

## 6.1.2. Classification of Uses (1/4/17, Ord. 1163)

### A. Definition of Use

Use means the purpose for which a site or structure is occupied or maintained.

There are three categories of uses: principal, accessory, and temporary.

### B. Classification of Uses

1. **Principal Use.** A principal use is a use that may exist as the sole use of the property. More than one principal use may exist on a property. A principal use includes all incidental uses. Principal uses are organized into 8 categories:
  - a. Open Space Uses ([Sec. 6.1.3.](#))
  - b. Residential Uses ([Sec. 6.1.4.](#))
  - c. Lodging Uses ([Sec. 6.1.5.](#))
  - d. Commercial Uses ([Sec. 6.1.6.](#))
  - e. Amusement and Recreation Uses ([Sec. 6.1.7.](#))
  - f. Institutional Uses ([Sec. 6.1.8.](#))
  - g. Industrial Uses ([Sec. 6.1.9.](#))
  - h. Transportation and Infrastructure Uses ([Sec. 6.1.10.](#))
2. **Incidental Use.** An incidental use is a use that is commonly integrated into the operation of a principal use, even if the incidental use would be classified as a different use if it were separated. A use cannot be incidental if the principal use does not exist.

**EXAMPLE:** A cabinet contractor may have an office to run the business within its shop without the office being considered a separate use. As another example, a golf course may sell golf equipment as part of its operation without the pro shop being considered a separate retail use.

3. **Accessory Use.** An accessory use is a use that constitutes a minority of the use or character of the property and is secondary and subordinate to another use of the same property, but which is not an incidental use.
4. **Primary Use.** A primary use is a use to which an accessory use is accessory.
5. **Temporary Use.** A temporary use is a use established for a fixed period of time.

### C. Multiple Uses

Each use listed as a separate row in the Use Schedule shall require a permit unless the use is incidental to a permitted use or the use is exempt from a permit.

**D. Use Not Listed**

Any use not specifically listed in the Use Schedule is expressly prohibited unless a similar use determination is made.

**E. Similar Use Determination**

A use not specifically listed in the Use Schedule may be considered an allowed use if the Planning Director determines the proposed use is sufficiently similar to one of the uses defined in this Division. The Planning Director's determination shall be made based upon the findings for a formal interpretation (Sec. 8.6.2.) but may be made as part of the review of a use permit application. If a use is determined to be similar, it shall be an allowed use with the same permissions and restrictions as the use to which it was determined to be similar.

**F. Change of Use**

A change of use consists of changing the use from a use classified in a particular row of the Use Schedule to a use classified in a different row of the Use Schedule. Except as provided elsewhere in these LDRs, the proposed use shall meet all standards of these LDRs. The required permit for the proposed use shall be obtained pursuant to the relevant procedure.

**6.1.3. Open Space Uses (7/18/18, Ord. 1196)**

**A. All Open Space Uses**

- 1. **Definition.** An open space use is the enjoyment or maintenance of land that occurs predominately outside of any structure.

**B. Agriculture**

- 1. **Definition.** Agriculture is the farming or ranching of land.

- a. **Includes:**

- i. cultivation of the soil
- ii. production of forage, crops, or timber
- iii. growing of ornamental or landscaping plants
- iv. greenhouses
- v. rearing, feeding, and management of livestock

- 2. **Standards**

- a. **Purpose.** The purpose of these standards is to:

- i. protect and maintain the existing and potential agricultural lands for the purpose of perpetuating agriculture;

- ii. minimize conflicts between agricultural operations and neighboring developments by encouraging protection of large, contiguous blocks of open space; and
  - iii. to preserve agricultural open space which is crucial to the wildlife, scenic and community values of Teton County, as outlined in the Comprehensive Plan.
- b. **Active.** Agricultural land shall be actively farmed or ranched.
- c. **Ancillary retail prohibited.** Retail sale of agricultural products on-site is prohibited unless permitted as a separate use.
- d. **Exemptions.** The following exemptions apply to agricultural uses:
- i. **Regulation Exemptions.** Agricultural uses are exempt from certain provisions of the regulations listed below. Refer to the referenced LDR section for specifics of the exemption.
    - a). Grading, Erosion Control, and Stormwater except on natural slopes of 25% or greater (Sec. 5.7.2. - Sec. 5.7.4.)
    - b). Affordable Workforce Housing Requirements (Div. 6.3.)
  - ii. **Permit Exemptions.** Agricultural uses are exempt from obtaining the following permits. However, exemption from the requirement to obtain a permit does not grant exemption from any regulations. See subsection 6.1.3.B.2.d.ii. , above for applicable regulation exemptions.
    - a). Grading Permits except on natural slopes of 25% or greater (Sec. 5.7.2.)

### C. Outdoor Recreation

1. **Definition.** Outdoor recreation is the use of land for passive or active recreational or athletic purposes that requires minimal permanent physical development relative to the open space.
  - a. **Includes:**
    - i. parks
    - ii. arboretums
    - iii. athletic fields not in stadiums
    - iv. equestrian centers
    - v. nordic ski trails
    - vi. downhill ski areas
    - vii. outdoor receptions (4 or more events per year, excluding non-profit events)

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b. Does Not Include:

- i. Golf course

2. Standards

a. **Operations Plan.** An outdoor recreation use shall be subject to an operations plan approved as part of its use permit. The purpose of the operations plan is to outline management practices and techniques to mitigate the impact of the use on natural resources and neighboring properties. The operations plan shall address the following, if applicable.

- i. Strategies or mitigation measures to minimize glare from night lighting;  
and
- ii. Hours of operation.

**6.1.4. Residential Uses** (7/18/18, Ord. 1198)

**A. All Residential Uses**

1. **Definition.** A residential use is a living facility, certified under the International Residential or Building Code or by HUD, that includes permanent provision for living, sleeping, eating, cooking, and sanitation.

2. Standards.

- a. No residential unit or portion of a residential unit may be rented such that occupancy is limited to less than 31 days. Short-term rental of less than 31 days shall be considered a lodging use subject to the standards of Sec. 6.1.4. A time-share condominium is considered a residential use as long as the ownership intervals are 31 days or longer. Any ownership intervals of less duration shall be considered a lodging use.
- b. A residential unit shall have a maximum of one kitchen.
- c. Occupancy of a camping unit is not a residential use. A camping unit may only be occupied as permitted by 6.1.12.D.

**B. Detached Single-Family Unit**

1. **Definition.** A detached single-family unit is a single residential unit occupied by not more than one family having no roof, wall, or floor in common with any other residential unit or nonresidential unit, except as modified below.

a. Includes:

- i. Single-family units attached to accessory residential units
- ii. Detached townhouse units

### C. Attached Single-Family Unit

1. **Definition.** An attached single-family unit is a residential unit occupied by not more than one family, which is connected to at least one other dwelling unit or nonresidential unit by one or more common walls.
  - a. **Includes:**
    - i. Attached townhouse unit
    - ii. Condominium
  - b. **Does Not Include:**
    - i. Apartments
    - ii. Single-family units attached to accessory residential units

### D. Apartment

1. **Definition.** An apartment is a single-family unit that cannot be owned as a separate, single unit.
2. **Does Not Include:**
  - a. Townhouse
  - b. Condominium
  - c. Accessory residential unit

### E. Mobile Home

1. **Definition.** A mobile home is a movable or portable dwelling unit, built on a chassis or frame, for use with or without a permanent foundation, fabricated in an off-site location, which conforms to the applicable US Housing and Urban Development (HUD) construction and safety standards as amended, and is intended for occupancy as a single-family dwelling when connected to utility systems.
  - a. **Includes:**
    - i. Manufactured home
  - b. **Does Not Include:**
    - i. Camping Unit
    - ii. Homes built to meet the requirements of the International Residential or Building Code
2. **Standards**
  - a. The mobile home shall be of a color and placed or landscaped in such a way as to be visually unobtrusive.

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- b. The mobile home's roof shall use nonmetallic, nonreflective materials and shall have a minimum pitch of 3 in 12.
- c. The mobile home shall be skirted.

**F. Dormitory**

- 1. **Definition.** A dormitory is a residential unit occupied by a group of unrelated people not residing as a single family.
  - a. **Includes:**
    - i. boarding houses or rooming houses
    - ii. residential facilities for students and staff of schools
    - iii. residential facilities associated with other types of instruction, education, training, and religious activity
- 2. **Standards**
  - a. **Maximum density.** For purposes of the density calculation, a room shall mean a sleeping room designed for an occupancy of no more than 2 people.

**G. Group Home**

- 1. **Definition.** A group home is a residential unit occupied by more than 3 unrelated individuals, which typically offers shelter, medical and mental health services, and other care-related services to residents.
  - a. **Includes:**
    - i. nursing homes and various assisted living centers
    - ii. group living facilities with related sheltered care facilities
    - iii. residential facilities for the developmentally disabled including on-site training facilities
- 2. **Standards**
  - a. **Maximum density.** For purposes of the density calculation, a room shall mean a sleeping room designed for an occupancy of no more than 2 people.

**6.1.5. Lodging Uses** (7/18/18, Ord. 1196)

**A. All Lodging Uses**

- 1. **Definition.** A lodging use is a sleeping unit or residential unit rented such that occupancy is limited to less than 31 days.

## 2. Establishment of Lodging Overlay (LO)

There is hereby established the Lodging Overlay (LO) which, in areas where it applies, shall overlay all other base zones established by these LDRs.

- a. **Findings.** As a resort and residential community, a balance must be maintained between the amount of lodging available to visitors and concomitant visitor and resident services. The balance between these uses is necessary if the community is to retain its resident population and its attraction to visitors.
- b. **Purpose.** The purpose of the LO is to provide lands which are appropriate for lodging uses, and to ensure that a balance is maintained between the amount of lodging uses and other visitor and resident-oriented uses and services.
- c. **Location.** The LO shall apply to lands as identified on the Official Zoning Map.
- d. **Existing Lodging Uses Outside the LO.** Notwithstanding the floor area limitations in Div. 1.9. and the zone in which it exists, an existing lodging use outside the LO shall be permitted to expand a maximum of 10% in gross floor area for the purpose of adding amenities or support facilities. The additions shall not add lodging rooms. This 10% limitation applies cumulatively to all additions since November 9, 1994.

## B. Conventional Lodging

1. **Definition.** Conventional lodging is any lodging use other than those specifically defined elsewhere in this Section.
  - a. **Includes:**
    - i. hotels
    - ii. motels
    - iii. convention centers with lodging facilities
  - b. **Does Not Include:**
    - i. short-term rental unit
    - ii. campgrounds
    - iii. bed and breakfasts
    - iv. dude/guest ranches

## C. Short-term Rental Unit

1. **Definition.** Short-term rental means the rental of all or a portion of a residential unit such that occupancy is limited to less than 31 days.

2. Standards

- a. No residential unit or portion of a residential unit may be rented so as to limit occupancy to less than 31 days unless permitted for short-term rental.
- b. Developments that have been approved for short-term rentals of less than 31 days prior to November 9, 1994 will be allowed to continue such rentals in accordance with Div. 1.9. or in accordance with the PUD approval, whichever is applicable.
- c. A short-term rental unit shall be subject to the stricter of the two standards when residential and nonresidential standards would apply.

**EXAMPLE:** A short-term rental unit is subject to lodging affordable workforce housing requirements rather than residential affordable workforce housing requirements. See also 6.3.5.C.1.a when changing use from residential to short-term rental

6.1.6. Commercial Uses (1/4/17, Ord. 1163)

A. All Commercial Uses

- 1. **Definition.** A commercial use is the sale of goods or services.

B. Office

- 1. **Definition.** Office use is a professional service or other activity customarily provided in an office environment where appointments are scheduled.
  - a. **Includes:**
    - i. legal, accounting, investment, and financial services
    - ii. medical, dental, and other health services
    - iii. engineering, architectural, and other design services
    - iv. counseling and social services
    - v. insurance and real estate
    - vi. broadcast studios for television and radio
    - vii. administrative and sales offices for business, industry, and government, provided that only administrative, bookkeeping, and clerical types of activities are conducted on site.
- 2. **Establishment of Office Overlay.**
  - a. **Establishment.** There is hereby established the Office Overlay (OF) which, in areas where it applies, shall allow office uses.
  - b. **Location.** The Office Overlay shall apply to lands as identified on the Official Zoning Map.



## C. Retail

1. **Definition.** Retail is the sale of goods.

a. **Includes:**

- i. retail sale of antiques, souvenirs, apparel and accessories, art, books, cameras and accessories, sporting goods, hardware, liquor, home furnishings, and other general specialty merchandise
- ii. food stores, delis, health food, drug stores, bakeries
- iii. candy and ice cream/yogurt shops
- iv. video rental shops
- v. incidental seating for consumption of goods that meets the definition of Incidental Use 6.1.2.B.2. .

b. **Does Not Include:**

- i. Restaurant/Bar

## D. Service

1. **Definition.** Service is the provision of a service outside of an office environment, in a typically non-scheduled environment.

a. **Includes:**

- i. banks, savings and loans, and credit unions
- ii. laundry and dry cleaners, including self-service laundries
- iii. beauty and barber shops
- iv. tanning and massage
- v. repair and maintenance of small appliances, TV and electronics, furniture, garments, shoes and other leather goods, including tack
- vi. gunsmithing
- vii. taxidermy
- viii. photographic studios
- ix. mortuary/funeral home
- x. pet grooming, kennels and veterinary service, with indoor runs only

**E. Restaurant/Bar**

1. **Definition.** A restaurant or bar is an establishment that serves food and/or beverages for seated consumption onsite.
  - a. Includes:
    - i. Micro-brewery, micro-distillery or micro-winery.
2. **Standards.**
  - a. Breweries, distilleries and wineries are generally considered light industrial uses. In order to be considered a restaurant/bar, a micro-brewery, micro-distillery or micro-winery must include a tasting room in which guests or customers may sample the product, and the facility must produce no more than the following beverage volumes on-site each year:
    - i. 15,000 barrels of fermented malt beverages;
    - ii. 15,000 barrels of spirituous beverages; or
    - iii. 100,000 gallons of vinous beverages.

**F. Heavy Retail/Service**

1. **Definition.** Heavy retail/service uses are retail or service uses that are of a greater intensity and impact than other retail or service uses.
  - a. Includes:
    - i. retail sales of lumber and building supplies and materials
    - ii. retail sales of fuels, including gasoline service stations
    - iii. feed and seed outlets
    - iv. rental and servicing of light motorized and non-motorized tools and equipment
    - v. motorized vehicle rental, sales, service, and repair
    - vi. farm implement supplies, sales and repair
    - vii. outdoor storage
    - viii. veterinary and other pet and livestock services
    - ix. landscaping services
    - x. the boarding of horses

## G. Mini-Storage Warehouses

1. **Definition.** Mini-warehouse means a building or group of buildings in a compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of a customer's goods or wares.
2. **Standards**
  - a. no sales, service, repair, or other activities shall be conducted from a storage area
  - b. storage of junk, explosives, flammable materials, or other noxious or dangerous materials is specifically prohibited
  - c. maximum leasable space per stall shall be 1,000 square feet
  - d. pick-up or delivery by semi-tractor trailers shall be prohibited
  - e. outdoor storage shall be screened

## H. Nursery

1. **Definition.** Nursery means an establishment primarily engaged in the retail or wholesale sale of horticultural specialties such as flowers, shrubs and trees, intended for ornamental or landscaping purposes.

## 6.1.7. Amusement and Recreation Uses (3/22/17, Ord. 1170)

### A. All Amusement and Recreation Uses

1. **Definition.** An amusement and recreation use is the provision of entertainment.

### B. Amusement

1. **Definition.** Amusement is the provision of non-recreation entertainment.
  - a. **Includes:**
    - i. bowling alleys
    - ii. movie theaters
    - iii. music halls
    - iv. video arcades
    - v. miniature or putt-putt golf course
    - vi. pool and billiard halls
    - vii. shooting arcades
  - b. **Does Not Include:**
    - i. Adult Entertainment Business (see [6.1.7.F.](#) )

C. [subsection deleted]

D. Developed Recreation

1. **Definition.** Developed recreation is the use of a physical development for active recreation or athletic purposes.

a. **Includes:**

- i. gymnasiums
- ii. swimming pools
- iii. tennis
- iv. skateboarding
- v. rodeos
- vi. skating rinks
- vii. racquetball
- viii. handball courts
- ix. rock climbing practice facilities
- x. health and exercise clubs

E. Outfitter/Tour Operator

1. **Definition.** The base of operations for providing guides, materials, supplies, and equipment for outdoor activities.

a. **Includes:**

- i. rafting/boat trips
- ii. fishing or hunting guide operations
- iii. raft and boat rental
- iv. snowmobile tours
- v. mountain bike tours
- vi. horseback trail rides and pack trips

F. Adult Entertainment Business

1. **Definition.** Adult Entertainment Business means a business that generates a substantial or significant portion of its revenues, or devotes a substantial or significant portion of its interior business, advertising, sale floor, or display space for the exhibition, display, sale, or performance, whether presented as printed

materials, live entertainment, recorded entertainment, or devices emphasizing or focusing on whole or partial exposure to view of Intimate Parts or the depiction, simulation or facilitation of Sexual Contact.

**a. Includes:**

- i. "Intimate Parts" as defined by Wyo. Stat. § 6-2-301.
- ii. "Sexual Contact" means touching, with the intention of sexual arousal, gratification or abuse, of the patron's intimate parts by performers, or of the performer's intimate parts by patrons, or of the clothing covering the immediate area of the patron's or performer's intimate parts;

**b. Does Not Include:**

- i. This definition shall not be construed to apply to or otherwise allow any form of activity prohibited or punished by law such as exhibitions, displays, or performances deemed by law to be obscene.
- ii. This definition shall not be construed to apply to the presentation, showing, or performance of any play, drama, ballet, or other artistic work in any theater, concert hall, museum, school, institution of higher education, or similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.

**2. Intent, Rationale and Purpose.**

- a. Adult entertainment businesses require special supervision from the public safety agencies of the Town in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the Town.
- b. The Town Council finds that adult entertainment businesses, as a category of establishments, are frequently used for unlawful sexual activities, including prostitution.
- c. There is convincing documented evidence that adult entertainment businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and the downgrading of property values.
- d. The Town Council desires to minimize and control these adverse secondary effects and thereby protect the health, safety, and welfare of the citizenry; protect citizens from crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight.

- e. The Town Council recognizes its constitutional duty to interpret, construe, and amend its ordinances to comply with constitutional requirements as they are announced.
  - f. The Town Council accepts as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Wyoming Constitutions, the Wyoming State Statutes, and the Wyoming Rules of Civil and Criminal Procedure.
  - g. It is not the intent of this Section to suppress any speech activities protected by the United States Constitution or the Wyoming Constitution, but to enact standards to further content-neutral governmental interests of the Town, to wit, the controlling of secondary effects of adult entertainment businesses.
  - h. It is the purpose of this Section to regulate the standards of Adult Entertainment Businesses to promote the health, safety, and general welfare of the citizens of Jackson, Wyoming, and to establish reasonable and uniform regulations to address the adverse secondary effects of Adult Entertainment Businesses within the Town. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction of the content of any communication material, including sexually-explicit materials. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by adults to sexually-explicit materials protected by the First Amendment to the United States Constitution, or Articles 1 & 20 of the Wyoming Constitution, or to deny access by the distributors and exhibitors of sexually-explicit entertainment to their intended market. It is not the intent or effect of this ordinance to condone or legitimize the distribution of obscene material as defined by Wyo. Stat. § 6-4-301(iii).
3. **Legislative Findings.** This Municipal Code Chapter is based on findings concerning the adverse secondary effects of the Adult Entertainment Business on the community presented in studies, case law, and expert papers reviewed by the Town Council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *N.Y. State Liquor Auth. v. Bellanca*, 452 U.S. 714, 717–18 (1981); *California v. LaRue*, 409 U.S. 109, 118 (1972); *44 Liquormart, Inc. v. Rhode Island*, 517 U.S. 484, 515 (1996); *BZAPS, Inc. v. City of Mankato*, 268 F.3d 603, 606 (8th Cir. 2001); *181 S. Inc. v. Fischer*, 454 F.3d 228, 233–34 (3d Cir. 2006), and on studies in and by other communities including, but not limited to, all those in the National Law Center for Children and Families 2005 Summaries of SOB Land Use Studies; Richard McCleary, *Rural Hot Spots: The Case for Adult Businesses*, *Criminal Justice Policy Review* 19(2), 153-163 (2008); Eric Domain Kelly, et. al., *Survey of Florida Appraisers: Effects of Land Uses on Market Values*, (2008); Alan C. Weinstein et. al., *The Association of Adult Businesses with Secondary effects: Legal Doctrine, Social Theory, and Empirical Evidence*, 29 *Cardozo Arts*

and Entertainment Law Journal 565 (2011); Richard McCleary, Do "Off-Site: Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory, and Empirical Evidence, Law & Policy Vol. 31, No.2 218-35 (2009).

#### 4. Location Standards.

- a. No Adult Entertainment Business shall be operated or located outside the Business Park (BP-ToJ) zone.
- b. The property line of an Adult Entertainment Business closest to the following shall be at least:
  - i. 300 feet from the closest property line of any school, public or private; and
  - ii. 300 feet from the closest property line of any residential zone; and
  - iii. 200 feet from the closest boundary of the South Park Loop Road right-of-way; and
  - iv. 200 feet from the closest boundary of the High School Road right-of-way; and
  - v. 200 feet from the closest boundary of any public pathway easement.
- c. For the purposes of this ordinance these distances shall be measured in a straight line, without regard to intervening structures, streets, or political boundaries.

#### 5. Operation Standards.

- a. **Duty to Comply.** It shall be the legal duty of the owner and his/her agents to ensure that all Operation Standards are enforced.
- b. **Manager's Station.** The Adult Entertainment Business shall be configured in such a manner that there is an unobstructed, direct line of sight view from a designated Manager's Station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
- c. **Employee Presence.** During operational hours, every Adult Entertainment Business shall have, at minimum, 2 employees present on-site within the Business, one of which must be at the Manager's Station. Cameras and other automated devices do not meet this standard.
- d. **Hours of Operation.** All Adult Entertainment Businesses:
  - i. May be open between the hours 8 p.m. and 6 a.m., Monday through Saturday.
  - ii. Must be closed between the hours 6 a.m. and 8 p.m., Monday through Saturday.
  - iii. Must be closed on national holidays, regardless of the day of the week on which such a holiday falls.

- iv. Must be closed Sunday, beginning at 6:01 a.m. Sunday morning.
- e. **Minors.** No person under the age of 18 shall be permitted:
  - i. In any Adult Entertainment Business;
  - ii. To purchase goods or services at an Adult Entertainment Business; or
  - iii. To work at an Adult Entertainment Business.
- f. **Public View.** Adult Entertainment Business, as defined in this Section, shall be obscured from public view such that the Business is not readily apparent to a reasonable observer.
- g. **Lighting.** Outdoor lighting shall be left on for one (1) hour after closing.
- h. **Alcoholic Liquor.** No alcoholic liquor shall be sold, consumed, made available in any way, or be present at or on a parcel of land where an Adult Entertainment Business is operational. For the purposes of this standard, definitions shall be those in Wyo. Stat. § 12-1-101.
- i. **Public Indecency.** No owner or agent of any Adult Entertainment Business shall knowingly, or with reasonable cause to know, allow a patron to commit on the Business premises an act of public indecency as set forth in Wyo. Stat. § 6-4-201 or Jackson Municipal Code § 9.28.030.
- j. **Sexual Acts.** No sexual acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy, and masturbation shall take place on the premises of any Adult Entertainment Business by or between performers, owners, agents, and patrons.
- k. **Live Performance.** Live performance within an Adult Entertainment Business shall only be permitted pursuant to the following standards:
  - i. Patrons shall be seated no closer than 6 horizontal feet from the stage.
  - ii. Patrons shall not be permitted on the stage at any time.
  - iii. All performers shall remain on the stage during the performance.
  - iv. Physical contact between a performer and patron shall not be permitted.
- l. **Viewing Booths.** All Adult Entertainment Businesses which contain one or more viewing booths, whether for live or recorded performance, shall comply with the following standards:
  - i. All viewing booths shall remain unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials.
  - ii. Physical contact between a performer and patron shall not be permitted.



- iii. No viewing booth may be occupied by more than one person at any time.
  - iv. No openings of any kind shall exist between viewing booths.
6. Any person, business, or any type of legal entity in violation of this section or any subsection hereof, upon conviction, shall be punished as provided in Jackson Municipal Code § 1.12.010. Each day during which a person, business, or any type of legal entity shall operate an Adult Entertainment Business in violation of any provision of this Section constitutes a separate violation hereof.

### 6.1.8. Institutional Uses (1/4/17, Ord. 1163)

#### A. All Institutional Uses

1. **Definition.** An institutional use is the provision of a public or semi-public service by a public or private entity.

#### B. Assembly

1. **Definition.** An assembly use is an institutional use typically characterized by a public or semi-public gathering area.

a. **Includes:**

- i. cemeteries
- ii. churches
- iii. community centers
- iv. libraries
- v. museums
- vi. hospitals
- vii. reception halls

#### C. Daycare/Education

1. **Definition.** A daycare or education use is the provision of educational instruction and/or care for part of the day.

a. **Includes:**

- i. schools
- ii. childcare centers

2. Standards

- a. **Wyoming Statutes.** Each daycare or education use shall comply with the relevant provisions of the Wyoming Statutes and with local health, safety and fire codes.

**6.1.9. Industrial Uses** (1/1/15, Ord. 1074)

**A. All Industrial Uses**

- 1. **Definition.** An industrial use is the manufacturing, assembly, processing, or distribution of material.

**B. Light Industry**

- 1. **Definition.** Light industry is an industrial use with relatively less impact than heavy industry.

a. **Includes:**

- i. sheet metal fabrication and wood work
- ii. building contractors and special trade contractors such as cabinetry, carpet and flooring, insulation, roofing, mechanical, and plumbing and heating
- iii. processing and packaging of meat and game
- iv. wholesale sales and distributors
- v. welding and machine shops
- vi. industrial laundries and laundry services
- vii. food service and distribution
- viii. cleaning and janitorial service and supply

**C. Heavy Industry**

- 1. **Definition.** Heavy industry is an industrial use with relatively more impact than light industry.

a. **Includes:**

- i. truck and transport terminals
- ii. bulk storage and distribution facilities for fuels, explosives, pesticides, solvents, corrosives
- iii. disinfecting or pest control services
- iv. paving, excavation, hauling and other contracting services involving heavy equipment
- v. maintenance and repair of trucks and heavy equipment

- vi. lumber milling
- vii. stone, clay, and glass product manufacturing

#### D. Disposal

1. **Definition.** Disposal is an operation dedicated to doing away with material.
  - a. **Includes:**
    - i. sanitary landfills
    - ii. sludge disposal or storage
    - iii. resource recovery or recycling facilities
    - iv. composting operations of a commercial scale or for commercial purposes
    - v. trash compaction
    - vi. transfer stations
  - b. **Does Not Include:**
    - i. hazardous waste disposal

### 6.1.10. Transportation and Infrastructure Uses (1/4/17, Ord. 1163)

#### A. All Transportation and Infrastructure Uses

1. **Definition.** A transportation or infrastructure use is the use of land or water to provide for the movement or storage of vehicles, water, sewage, power, or other utilities.

#### B. Parking

1. **Definition.** Parking is the use of a property for parking of motor vehicles that is not ancillary to another use on-site.
  - a. **Includes:**
    - i. Surface parking
    - ii. Parking structure

#### C. Utility Facility

1. **Definition.** A utility facility is a central component to the provision of a public or semi-public utility that requires a structure.
  - a. **Includes:**
    - i. substations for electrical, natural gas, and other similar utilities

- ii. sewage treatment plants and related septic dump facilities, and substations
- iii. water supply facilities including water tanks and treatment facilities
- iv. solid waste facilities including collection and transfer facilities
- v. broadcasting towers and dish antenna for radio and TV

**b. Does Not Include:**

- i. residential satellite dishes
- ii. antennas used for the reception of television broadcast signals
- iii. transformers
- iv. junction boxes
- v. standard underground utilities such as water, sewer, natural gas, power, and telephone lines
- vi. booster pumps, lift stations, and other small structures appurtenant to standard underground utilities
- vii. wireless communications facilities
- viii. pedestals
- ix. other appurtenances that do not require a structure.

**2. Standards**

- a. Utilities listed above in 1.b do not require a use permit. The physical development associated with them is not required to meet structure or site development setbacks if the physical development is located within an easement or lot designated for the utility proposed.
- b. All utility facilities shall be located and designed to minimize negative impacts on natural resources, designated scenic areas, agricultural operations, and residential development and uses. A landscaping plan, pursuant to Div. 5.5, shall be submitted that is designed to screen the utility as viewed from roads and habitable structures.
- c. Utility facilities housing equipment shall be designed with as low a profile as possible. If the surrounding uses are residential, the building style shall be compatible with the surrounding land uses.

**D. Wireless Communications Facilities**

**1. Definitions**

- a. A Wireless Facility is a facility consisting of a Base Station and any structure or modifications to a structure constructed or designed to support a Base Station or any portion of a Base Station. The term specifically includes, but is not limited to a Tower.

- b. Wireless Communications Facility - Major is any new Wireless Facility and any modification to an Existing Wireless Facility other than a modification for which an applicant seeks a Basic Use Permit pursuant to Section IV.
  - c. Wireless Communications Facility – Minor is an Eligible Facilities Request under Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. 1455(a), or as amended, for so long as the Town is obligated by federal law to consider requests submitted under that section.
2. **Exempt Facilities.** The following are exempt from all approval processes:
- a. A Carrier on Wheels or Cell on Wheels (COW) temporary wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the Town of Jackson designee; except that such facility must comply with all federal and state requirements. No communications facility shall be exempt from the provisions of these LDRs beyond the duration of the state of emergency.
  - b. A COW temporary wireless communications facility for the purposes of providing coverage of a special event, and subject to federal and state requirements. Said communications facility may be exempt from the provisions of this section up to one week before and after the duration of the special event.
3. **Standards for Wireless Facility Permits**
- a. Not in Lieu of Other Required Permits or Authorizations. Any permit to place a Wireless Facility issued under this ordinance and any exemption under subsection C authorizes placement of a facility at a location as proposed and as approved in the permit or as provided within the exemption, with the permission of the entity that controls access to that property. It is not in lieu of building permits, electrical permits, or any other permits or authorizations that may be required as a condition of construction or operation of a Wireless Facility, and it does not excuse compliance with any other law, regulation, practice or other requirement under federal, state or local law; nor does it authorize any action that creates a hazard.
  - b. A Wireless Facility Conditional Use Permit is valid for 5 years.
  - c. A Wireless Basic Use Permit shall be valid for the shorter of (a) 5 years; or (b) for such period as the FCC rules in effect on June 20, 2015 remain in effect and are applicable to the facility. The Wireless Basic Use Permit is issued solely to comply with a requirement established by federal law, and is not intended to grant any rights under state or local law or to survive any alteration to the federal law or associated regulations.
  - d. Standards for Wireless Facility Conditional Use Permit.
    - i. All Telecommunications Conditional Use Permit applications must contain the following:

- a). Application form signed by applicant;
  - b). Copy of a lease or letter of authorization from property owner evidencing applicant's authority to pursue the application. Such submissions need not disclose financial lease terms;
  - c). Site plans detailing proposed improvements which must include the details consistent with the Administrative Manual;
  - d). Documentation from a licensed professional engineer of calculation of the Fall Zone and certification that the new wireless support structure has sufficient structural integrity to accommodate the required number of additional users as provided in this ordinance;
  - e). Documentation proving compliance with American National Standards Institute (ANSI) standards for electromagnetic radiation: In order to protect the public from excessive exposure to electromagnetic radiation, the facility applicant shall certify through a written statement that the facility meets or exceeds current ANSI standards as adopted by the FCC;
  - f). Affirmation by the applicant in a written statement that the proposed facility complies with all FCC regulations, including, but not limited to "The Enhanced Best Practices Guide," as set forth in Appendix D of FCC 04-168 (released August 6, 2004, or as amended). The applicant shall submit a statement that the application is in compliance with all FCC rules regarding interference to other radio services and the applicant shall submit a statement of compliance with all FCC rules regarding human exposure to radio frequency energy;
  - g). Affirmation by the applicant in a written statement that the new Tower and, if applicable, the modified Tower or Base Station, comply with all non-discretionary structural, electrical, energy, building, and safety codes; and
- ii. Design Review Committee: All Wireless Communications Facility – Major uses shall be subject to review by the Design Review Committee (DRC) prior to submission of the Planning Commission. The DRC shall review such facilities for consistency with the stealth requirements in 6.1.10.D.3.f.
  - iii. Procedure, Timing, Final Decision.
    - a). Refer to 8.2.5.D. and 8.2.8.B.
  - iv. Bonding.
    - a). Refer to Sec.8.2.11.
  - v. Permit Revocation and Suspension.

- a). Refer to Div. 8.9.
- vi. Zones where allowed use.
  - a). Business Park-Town (BP-ToJ)
  - b). Public/Semi-Public - Town (P/SP-ToJ)
  - c). Park and Open Space - Town (P-ToJ)
  - d). Planned Resort District (PR-ToJ)
- e. Standards for Wireless Facility Basic Use Permit
  - i. All notice only applications must contain the following:
    - a). Statement certifying that the request is being made pursuant to Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. 1455(a) and complies with all regulations set forth therein.
    - b). The location of where the modification work will take place.
    - c). The date(s) and time(s) during which the work will take place.
    - d). Statement certifying compliance with all non-discretionary structural, electrical, energy, building, and safety codes.
  - ii. Procedure Timing, Final Decision.
    - a). Refer to 8.2.5.E. and 8.2.8.B.
- f. General Standards and Design Requirements
  - i. All Wireless Facilities permitted under this ordinance are required to be Stealth Facilities unless it can be clearly demonstrated to the satisfaction of the Planning Director or his or her designee that a non-Stealth Facility will have concealment elements that more effectively minimize visual impacts than a Stealth Facility (which showing may be made for the Wireless Facility as a whole, or particular elements of the facility), there is a demonstrated need for a non-Stealth Facility, or the facility is an exempt facility as set forth above in 6.1.10.D.2; or is not subject to Stealth obligations under federal law. Every Wireless Facility shall employ concealment elements to minimize visual impacts.
  - ii. All Wireless Facilities shall be subject to the following standards, except to the extent federal law prevents the application of the standards to a Basic Use Permit:
    - a). **Determination of Need.** No Tower shall be permitted unless the applicant demonstrates that no existing public facility or Tower can accommodate the applicant's proposed use without causing a substantial change to an existing Tower, or otherwise creating a greater visual impact, or that use of an existing Tower would

prohibit or have the effect of prohibiting provision of personal wireless services in the area to be served by the new Tower. No modification of a Wireless Facility, other than a modification permitted under 6.1.10.D.3.e shall be permitted unless applicant shows, denying the modification as proposed that would prohibit or have the effect of prohibiting provision of personal wireless services in the area to be served by the new Tower.

- b). **Concealment Element.** A Concealment Element is defeated for purposes of this ordinance if the modification:
  - 1). Fails to meet a condition of approval;
  - 2). Frustrates the purpose of a condition of approval;
  - 3). Changes a Stealth-Designed Facility or alters a Concealment Element such that the modified facility will no longer be as effectively concealed or disguised;
  - 4). Changes a Stealth-Designed Facility or alters a Concealment Element such that the modified facility no longer blends in with its surrounding nature or architecture; or
  - 5). Changes a Stealth-Designed Facility or alters a Concealment Element such that the presence, purpose or nature of the facility become more readily apparent to a reasonable observer.
  
- c). **Height**
  - 1). The highest point of any free-standing Wireless Facility shall be 30 feet above ground level.
  - 2). The highest point of any roof-mounted Wireless Facility shall be 5 feet above the roof on which it is affixed.
  
- d). **Setbacks.** Wireless Facilities shall be subject to the setbacks described below:
  - 1). If the supporting structure has been constructed using breakpoint design technology, the minimum setback distance must be equal to, at minimum, 110% of the distance from the top of the supporting structure to the breakpoint level of the structure, or the minimum yard setback requirement, whichever is greater. EXAMPLE: On a 50-foot tall Monopole with a breakpoint at 20 feet, the minimum setback distance would be 33 feet (110% of 30 feet, the distance from the top of the Monopole to the breakpoint) or the minimum yard setback requirements.



- 2). If the supporting structure is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the supporting structure.
- e). **Other Conditions.** Wireless facility sites designed and maintained to be visually compatible with adjoining terrain and structures, shall not be used for the storage of any excess equipment or hazardous materials, and shall not have in or around them any outdoor storage.
  - f). **Landscaping.** Wireless facility sites shall be landscaped with the intent of screening and buffering. At minimum 75% of the ground mounted elements of the Wireless Facility (not including a Tower or supporting structure) must be obscured within 3 years of construction completion.
  - g). **Signage.** Commercial messages shall not be displayed on any Tower, Base station, or transmission equipment. Required noncommercial signage shall be restricted to ASR (Antenna Structure Registration Number as required by the FAA and FCC) and shall list the party responsible for operation and maintenance of the facility and a 24-hour telephone number at which an operator can be reached in case of emergency, and security and/or safety signage required by law or expressly permitted by the Town.
  - h). **Lighting.** Lighting shall be prohibited on all Wireless Facilities unless required by the Federal Aviation Administration (FAA) or by the FCC. Lighting required by the FAA shall satisfy, but not exceed, the minimum standards and shall be of minimum intensity and number of flashes per minute allowed by the FAA, or shall be a dual lighting system.
  - i). **Quantity Limit.** Only one Tower shall be permitted per legally created parcel of property.
  - j). **Emergency Generators.** Emergency generators are permitted and are exempt from noise requirements during emergencies.
  - k). **Noise Level.** All sounds or noise emanating from a Wireless Facility, whether temporary or permanent, must comply with Sec. 6.4.3.
  - l). **Visibility.** In addition to the foregoing:
    - 1). Lattice and guyed Towers are prohibited.
    - 2). Antennas shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flushmounted antennas will not meet the network objectives of the desired coverage area, will not allow for concealment elements and/or will not allow for a Stealth Facility, are inconsistent with the proposed design, or prohibit collocation.

3). New towers shall be constructed to accommodate collocation of as many antenna arrays as feasible without causing interference, subject to height limits, stealth facility requirements, and concealment elements.

m). **Notice Requirements.** Refer to 8.2.14.C.2.iii

n). **Access.** No facility shall be built so as to cause the Right-of-Way in which the facility is located to fail to comply with the Americans with Disabilities Act or otherwise obstruct access.

o). **Security.** All facilities shall be designed to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions, which would result in hazardous conditions, visual blight, or attractive nuisances. However, all security designs and measures must be consistent with the concealment elements of the wireless facility.

p). **Building Design.** Roof-mounted or structure-mounted Towers shall be in scale and architecturally integrated with the building design to appear visually unobtrusive. The highest point of any structure-mounted Tower shall be 5 feet above the structure.

g. Miscellaneous Provisions

i. Abandoned or Discontinued Use of Wireless Facility

a). Each permittee who intends to abandon or terminate the use of any Wireless Facility shall notify the Town of such intentions no less than 60 days prior to the final day of use. Said notification shall be in writing, shall specify the date of termination, the date the Tower or Base Station or Transmission Equipment will be removed, and the method of removal.

b). Non-operation, disuse (including, but not limited to, cessation of wireless services) or disrepair for 90 days or more shall constitute abandonment by the permittee under this section. The Planning Director shall send a written notice of abandonment to the permittee.

c). If a Wireless Facility is abandoned but not removed within the specified time frame, the Town may remove the facility and place a lien on the property. Towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision.

d). An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Planning Director may extend the time for removal or reactivation up to 60 additional days upon a showing of good cause. If the Tower or antenna is not removed within this time, the

Town may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the Town may cause removal of the Wireless Facility.

- e). Upon removal of the Wireless Facility and/or any other accompanying structures, the Wireless Facility owner shall return the site to its natural state and topography and vegetation consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal, excluding the foundation, which shall be reduced to below finished grade. If the Tower owner failed to remove the Wireless Facility and/or any other accompanying structures in accordance with this provision and failed to pay for the removal of the abovementioned facility and appurtenances, the owner must pay the Town for the cost it incurred in removing the Tower and appurtenances and remediating the site. The Town may, in lieu of storing the removed Wireless Facility and/or any other accompanying structures, convert it to the Town's use, sell it, or dispose of it in any manner deemed appropriate by the Town.
- h. Facilities that Exist on the Date of Adoption of this Ordinance
  - i. Activities at Non-Conforming Wireless Support Structures.  
Notwithstanding any provision of this Ordinance:
    - a). Collocation that does not cause a substantial change to an Existing non-conforming Tower shall not be construed as an expansion, enlargement or increase in intensity of a non-conforming Tower.
    - b). Any change to an Existing Tower or Base Station that would be substantial if made must be permitted under the Telecommunication Conditional Use Permit process in [6.1.10.D.3](#) and deprives the Tower or Base Station of its non-conforming status.

## E. Heliport

1. **Definition.** A heliport is the area or buildings necessary for landing, takeoff, and/or refueling of helicopters or other aircraft capable of hovering.
  - a. **Includes:**
    - i. helicopter pads
2. **Standards**
  - a. The use shall be removed from residential areas to the extent practical.
  - b. Typical flight paths shall be identified, and must not cross residential areas or places of assembly such as schools or churches. Approaches shall be free of towers or other hazards.

- c. Providers of overhead utilities shall be given an opportunity to review the approach corridors and plans. Any marking of utility lines in the area requested by the providers shall be done at the developer's expense.
- d. In order to minimize noise and other negative impacts on the general public, commercial air tour operations are prohibited.

### 6.1.11. Accessory Uses (7/18/18, Ord. 1196)

#### A. All Accessory Uses

- 1. **Definition.** An accessory use is a use that constitutes a minority of the use or character of the property and is secondary and subordinate to another use of the same property, but which is not an incidental use.
- 2. **Standards**
  - a. An accessory use may only be permitted in association with an active, primary use designated for the accessory use.
  - b. An accessory use must be abandoned upon abandonment of its primary use.
  - c. An accessory use shall be subject to all dimensional limitations and other development standards applicable to its primary use unless otherwise provided in this Section.
  - d. A property with an accessory use shall not be subdivided in any way that results in the accessory use being owned separately from its primary use.

#### B. Accessory Residential Unit (ARU)

- 1. **Definition.** An accessory residential unit (ARU) is a dwelling unit that is secondary to a principal use of the property. The intent is that accessory residential units provide workforce housing.
  - a. **Includes:**
    - i. employee apartment
    - ii. caretaker's quarters
    - iii. mother-in-law suite
    - iv. guesthouse
  - b. **Does Not Include:**
    - i. Mobile Home
- 2. **Primary Uses:**
  - a. All open space uses
  - b. Detached Single-Family Unit

- c. All lodging uses
- d. All commercial uses
- e. All amusement and recreation uses
- f. All institutional uses
- g. All industrial uses

### 3. Standards

- a. **Zone Specific Standards Also Apply.** In addition to the standards of this subsection, applicable standards for an ARU may also be found in Subsection C and/or E for the Section of the Zone in which the ARU is located.
- b. **Occupancy.** The occupancy of an ARU shall be restricted to persons that meet one of the following standards:
  - i. The occupants shall be employed within Teton County, in accordance with the Jackson/Teton County Housing Rules and Regulations; or
  - ii. The occupants shall be members of the same family occupying the principal dwelling unit, such as parents or adult children; or
  - iii. The occupants shall be intermittent, nonpaying guests of the family occupying the primary Detached Single-Family Unit.
- c. **Use as Required Housing.** An accessory residential unit may be utilized to satisfy the requirements set forth in Div. 6.3. so long as it complies with the standards of Div. 6.3.

## C. Bed and Breakfast

- 1. **Definition.** A bed and breakfast is a residential unit in which bedrooms are rented as lodging units.
- 2. **Primary Uses:**
  - a. Detached single-family unit
- 3. **Standards**
  - a. A bed and breakfast shall have no more than 4 lodging units (bedrooms).
  - b. A bed and breakfast shall average no more than 8 persons per night during any 30 day period.
  - c. No more than 2 family style meals may be provided per 24 hour period. The meals shall be for the guests of the bed and breakfast only.
  - d. The owner or manager shall reside in the dwelling unit.

#### D. Home Occupation

1. **Definition.** A home occupation is an accessory nonresidential use conducted entirely within a residential unit or on-site structure accessory to the residential unit. The intent of a home occupation is to give small, local businesses a place to start. Home occupations are intended to be at a residential scale; once they grow beyond a certain size they can no longer be characterized as home occupations.
  - a. **Includes:**
    - i. professional services (e.g. accountant, physician, real estate agent)
    - ii. studios (e.g. art, handcraft, music)
    - iii. tailor
    - iv. repair of furniture and small appliances
    - v. tutoring or classes
    - vi. counseling (primarily for individual persons)
2. **Primary Uses:**
  - a. All residential uses
  - b. Accessory residential unit
3. **Standards**
  - a. A home occupation shall be operated by a person residing within the dwelling.
  - b. No one residing off-site may be employed on the site of a home occupation.
  - c. The area devoted to the home occupation including the area in accessory structures shall not exceed 25% of the habitable floor area of the principal dwelling unit.
  - d. Tutoring and classes shall be limited to 2 students at one time.
  - e. All parking shall be provided on-site, and shall be located to the rear of the structure or in another location that is visually unobtrusive.
  - f. There shall be no window display or other public display of material or merchandise connected with the home occupation.
  - g. No more than one wall sign, not to exceed two 2 square feet in area, shall be permitted.

## E. Home Business

1. **Definition.** A home business is an accessory nonresidential use conducted in conjunction with a residential use, on the site of the residential use, in which employees are employed on-site. The intent of a home business is to give small, local businesses a place to start. Home businesses are intended to be at a residential scale; once they grow beyond a certain size they can no longer be characterized as home businesses.
  - a. **Includes:**
    - i. Office (6.1.6.B.)
    - ii. Service (6.1.6.D.)
    - iii. Contracting businesses
    - iv. Schools (music, art, other)
    - v. Art studios and galleries
2. **Primary Uses**
  - a. All residential uses
  - b. Accessory residential unit
3. **Standards**
  - a. The home business shall not change the residential character of the site or adversely affect the uses permitted in the zone in which it is located.
  - b. A home business shall be operated by a person residing within the dwelling.
  - c. A home business shall not have more than 3 total employees.
  - d. No more than 2 persons residing off-site may be employed on the site of a home business.
  - e. No more than 25% of the maximum habitable floor area of the primary dwelling unit shall be occupied by the home business; however, part or all the nonhabitable floor area in permitted accessory structures may be used for the business.
  - f. All vehicles and materials must be stored within buildings.
  - g. All parking shall be provided on-site, and shall be located to the rear of the structure or in another location that is visually unobtrusive.
  - h. There shall be no window display or other public display of material or merchandise connected with the home business.
  - i. No more than one wall sign, not to exceed two 2 square feet in area, shall be permitted.

## F. Family Home Daycare

1. **Definition.** A family home daycare is the provision of care, for hire, for part of a day, in a family setting. The intent of a family home daycare is to give small, local businesses a place to start. Family home daycares are intended to be at a residential scale; once they grow beyond a certain size they can no longer be characterized as family home daycares.
2. **Primary Uses**
  - a. All residential uses
  - b. Accessory residential unit
3. **Standards**
  - a. A family home daycare shall provide care for no more than 10 persons.
  - b. A family home daycare shall be operated by a person residing within the dwelling.
  - c. A family home daycare shall comply with the relevant provisions of the Wyoming Statutes and with local health, safety, and fire codes.

## G. Home Daycare Center

1. **Definition.** A home daycare center is the provision of care, for hire, for part of a day, in a family setting. The intent of a home daycare center is to give small, local businesses a place to start. Home daycare centers are intended to be at a residential scale; once they grow beyond a certain size they can no longer be characterized as home daycare centers.
2. **Primary Uses**
  - a. All residential uses
  - b. Accessory residential unit
3. **Standards**
  - a. A home daycare center shall provide care for no more than 15 persons.
  - b. A home daycare center shall comply with the relevant provisions of the Wyoming Statutes and with local health, safety and fire codes.

## H. Drive-in Facility

1. **Definition.** A drive-in facility is a commercial use catering to customers in vehicles.
  - a. **Includes:**
    - i. drive-in restaurants
    - ii. drive-in banking facilities



iii. drive-thru pharmacy

## 2. Primary Uses

- a. Office
- b. Retail
- c. Service
- d. Restaurant

## 3. Standards

- a. Off-site parking is prohibited.
- b. If adjoining land is in residential use the drive-in facility shall provide a fence, wall, or evergreen hedge at least 6 feet in height; structures shall be set back from the property line at least 5 feet; and 1.5 plant units per 100 linear feet of property boundary shall be provided.
- c. If adjoining land, including land separated by an alley, is in residential use, the operating time of the drive-in facility shall be limited to the hours of 6 a.m. to 10 p.m.

### 6.1.12. Temporary Uses (1/4/17, Ord. 1163)

#### A. All Temporary Uses

- 1. **Definition.** A temporary use is a use established for a fixed period of time.
- 2. **Standards**
  - a. **Entrance and Exit/Adequate Sight Distances.** The entrance and exit locations shall have adequate sight distances to ensure safe entry and exit based on the speed of the road, as specified in Div. 7.6.
  - b. **Electrical and Sanitary Inspections.** The temporary use shall pass electrical and sanitary inspections before being opened to the public.
  - c. **Bond.** A bond for the cleanup and restoration of the temporary use area may be required in an amount sufficient to restore the area to its prior condition or to the condition specified by reclamation standards in this Section.
  - d. **Compliance with Title V.** All temporary uses shall comply fully with Title V, Business License and Regulations, of the Jackson Municipal Code.

#### B. Christmas Tree Sale

- 1. **Definition.** A Christmas tree sale is the outdoor sale of evergreen trees during the Christmas holiday season.

**C. Real Estate Sales Office**

1. **Definition.** Real estate sales office means a structure placed on a development site and used as a sales office or meeting place only during an initial period of marketing a project for sale or lease.
2. **Standards**
  - a. A real estate sales office use shall only be on the site of a new development and shall sell only the lots or units on the site of the development.
  - b. The real estate sales office shall be removed when 75% of all lots or units in the new development have been sold, leased, or rented.

**D. Temporary Shelter**

1. **Definition.** Temporary shelter means a mobile home or camping unit temporarily occupied while a residential unit with a valid building permit is being constructed.
2. **Standards**
  - a. A temporary shelter may also be permitted when fire or natural disaster has rendered an existing residential unit unfit for human habitation; provided that a building permit for rehabilitation or reconstruction is obtained within a reasonable period of time, as determined by the Town Council.
  - b. The temporary shelter may be permitted for a period not to exceed one year. An extension may be granted by the Planning Director for a period not to exceed 2 additional years for good cause.

**E. Farm Stand**

1. **Definition.** A farm stand means a temporary or permanent structure or vehicle used in the sale of regional farm products such as fruits, vegetables, and juices during the time of year when such products are fresh.
2. **Standards**
  - a. Farm stands shall not be located on sidewalks or in other areas of public rights-of-way.

**F. Temporary Gravel Extraction and Processing**

1. **Definition.** Temporary gravel extraction and processing is:
  - a. Gravel extraction and processing permitted for project specific purposes or needs, for projects that have been reviewed and approved through a public hearing process. Project specific needs include the excavation and processing of gravel for use in road construction, or the excavation of ponds for typical water amenity or wildlife habitat enhancement.

## 2. Standards

- a. **Exemptions.** Incidental extraction of 1,000 cubic yards or less for incidental residential or wildlife habitat enhancement purposes shall be exempt from this Subsection.
- b. **Permitted Projects**
  - i. **Specific Private Projects.** Gravel extraction and processing to provide gravel for a specific private project. The project for which the products of gravel extraction and processing will be used shall be a development that has been reviewed and approved through an official public hearing process conducted by the applicable governmental agency. The gravel extraction and processing site must be located either:
    - a). on the same property as the project,
    - b). on a contiguous property, or
    - c). on a noncontiguous property only if written approval is granted from all intervening property owners.
    - d). Products of the gravel extraction and processing shall be used solely for the specific private project. Sale, barter, or gift of products for other purposes is expressly prohibited. Materials may be imported or recycled as part of the gravel processing, so long as their use is the for the specified project.
  - ii. **Specific Public Projects.** Gravel extraction and processing to provide gravel for a specific public project. The project for which the products of gravel extraction and processing will be used shall be a public works project approved and sponsored by a governmental agency. Products of the gravel extraction and processing shall be used solely for the specific public project. Sale, barter, or gift of products for other uses is expressly prohibited. Materials may be imported or recycled as part of the gravel processing, so long as their use is for the specific project.
  - iii. **Wildlife Habitat Enhancement Projects and Fire Ponds.** Gravel extraction to excavate or construct a pond or watercourse for wildlife habitat enhancement, or to construct a fire pond, that removes 15,000 cubic yards or less of material and disturbs no more than 5 acres of land. A wildlife habitat project must be designed by a wildlife biologist, approved by the Wyoming Game and Fish Department, and significantly benefit a species of special concern in the opinion of the Game and Fish Department. Sale of products for off-site use is permitted.
- c. **Operational Standards**
  - i. **DEQ Small Mining Permit Required.** A DEQ Small Mining Permit is required. A 15 acre exemption is unacceptable.

- ii. **Traffic and Road Impacts**
  - a). **Infrastructure.** Projected traffic impacts shall be addressed according to AASHTO guidelines and the cost of all improvements required, on and off-site, shall be borne entirely by the applicant. A payment to compensate for the additional wear and tear on Town streets, as determined by the Town Engineer, also may be required of the applicant.
- iii. **Hours of Operation.** Hours of operation shall occur between 8:00 a.m. and 5:00 p.m., Monday through Friday unless otherwise specified by the Town Council. The hours of operation may be reduced to mitigate adverse impacts on nearby houses or extended to expedite the completion of an operation. Setbacks. A minimum 300 foot setback from all property lines shall be provided. Written permission from adjacent property owners to reduce the required setback shall be obtained if necessary.
- iv. **Duration.** Duration of the gravel extraction and processing shall be no longer than 6 consecutive months. If a project is phased over 2 or more years, then the total number of days the gravel extraction and processing activities are conducted shall be no more than 180 days.
- v. **Health and Safety Protection.** The proposed gravel extraction and processing area shall be bermed, fenced, or otherwise enclosed, where necessary, for health and safety protection.
- vi. **Grading and Erosion Control.** Requirements pursuant to Div. 5.7. shall be met.
- vii. **Activities In or Near Waterbodies**
  - a). **Controlled Watercourses**
    - 1). Extraction proposed in the Snake or Gros Ventre Rivers shall be in a location and manner specified in the Restoration Study.
    - 2). If the Restoration Study is not yet completed and approved by the County, then the following standards shall apply.
    - 3). Extraction may be proposed in a location approved by the Planning Director and the Levee Supervisor. In no case shall a location and time of excavation be approved that may have negative impacts on endangered or threatened species, or species of special concern, as described in Teton County Wildlife-Habitat Assessment Final Report, by Biota Research and Consulting, Inc., dated July 1, 1991.
    - 4). A report and recommendations from a Hydrologist shall be submitted detailing how the extraction can be accomplished in a manner most beneficial to the river system; the applicant shall be required to abide by the report's recommendations.

- b). **Uncontrolled/Natural Watercourses.** When working in uncontrolled, or naturally flowing, watercourses, the proposed operation shall be conducted in a manner that improves fisheries and waterfowl habitat. A report and recommendations from a Fisheries Biologist shall be required detailing how the proposed operation will accomplish habitat improvements and the operator shall be required to abide by the report's recommendations.
- c). **Minimum Buffer.** A minimum 50 foot border of natural vegetation between the water's edge and any plant site on the permitted area shall be left undisturbed subject to the operator's right to normal access to the river or stream. When the materials extracted are not processed after removal and no plant is located on the property, the operator shall take all necessary precautions to preserve the integrity of the river or stream bank.
- d). **Setbacks from Structures.** The County Road and Levee Supervisor and the Wyoming Department of Transportation shall be contacted in reference to setback requirements from bridges, levees, and other structures for in-stream excavation activity.
- e). **No Negative Impact.** No extraction shall be permitted that is deemed by the County to have a negative impact on the river, or on landowners adjacent to the river with respect to bank erosion or potential flooding. If more than one river extraction site has been approved or executed within the same vicinity as the extraction site in question, the cumulative impacts of such river extraction shall also be considered when assessing potential negative impacts on the river or on landowners adjacent to the river.