar facilities.

Driveway - A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

Dwelling - A building or portions of it, containing one (1) or more living units. The term does not include any self-contained R.V., motel, hotel, club, or short term hosted rentals such as Bed and Breakfast establishments as defined herein.

Dwelling(s), Multiple-Family - A multiple-family building or portion thereof, containing three (3) or more dwelling units. This includes three (3) or more rented dwelling units contained in more than one (1) building.

Dwelling, Single Family - A building designed for use and occupancy by one (1) family.

Dwelling, Two Family - A building containing two (2) dwelling units, designed for occupancy by not more than two (2) families; can also be a twin-home, a townhome, and/or a duplex.

Easement - Authorization by a property owner for the use of, by another, and for a specified purpose, any designated part of his/her property.

Enhanced Septic Treatment or Advanced Treatment – means a treatment process that achieves an effluent being discharged to the absorption surface or native soil with five day biochemical oxygen demand, BOD5, and total suspended solids, TSS, less than or equal to 30 mg/L and that carries the seal of testing and approval from the National Science Foundation, NSF, for the NSF Standard No. 40.

Family – One or more persons related by blood, marriage, adoption or guardianship, and/or not more than four persons not so related, who are living and cooking together as a single housekeeping unit.

Fee Schedule - As set by the Board of County Commissioners
Floodplain: Land area subject to inundation as a result of the base flood. The physical location of the floodplain on flood hazard maps is representative of existing ground conditions and may be based, among other things, on historical flood records or other readily available data. Equivalent to flood prone area and 100-year floodplain.

Greenhouse, Landscape Nursery - A commercial use for wholesale and/or retail trade of landscape plants, shrubs, trees, or other horticultural products.

Group Care Facility, Large - Dwelling unit(s) and/or facilities housing persons unrelated by blood or marriage and operating as a group family household, including, but not limited to: the elderly and battered children and women, half-way houses, recovery homes, and homes for orphans, six (6) or more foster children.

Group Care Facility, Small – Dwelling units housing less than six (6) persons unrelated by blood or marriage and operating as a group family household including the frail, the elderly, persons with HIV, physically disabled, mentally retarded, mentally ill, and recovering alcoholics and drug addicts but does not include persons currently using or addicted to alcohol or a controlled substance and not recovering, and does not include halfway houses for those in the criminal justice system.

Guest Cabins – Detached cabins, not exceeding 800 sq. ft. in size, which are designed and used for the housing of paying guests. Maximum 4 cabins and/or total maximum design flows for wastewater system shall not exceed 2,000 gallons per day per project site.

Guest House - A detached dwelling, accessory to a principal dwelling unit, located on the same lot or parcel, and smaller in floor area of living space, which may be used as temporary housing for nonpaying visitors or guests or for rental units of the owners or occupants of the main dwelling on the site. Guest Houses as rental units will be allowed a maximum of 800 square feet of living space on lots up to one (1) acre; a maximum of 1,000 square feet of living space for lots between one (1) and five (5) acres; and a maximum of 1,200 square feet of living space for lots greater than five (5) acres. Only one (1) guest house shall be permitted on a parcel or lot.

Guest Ranch - A ranch with guest accommodations which has a lodge facility separate from individual guest cabins; and also may include barns, associated outbuildings, corrals, pastures and horses available to accommodate guests for equestrian activities. Typical services provided include horseback trips, hunting trips, fishing trips, float trips, cook-outs, cross-country skiing, snowmobiling and other planned outdoor associated recreational activities for guests only.

Home Occupations - Any gainful occupation engaged in by an occupant of the dwelling unit. Said occupation is clearly incidental and secondary to the dwelling for dwelling purposes and does not change the character of the dwelling and the property.

1. Short Term Rental/Transient Rental Property Hosted – Any guest rental property being rented for less than 30 days. Hosted rentals are those where the owner(s) or his agents live on site during the guest rental period.
Hospital - A public or private medical care facility, where provision is made for overnight care of patients.

Hotel - A building containing furnished guest rooms for occupancy on a transient basis, where lodging with or without meals is provided for compensation.

Housing, Affordable – A housing unit which a person or family earning 120 percent or less of the current median household income in Lincoln County can purchase with a mortgage payment which does not exceed 25 percent of the gross household income; and, a housing unit which this household can rent with gross rent and utility payments which do not exceed 30 percent of the gross household income. Low to moderate income figures would be 80 percent, and very low income figures would be 50 percent.

Improvement - Any item which becomes part of, or is placed upon, or is affixed to real estate, including, but not limited to, utilities, roads, structures, berms, fences, landscaping and buffers.

Inter-Governmental Agreement (IGA) – A written agreement between government entities.

Industrial, Heavy - Coal Mines, coke plants, stacking of oil rigs, refining of petroleum and other oil products, manufacturing of poisonous, explosive or toxic material, railroads, haul roads, and other similar uses.

Irrigation Facility - A man-made waterway or structure designed for the irrigation of land including but not limited to: canals, ditches, culverts, pipelines, valve structures, diversion structures, or other similar facilities.

Junk Yard - Same as Salvage Yard.

Land Use Permit – a discretionary permit that grants an applicant the authority to establish a use of land only after obtaining additional building permit(s), as required. For the purposes of this title, land use permits are residential use, driveway access, county sign, temporary use, oil and gas, and zoning and development permits as established in these Land Use Regulations. This Permit may also be known as a Zoning Certificate.

Light Manufacturing - Terminal Facilities, supply yards, all light manufacturing, including food and construction products, research facilities, warehousing, processing, testing laboratories, machine shops, garment manufacturing, electronic manufacturing and other similar uses. Uses which give rise to excessive noise, vibration, smoke, odor, dust, fumes, or danger of explosion are excluded.

Lighting definitions: Luminaire - means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts. Cut-off – means the point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut off) at a specific angle above the ground. Glare – the effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
Lot - A designated tract or area of land less than 35 acres identified or established by subdivision plat, or townsit plat.

Lumber Mill - A saw mill or other processing of forest products.

Man Camp - An area of land occupied by mobile homes, travel trailers, truck campers, tent trailers or any other structures, including service buildings and kitchen facilities, serving as housing for 25 or more personnel of an industrial or commercial construction project, gas treatment plant, and/or oil or gas development.

Manufactured Home: A factory-built structure which is to be used as a place of human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development. Such homes shall have the appropriate certification label attached. A manufactured home is manufactured on or after January 1, 1994.

Manufactured Home Sales - Premises on which new or used manufactured homes are displayed in the open for sale or trade.

Mineral Development - Mineral development including mines and associated facilities and accessory uses.

Mining - Development which is reasonably necessary to the commercial extraction, exploration or production of minerals, including oil and gas wells, seismic exploration equipment, coal mines, coke plants, including gravel pits, fossil quarries, accessory offices, and storage buildings.

Modular Home - A single family dwelling that was fabricated in an off-site manufacturing facility, built to UBC IRC standards, supported by a permanent perimeter foundation, and not connected to a permanent chassis for support.

Mobile Home - A residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, not built to the Federal Manufactured Home Construction and Safety Standards (January 1, 1994). Mobile homes are not manufactured homes or modular homes per the definition contained in these regulations and per federal regulations.

A. New placement of mobile homes for dwelling purposes, outside of a Mobile Home Park, shall require skirting and attachment to a solid foundation system.

B. New placement of mobile homes, which were constructed prior to December 18, 1975, shall not be permitted outside of Mobile Home Parks.
Mobile Home Park Subdivision - Any lot or parcel of land, whether for rent, lease, hire, or otherwise, where two (2) or more mobile homes are parked and used for living and/or sleeping purposes. Two (2) mobile homes established on agricultural land, and used as housing for agricultural workers on the same property shall not be construed as a mobile home park subdivision.

Mortuary - A business, which is involved in the preparation of human or animal remains, and which may conduct funeral services for the same.

Motel - A building, or group of buildings on the same premises whether detached or in connected rows, containing sleeping or housekeeping units independently accessible from the outside, with garage space or parking spaces located on the premises and designed for and occupied by travelers on a transient basis.

Municipal Governments – Local governments are administrative offices that are smaller than a state/federal or county. Common names for these entities located within the county are towns, cities or municipalities.

Non-conforming Use - Any use lawfully occupying a building, structure, or land at the effective date of these regulations, or of subsequent amendments thereto, which does not conform to the regulations of these regulations.

Nursing Home, Convalescent Home - A building housing any facility, however named, whether operated for profit or not, for the purpose of providing skilled nursing care and related medical services to two (2) or more individuals suffering from illness, disease, injury, deformity, or requiring care because of old age or other disabling conditions.

Off Street Parking - Parking facilities for motor vehicles on other than a public or private road.

Oil and Gas Development - Includes all development which is reasonably necessary to the extraction, exploration or production of oil and gas wells and accessory office, storage buildings, rig camps, and gas gathering systems.

Open Space Design – Subdivision design requiring the set aside of lands in a development for use as: recreation areas, trails, cropland, pasture, woodland, riparian areas, etc. Development of these spaces shall be restricted by language on the subdivision plat.

Owner - Any person, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

Outfitter Uses - Uses associated with outfitter guides who provide commercial hunting camps, fishing guides, or outfitted scenic trail rides.

Parcel - A designated tract or area of land less than 35 acres not identified or established by subdivision plat, or town-site plat; a contiguous piece of property lawfully created or conveyed of record as a single piece of property.
Parks - Land uses set aside as open space for the benefit of the public for picnic, recreational sports, scenic walkways, bike or horse trails, and other similar uses.

Parking Lot - An open graded area, other than a street, road or public/private way, used for the storage for limited periods of time by operable passenger automobiles and commercial vehicles, and is available to the public whether for compensation, free or as an accommodation to clients or customers.

Permit - Written governmental permission, issued by the applicable zoning authority empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

Permitted Use - A permitted use is the term applied to a use or occupancy of a structure, use of land or premises, permitted only upon the issuance of a Permit according to the provisions of these Land Use Regulations, such as Zoning and Development Permit, Oil and Gas Location Permit, and Residential Use Permit.

Planning and Zoning Commission - The Lincoln County Planning and Zoning Commission, created by the Board of County Commissioners pursuant to W.S.(see Appendix K).

Planning Office - The Office of Planning and Development for Lincoln County, Wyoming, and its staff.

Professional Activities - The use of offices and related spaces for such professional services as are provided by medical practitioners (including clinics), lawyers, accountants, architects, land surveyors, engineers and similar professions.

Public Facilities - Any publicly owned recreation facility, government building, utility, landfills, or other such development.

Radio and Television Broadcasting Station - A building housing the studio and/or equipment for broadcast of radio or television signals.

Radio, Telephone, Television, Cellular Translators/Repeaters - Structures erected for the dissemination of radio, telephone, telephone, or cellular signals.

Recreational and Related Business Facilities - Recreational Vehicle sales, golf courses, mini golf, recreation centers, and other similar uses which support the particular recreational use(s); including malt beverage dispensing with appropriate County Permit.

Recreational Vehicle - An automobile, travel trailer, camp-car, camper, bus, motor home, tent-trailers, or other vehicular or portable unit, with or without motive power, designed and constructed for travel and intended for human occupancy as temporary living quarters for recreational, vacation or travel purposes.
Recreational Vehicle Park - Land specifically designed and developed to accommodate three or more recreational vehicles and not qualifying as a campground.

Restaurant - Any land, building, or part of it, other than a boarding house or a bed and breakfast establishment, where meals are provided for compensation including among others such titles as café, cafeteria, coffee shop, lunch room, tea room, or dining room.

Retail and Personal Services - Any enterprise conducted for gain which primarily offers goods and/or services to the general public such as stores, cabinet shops, taxidermy businesses, shoe repair, watch repair, barber shops, salons, professional offices, and similar uses.

Rifle Range - A general term that includes uses in which the primary or accessory activity includes shooting sports that involve the firing of rifles, shotguns, and/or pistols by general public or club membership in a structured or controlled setting. Such uses may include, but are not limited to, gun clubs, sportsman clubs, shooting ranges, skeet ranges, trap ranges, and firing ranges.

Rig Camp - An area of land occupied by mobile homes or recreational vehicles or any other structure(s) serving as temporary housing for the personnel necessary for the drilling operation at the site. Any camp housing 25 or more personnel shall be considered a man camp.

Right-of-Way - Any strip or area of land, including surface, overhead, or underground, granted by deed or easement, for construction and maintenance according to designated use, such as for drainage and irrigation canals, ditches; electric power, telegraph, and telephone lines; gas, oil, water, and other pipelines; highways, and other roadways, including right of portage; sewers; flowage or impoundment of surface water; and tunnels.

Road - Any vehicular way which: (1) is an existing state, county or municipal roadway; or (2) is shown on a plat approved pursuant to law; or (3) is approved by other official action.

Roadway Any road or vehicular way, together with the associated lands within designated right-of-way boundaries or historically utilized in the maintenance of the road.

Road, County – A public roadway that has been adopted by the County for maintenance, improvement, and expenditure of funds.

Road, Subdivision – Any road within or leading to the subdivision which is used or designed for access to subdivision lots, not including existing Federal, State, County, or Municipal roads.

Road and Bridge Foreman - Any one of the Road and Bridge Foremen in Lincoln County.

Roadside Stand - A temporary structure designed or used for the display or sale of agricultural and related products, fireworks, art, household goods, and other similar items.
Salvage Yard - An outdoor space where junk, waste, discarded or salvaged materials are stored and/or commercially handled, including automobile wrecking yards for storage or salvaged building and structural steel materials, excluding yards or establishments for the sale, purchase or storage of used cars in operable condition and the processing of used, discarded or salvaged materials as part of a permitted manufacturing operation on the same premises. A salvage yard shall not be permitted as a small business.

Schools, Public or Private - Institutions for instruction. Does not include boarding schools or group care facilities where overnight accommodations are provided.

Service Station/Fuel Dispensing - Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail and where servicing of vehicles may occur, and incidental accessories may be sold such as cold drinks, packaged food, tobacco and similar convenience goods.

Setback Area - Distance between the foundation of a structure and property line, road right-of-way, or constructed road, whichever is less.

Short Term Rental/Transient Rental Property Un-Hosted – Any guest rental property being rented for less than 30 days. Un-hosted rentals are those where there are no owners or managers on site during the rental period.

Small Business- A non-retail occupation or activity having less than 3,500 sq. ft. of building space. This land use is not allowed in a platted residential subdivision. (See Section 7.2 for specific activities)

Start of Construction - The actual start means the first placement of permanent construction of a structure on a site.

Structure - Anything constructed or erected, the use of which requires location on the ground or attachment to something having fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

Subdivision - Subdivision means the creation or division or lease of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses.

Suburban Lots – Units of land less than 35 acres in size.

Supply Yards - A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, machinery, feed, grain and similar uses.

Tavern or Lounge - A building where alcoholic beverages are sold for consumption on the premises, and can include restaurants where the principal business is serving food.
Telecommunications: the transmission and/or reception of audio, video, data and other information by wire, radio frequency, light and other electronic or electromagnetic systems.

Townhouse - A one-family dwelling in a row of at least two such individually-owned dwelling units, in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire-resistant walls. A townhouse development is a subdivision.

Truck and Heavy Equipment Repair - The repair, rebuilding, or reconditioning of heavy motor vehicles including trucks, farm machinery, and earth movers, or parts thereof, including collision service painting and steam cleaning.

Truck Stop - A business which caters to “over the road trucks” and offers fuel and/or convenience store and/or restaurant and/or repair facilities.

Utility Company Buildings - Buildings and other structures used for housing switches, substations, and other equipment for operation of utilities.

Variance - A variance is a modification of the requirements of these regulations. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.

Veterinary Animal Hospital or Clinic - A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for treatment, observation, and/or recuperation. It may also include boarding that is incidental to the primary activity.

Waste Management Facility – Land and structures used for storage, containment or treatment of waste products including solid waste and/or waste water.

Wind Energy/Wind Power/Wind Farm/Wind Energy Facilities: Establishment of equipment that converts and then stores or transfers energy from the wind into usable forms of electrical energy and includes any base, blade, foundation, generator, nacelle, accessory building, rotor, tower, transfer, turbine, vane, wire or other components used in the system. Wind Farm is multiple large wind energy systems under a single operational control or ownership designed for the primary purpose of sale, resale or offsite use of energy produced.

Zoning Authority - Any governmental entity allowed by applicable law to regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agricultural, industry, commerce, public use and other purposes in the boundaries of that entity.

Zoning Map. - The map or maps incorporated into these regulations which designate zones.
7.2 Land Use and Small Business Subcategories

Adult Uses

- Adult entertainment
- Sale of sexually explicit materials
- Other similar uses as determined by the Board of County Commissioners

Agricultural Processing

- Processing or manufacturing of Crops, forage, livestock
- Dairies
- Poultry
- Meat Packing
- Breweries
- Wineries

Commercial Arena

- Stables
- Riding Academies

Commercial Entertainment Facilities

- Motion Picture Theatres
- Bowling Alleys
- Carnivals
- Dance Halls
- Drive-in Theatres
- Race Tracks
- Sports Clubs

Light Manufacturing

- Welding Shops
- Auto Mechanics
- Machine Shops
- Construction products
- Research facilities
• Warehousing  
• Testing laboratories  
• Garment manufacturing  
• Electronic manufacturing  
• Food processing  
• Commercial Storage Yard  
• Bulk Storage of any fuel

Mining

• Seismic Exploration Equipment  
• Coal Mines  
• Coke Plants  
• Gravel Pits  
• Fossil Quarries  
• Quarrying of non-metallic minerals  
• Mining or quarrying of metallic ores

Professional Activities

• Medical Practitioners  
• Clinics  
• Lawyers  
• Accountants  
• Architects  
• Land Surveyors  
• Engineers  
• Beauty Shops  
• Barber Shops  
• Photographic Studios  
• SIC 7200 and 7300 Series Classification

Small Business

• Bed and Breakfast  
• Child Care Center  
• Professional Activities under 3,500 sq. ft.  
• Personal Service Shops and Offices under 3,500 sq. ft or 2000 gpd
7.3 **LAND USE TABLE**

The following uses, and none other, shall be permitted with the zones designated in the Land Use Table set forth below:

(Zones: R = Rural, M = Mixed, RC = Recreational, I = Industrial, P = Public)

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>R</th>
<th>M</th>
<th>RC</th>
<th>I</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings (located in flood and/or airport overlay zones)</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Adult uses including entertainment and retail</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
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<tr>
<td>Agricultural Processing</td>
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<td></td>
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<tr>
<td>Airport and landing field</td>
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<td>C</td>
<td>C</td>
<td></td>
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<tr>
<td>Archery Range</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
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</tr>
<tr>
<td>Automobile sales and/or repair</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Bank</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Batch plant and/or crusher, &amp; Supply Yards</td>
<td>C/T</td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
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<tr>
<td>Campgrounds</td>
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<td>Cemetery</td>
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<td>C</td>
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<tr>
<td>Church</td>
<td>C</td>
<td></td>
<td>P</td>
<td>P</td>
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<tr>
<td>Commercial Arena</td>
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<tr>
<td>Commercial entertainment facilities</td>
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<tr>
<td>Commercial feed lot</td>
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<td>Commercial Parking Lot</td>
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<tr>
<td>Commercial storage unit(s)</td>
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<td>Condominiums (3 or more units)</td>
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<td>Dwelling(s), multiple family</td>
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<tr>
<td>Dwelling(s), single/two family</td>
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<td>Group care facility, Small</td>
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<td>Guest Cabins</td>
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<td>Guest House</td>
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<td>Guest Ranch</td>
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<td>Home Occupations</td>
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<td>Hospital</td>
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<td>Industrial, heavy</td>
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<td>Light Manufacturing</td>
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<td>Lumber mill processing forest products</td>
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<td>Man camp or Rig Camp</td>
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<td>Manufactured homes sales</td>
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<tr>
<td>LAND USE</td>
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<td>M</td>
<td>RC</td>
<td>I</td>
<td>P</td>
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<tr>
<td>Mining</td>
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<td>Mobile Home Park Subdivision</td>
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<td>Mortuary</td>
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<td>Motels under 5,000 s.f.</td>
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<td>Motels, hotels, over 5,000 s.f. or 2,000 gpd</td>
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<td>Nursing Home</td>
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<td>Oil and gas development</td>
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<td>Parks</td>
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<td>Professional activities over 5,000 s.f or 2,000 gpd</td>
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<td>Public Facilities</td>
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<td>Radio and television broadcasting station</td>
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<tr>
<td>Radio, telephone, television, cellular translators/repeaters</td>
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<td>Recreational and related business facilities over 5,000 s.f.</td>
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<td>Recreational and related business facilities under 5,000 s.f.</td>
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<tr>
<td>Recreational vehicle park</td>
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<td>Residential Garage</td>
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<tr>
<td>Restaurants</td>
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<tr>
<td>Retail stores under 5,000 s.f.</td>
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<td>C</td>
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<tr>
<td>Retail stores, personal service shops and offices over 5,000 s.f.</td>
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<tr>
<td>Rifle Range</td>
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<tr>
<td>Roadside stand</td>
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<td>Salvage Yard</td>
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<td>C</td>
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<tr>
<td>School, public or private</td>
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<tr>
<td>Service station/Fuel Dispensing</td>
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<tr>
<td>Small Business</td>
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<tr>
<td>Short Term Rentals Un-Hosted</td>
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<td>Subdivision</td>
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<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Tavern or lounge</td>
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<td></td>
<td></td>
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<tr>
<td>Truck and heavy equipment repair</td>
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<td>P</td>
<td></td>
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<tr>
<td>Truck stop</td>
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<td>C</td>
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<tr>
<td>Utility company buildings over 800 s.f.</td>
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<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Utility company buildings under 800 s.f.</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Veterinary Animal Hospital or Clinic</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
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<tr>
<td>Waste Management Facility</td>
<td>C</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>
C = Conditional Use Permit Procedures

E = Exempt Use not requiring permit

Note: Uses not requiring county permits include: accessory sheds and barns less than 800 sq. ft. in size; agricultural accessory buildings less than 800 sq. ft. in size unless located in floodplain and/or airport safety zone; sidewalks; decks; non-commercial greenhouses; fences; and non-commercial parking of recreational vehicles unless connected to water and waste facilities.

R = Residential Use Permit Procedures, includes dwelling units previously identified; includes garages, and any building that will provide any type of housing that may be less than 800 sq. ft. in size.

P = Zoning and Development permit procedures.

T = Temporary Use Permit for up to 120 calendar days

Blank = Not Permitted

NOTE: Some uses may be restricted by the specific Community Plan Overlay Zone Policies, see Section 1.2. of these regulations.

NOTE: Uses not specifically listed are prohibited in that zoning district unless determined by the Board of County Commissioners to be similar in nature to other uses within the same district.