

# Chapter 1 ZONING

## 1.1 AUTHORITY, PURPOSE, INTENT, ENACTMENT.

- A. Zoning is adopted pursuant to authority granted by Wyoming Statutes (see Appendices K and J). For purposes of promoting the health, safety, morals, and general welfare and the use of land for residential and non-residential purposes, Lincoln County is divided into the following primary zones:

### **R Rural Zone**

The purpose of the Rural Zone is to maintain the essential rural character of the great majority of the private lands in the county. The zone will provide for agricultural uses combined with low density (typically 5 or more acres average per lot) residential uses, including residential subdivisions where three or more lots are created. The zone will allow home occupation businesses as well as a few other commercial uses which will have a low impact for the neighbors and which are best suited for rural areas.

### **M Mixed Zone**

The purpose of the Mixed Zone is to provide a variety of land uses, allowing generally the land uses allowed in the Rural Zone, plus higher density residential development, community services, and most commercial activities. Areas zoned Mixed are generally grouped around areas historically recognized as community centers, including incorporated towns. This zone makes it more feasible to provide needed utility and transportation facilities to support growth, while maintaining the rural areas relatively free from traffic, noise, lights, etc., which tend to distract from the rural atmosphere. This zone will also provide for the establishment of Planned Unit Developments which will allow higher density but will require the installation of more services such as central sewer treatment.

### **RC Recreational Zone**

A significant attraction of Lincoln County is the scenic, sporting, and recreational resources of the county. The purpose of the Recreational Zone is to provide locations for the business and commercial facilities needed for tourist and recreational activities, along with residential uses, while preventing the intrusion of other types of commercial activities which will tend to spoil or detract from the scenic beauty and natural surroundings of these recreational areas. This zone will also provide for the establishment of Recreational Planned Unit Developments, which will allow higher density but will require the installation of more services, such as central sewer treatment.

### **I Industrial Zone**

Lincoln County depends on industrial activities for economic well being. The purpose of the Industrial Zone is to provide areas for industrial activities to take place. Most other land uses are not allowed in the Industrial Zone to minimize conflicts between important industrial land uses and other residential and commercial needs. The Industrial Zone may provide for light industrial or all types of industrial land uses depending upon the specific community overlay zone.

### **P Public Zone**

Over half of the land in Lincoln County is managed by state and federal government. Because of this government ownership, this land is subject to different sets of uses, goals, and regulations. State and federal policies apply on these lands which do not apply to the privately held lands. At the same time, these public lands can normally be compatible with, and even enhance, the desirable characteristics of Lincoln County. The purpose of the Public Zone is to, in part, recognize areas owned/administered by the federal government, the State of Wyoming, and Lincoln County, and in part, provide for land uses appropriate for the publicly owned lands which are consistent with the historical uses of the public lands.

- B. Land or premises shall be used, unless otherwise provided in these Land Use Regulations, only in conformity with the regulations set forth for the zones in which such land or premises are located.
- C. No building or structure shall be built or structurally altered or used, unless otherwise provided in these Land Use Regulations, except in conformity with the regulations set forth for the zones in which the building or structure is located. All new single family, two family, town homes, and multiple single family dwellings not more than two stories high with separate means of access shall comply with the International Residential Code (IRC) as found in Appendix A.
- D. No building or structure shall be built or structurally altered or used, unless the lot or parcel which such building or structure is located is a legally existing lot or

parcel. This is to be done in accordance with the requirements of these regulations and all other applicable resolutions of Lincoln County. Each legally created lot or parcel shall be permitted to have only the number of units and uses permitted for the zone in which it is located.

## **1.2 OVERLAY ZONES**

### **Purpose Statement**

Overlay Districts are used in combination with zones to establish and maintain the heritage and character of the unique areas of the county and protect the critical resources of the county. Whenever an Overlay District is used with zones, the more restrictive provisions required by the Overlay prevail for the area involved. The Overlay Districts are as follows:

#### **AZ Airport Zone Overlay**

The purpose of this overlay zone is to ensure the policies of the Federal Aviation Administration 77 are implemented with regard to the Airport Safety Zones which restrict the height of structures and trees and certain land uses in close proximity to the Afton, Cokeville, and Kemmerer Airports; and to protect other airstrips by applying approach zone restrictions to airstrips in the proximity of future development. These include, but are not limited to: Alpine and Star Valley Ranch. See Appendix B.

#### **FL Floodplain Overlay Zone**

The purpose of this overlay zone is to ensure the policies of the Federal Emergency Management Agency (FEMA) with regard to 100 year floodplains are implemented. Compliance with FEMA guidelines allows Lincoln County residents to participate in the National Flood Insurance Program (NFIP). In order to reduce the loss of property, the following policies apply: The portion of newly created subdivision lots lying within Zones A or AE, as defined by the adopted maps, shall not be build-able. The minimum size for new build-able parcels of land included in this overlay is 35 acres. See Appendix C for development standards and applicable Flood Insurance Rate Maps. See also Comprehensive Plan Map 11 for approximate locations of designated 100 year floodplains in Lincoln County.

#### **SM Slope Movement Overlay Zone**

The purpose of this overlay zone is to delineate the identified slope movement areas of the county. Construction activities in the slope movement area should be done under the consultation of a qualified engineer. See Comprehensive Map 8 for the location of identified slope movement areas.

#### **EQ Earthquake Overlay Zone**

The purpose of this overlay zone is to delineate the identified areas of the county subject to possible earthquakes. Construction activities in these areas should be done

under the consultation of a qualified engineer and require land uses defined as critical facilities to be designed by a qualified engineer. See Comprehensive Map 7 for identified fault lines and Section 6.13 for other applicable standards.

**SWP Source Water and Well Head Protection Overlay Zone**

The purpose of this overlay zone is to delineate the identified areas of the county that supply water to a public water source such as a municipality, special improvement district or private water company. Construction in these areas shall comply with separation distances specified by the Wyoming Department of Environmental Quality and/or the organizations source water/ wellhead protection plan.

**SC Scenic Corridor Zone**

The purpose of this overlay zone is to delineate the identified areas of the county that have high scenic value that is essential to maintaining the character and historical significance of the region. Construction occurring in these areas shall incorporate the surrounding topography and vegetation in screening or blending in of the development. No specific policies or delineated areas have been identified as of the adoption date of these Land Use Regulations.

**A Alpine Community Plan Area Overlay Zone**

The Alpine Community is a community in the mountains which has quiet residential neighborhoods with pleasant looking commercial establishments that cater to tourist travelers and provide goods and services for local needs. Commercial establishments are low producers of noise, night time light and unsightly nuisances. See the official Zoning Map for the delineated Community Plan Area Overlay Zone boundary.

**POLICIES:**

1. The following uses shall not be allowed in the Mixed Zone of the Alpine Community Plan Area: Commercial Storage Units, Mobile Home Parks, and Commercial Storage Yards.
2. The following uses shall not be allowed in the Rural Zone of the Alpine Community Plan Area: Truck Stops, and Man Camps.

**E Etna Community Plan Area Overlay Zone**

The Etna Community is where the commercial and high density residential development (mixed zone areas) will be located in and around Etna. The area north of Etna has some light industrial uses. The area outside of Etna will contain agricultural, low density residential and recreational facilities. See the official Zoning Map for the delineated Community Plan Area Overlay Zone boundary.

**POLICIES:**

1. The following uses shall not be allowed in the Industrial Zone of the Etna Community Plan Area: Heavy Industrial.
2. The following uses shall not be allowed in the Rural Zone of the Etna Community Plan Area: Truck Stops, and Man Camps.

## **F Freedom Community Plan Area Overlay Zone**

Freedom is an unincorporated community that straddles the boundaries of two different states and three different counties. The main road is Stateline County road that is half in Wyoming and half in Idaho. The area was settled in 1879 by early members of The Church of Jesus Christ of Latter Day Saints. Some of these settlers practiced polygamy and sought "freedom" from Idaho Marshals by stepping over the state line into Wyoming. Early settlers were able to supply the nearby Caribou Mountain gold mining district with agricultural commodities. At one time, Freedom was that largest settlement in Star Valley boasting a bank, general store, gas station and billiard hall. Some of the old buildings are still standing but newer highway routes have changed settlement patterns in the area.

The Freedom area features magnificent views of surrounding mountains, forests, rural agricultural lands and the Salt River. The community consists of open meadows, dairy farms, low density residential development and limited commercial uses including Freedom Arms, an old sawmill, Silver Star Communications and a couple of gravel mining operations. The combination of floodplain areas and shallow groundwater create challenges for subdivision developers. A significant portion of the community is served by the Freedom Water and Sewer District with culinary water.

See the official Zoning Map for the delineated Community Plan Area Overlay Zone boundary.

### **GOALS:**

1. Groundwater quality needs to be protected by encouraging:
  - a. Development along existing or new central water systems;
  - b. Regulation of density of septic systems; and,
  - c. Development of central sewage treatment where necessary to protect shallow groundwater.
2. Orderly development practices will help the community maintain its rural identity by:
  - a. Encouraging cluster developments in the Rural Zone to conserve open spaces; and,
  - b. Encouraging proposed Recreational Planned Unit Developments to feature recreational amenities that can benefit the entire community such as public swimming opportunities and so on.

### **POLICIES:**

1. The following uses shall not be allowed in the Mixed Zone of the Freedom Community Plan Area: Mobile Home Parks, and Recreational Vehicle Parks.

2. The following uses shall not be allowed in the Rural Zone of the Freedom Community Plan Area: Truck Stops, and Man Camps.

### **SVR Star Valley Ranch Community Plan Area Overlay Zone**

The Star Valley Ranch Community is centered on the new Town of Star Valley Ranch, which was incorporated in 2005. The community consists of a mix of agricultural lands, aspen forests and residential subdivisions that is located along the base of the Salt River Range at an elevation around 6,000 feet. It enjoys moderate summers and snowy winters and has direct access to the Bridger-Teton National Forest through Prater, Green, and Cedar Canyons. Springs, streams, and wells along the mountain front provide abundant and excellent drinking and irrigation water. The natural recreational opportunities - fishing, hunting, skiing, hiking, and off-roading - are augmented by golf, tennis, and swimming opportunities. The community is committed to preserving its existing natural and rural character and to promoting the healthy, safe and high quality of life enjoyed by its residents.

See the official Zoning Map for the delineated Community Plan Area Overlay Zone boundary.

#### **GOALS:**

In order to provide for orderly development that maintains the character of the community and enhances the quality of life for all of its residents the following goals are established:

1. Maintain and enhance the natural environment.
2. Develop an integrated community plan that provides for the safe and orderly development of the community with a 25 to 50 year planning window.
3. Encourage the orderly development of open lands to accommodate a future centralized commercial area surrounded by a mix of residential and recreational opportunities and public facilities areas.

#### **OBJECTIVES:**

In order to achieve the community's goals, the following objectives are identified:

1. Promote the health and safety of its residents and the integration of its neighborhoods by encouraging:
  - a. The development of an integrated collector road network.
  - b. New subdivisions to access county and/or collector road(s) at two or more points.
  - c. New subdivisions to provide road access to adjacent parcels of land.

- d. The use of through streets and short Cul-de-sacs in new subdivisions.
- e. The use of community water and waste water systems.
- 2. Maintain the unique character of Star Valley by encouraging the:
  - a. Development of compact and site sensitive subdivisions.
  - b. Preservation as open space appropriate ecosystems, wildlife habitat and migration routes.
  - c. Development of family friendly, compact and walkable residential and commercial areas.
  - d. The use of zoning alternatives to spot zoning.
- 3. Review and update the community plan to meet the changing needs of a growing and diversified community.
- 4. Promote the development of the adjacent State Trust Land into residential, recreational and commercial land uses upon its privatization.

**POLICIES:**

- 1. The following uses shall not be allowed in any county zone of the Star Valley Ranch Community Plan Area: Batch plant and/or crusher, and Supply Yards; Commercial feed lot; Industrial, heavy; Man camp or Rig Camp; and Salvage Yard.
- 2. The following uses shall be allowed with conditions in those county zones (see Chapter 7) where otherwise permitted for the Star Valley Ranch Community Plan Area: Adult Uses; Archery Range; Automobile sales and/or repair; Cemetery; Church; Commercial entertainment facilities; Commercial Parking Lot; Commercial storage unit(s); Communication Towers; Light Manufacturing; Mining; Motels, Hotels; Oil and gas development; Radio and television broadcasting station; Retail, personal service shops, offices; Roadside stand; Recreational Vehicle Park; and Small Business.

**T   Thayne Community Plan Overlay Zone**

The Thayne Community is a community where commercial and high density land uses (mixed zone areas) are located around the Town of Thayne, in the area of the Bedford Townsite, along U.S. Highway 89 north of the Town of Thayne, along U.S. Highway 89 south of the Town of Thayne, along Muddy String County Road 117, and near the intersection of Cedar Creek County Road 118 and U.S. Highway 89. The area outside of the mixed development areas will contain agricultural, low density residential and recreational facilities. The area at the intersection of Wyoming Highway 239 and U.S. Highway 89 will contain some light industrial and commercial uses. See the official Zoning Map for the delineated Community Plan Area Overlay Zone boundary.

**POLICIES:**

1. The following uses shall not be allowed in the Industrial Zone of the Thayne Community Plan Area: Heavy Industrial.
2. The following uses shall not be allowed in the Rural Zone of the Thayne Community Plan Area: Truck Stops, and Man Camps.

**U Upper Valley Community Plan Area Overlay Zone**

The Upper Valley Community is a community where commercial and high density land uses (mixed zone areas) are located around the Town of Afton, in and around the Townsites of Grover, Auburn, Fairview, Smoot, and the Osmond Area. In addition to the Mixed Zone around Afton, an Industrial Zone shall be located near the airport for light industrial uses. The area outside of the mixed development areas will contain agricultural, low density residential and recreational facilities. See the official Zoning Map for the delineated Community Plan Area Overlay Zone boundary.

**POLICIES:**

1. The following uses shall not be allowed in the Industrial Zone of the Upper Valley Community Plan Area: Heavy Industrial.
2. The following uses shall not be allowed in the Rural Zone of the Upper Valley Community Plan Area: Truck Stops, and Man Camps.

**C Cokeville Community Plan Area Overlay Zone**

The Cokeville Community is a community where commercial and high density land uses (mixed zone areas) are located around the Town of Cokeville and at Border Junction. The Cokeville Community will contain the Pine Creek Recreational area and the Canyon Club Recreational area. The area outside of the mixed zone areas and the Pine Creek and Canyon Club Recreational areas will contain agricultural, low density residential, and recreational facilities. The Cokeville Community may contain rich natural resources and may have oil and gas and associated development and mining of other natural resources in any area. See the official Zoning Map for the delineated Community Plan Area Overlay Zone boundary.

**POLICIES:**

No specific policies as of the adoption date of these Land Use Regulations.

**CM Commissary Community Plan Area Overlay Zone**

The Commissary Community will have no mixed zone areas and will be made up of agricultural, residential areas, low density subdivisions, the Lake Viva Naughton Recreational Area, and industrial land uses. The Commissary Community may contain rich natural resources and may have oil and gas and associated development and mining of other natural resources in any area. See the official Zoning Map for the delineated Community Plan Area Overlay Zone boundary.



POLICIES:

No specific policies as of the adoption date of these Land Use Regulations.

**L LaBarge Community Plan Area Overlay Zone**

The LaBarge Community is a community where commercial and high density land uses (mixed zone areas) are located in the Fontenelle Lake area west of the Green River in what is known as Painter's Store, and near the Town of LaBarge. The area along both sides of the Calpet County Road 315, from U.S. Highway 189 to the Sublette County Boundary and the area along the north side of the first mile of the LaBarge Creek County Road 321 from its intersection with U.S. Highway 189, will have industrial uses. Areas outside of the specified mixed zone areas will be made up of agricultural, low density residential and recreational facilities. The LaBarge Community contains rich natural resources and will have oil and gas and associated development and mining of other natural resources in any area. See the official Zoning Map for the delineated Community Plan Area Overlay Zone boundary.

POLICIES:

No specific policies as of the adoption date of these Land Use Regulations.

**K Kemmerer Community Plan Area Overlay Zone**

The Kemmerer Community is a community where residential, commercial, and industrial uses are located in the City of Kemmerer and Town of Diamondville. Areas outside of the industrial zone will be made up of agricultural, low density residential and recreational facilities. The Kemmerer Community contains rich natural resources and will have oil and gas and associated development and mining of other natural resources in any area. See the official Zoning Map for the delineated Community Plan Area Overlay Zone boundary.

POLICIES:

No specific policies as of the adoption date of these Land Use Regulations.

**O Opal Community Plan Area Overlay Zone**

The Opal Community is a community where residential, commercial, and industrial uses are located in the Town of Opal and south and west of the City of Kemmerer and Town of Diamondville. Areas outside of the industrial zone will be made up of agricultural, low density residential and recreational facilities. The Opal Community Area contains rich natural resources and will have oil and gas and associated development and mining of other natural resources in any area. See the official Zoning Map for the delineated Community Plan Area Overlay Zone boundary.

POLICIES:

No specific policies as of the adoption date of the Land Use Regulations.

## **M Multiple Use Community Plan Area Overlay Zone**

The Multiple Use Community Area is made up of all lands not included in any other Community Area. This area is comprised of land mostly owned by the federal government, the state government, and the county. There are some small pockets of private lands. The Multiple Use Community, when developed, will contain a mixed zone area at Sage Junction. This Community Area contains the Fossil Butte National Monument and the proposed Cokeville Meadows National Wildlife Refuge. This Community Area contains rich natural resources and may have oil and gas and associated development and mining of other natural resources in any area. The private lands in the area outside of the industrial areas and mixed zone areas will contain agricultural, low density residential, and recreational facilities. The public lands of this Community Plan Area are to be used and managed in harmony with the local economies. See the official Zoning Map for the delineated Community Plan Area Overlay Zone boundary.

### **POLICIES:**

1. The following uses, which restrict historic levels of human activity, are not allowed in the Multiple Use Community Plan Area:  
Wilderness Areas and wildlife introduction and reintroduction areas.
2. The county shall work with the local Resource Conservation and Soils Conservation Districts to develop watershed management plans which, when developed, shall be incorporated into the Multiple Use Community Plan.
3. Access roads to the Multiple Use Community Plan Area shall remain open to the public.
4. The county and other federal and state land management agencies shall work to provide proper easements for access roads to the public lands of the Multiple Use Community Plan Area which do not have complete access easements.
5. Access roads within the lands owned by the state and federal government shall remain open with no further road closures.
6. Any updating of National Forest and Bureau of Land Management Plans in this Community Plan Area shall include human uses and human economies within any ecosystem analysis rather than exclude human uses.

7. The public lands of this Community Plan Area shall be managed with the multiple use concept, which shall include the local economies.

### **1.3 OFFICIAL ZONING MAPS AND COMPREHENSIVE PLAN**

The boundaries of the zones shall be determined and defined by the attached Official Zoning Maps. Amendments and maintenance of the Land Use Regulations, Official Zoning Maps, Comprehensive Plan, and Comprehensive Plan Maps shall be done in accordance with 1.4 of these regulations with W.S. (see Appendices K & J).

### **1.4 AMENDMENT, REZONE**

#### **A. Initiation of Amendment, Proceedings, and Fee**

1. An amendment to the text of these regulations, to the official comprehensive plan maps or to the official zoning maps, may be initiated by the Planning and Zoning Commission or the Board of County Commissioners, or by an application of one or more property owners of property affected by the proposed amendment. In the event a rezone request is proposed in connection with a conditional use or a zoning and development permit, the application for the conditional use or zoning and development permit shall accompany the petition.
2. Any person may petition the Planning and Zoning Commission to amend this document. Applications from a property owner shall be filed with the Planning Office on forms prescribed by the Planning Office, accompanied by such data and information necessary to assure the fullest presentation of the facts.
3. No application from a property owner for the same general purpose concerning the same property that has been denied by the county shall be received or processed by the county within one (1) year from the date of such denial except by unanimous vote by the Planning and Zoning Commission.
4. A filing fee, as set by the current fee schedule, shall be paid at the time of filing of an application by the property owner or the property owner's representative. No fee shall be required in the case of proceedings initiated by either the Planning and Zoning Commission or the Board of County Commissioners.

#### **B. Amendment and Rezone Procedures**

1. Application for adoption, amendment, property rezone, or repeal of these regulations shall be submitted to the Planning Office, who shall investigate the facts bearing on any application and provide the necessary information to

enable the Planning and Zoning Commission to act and file its recommendation with the Board of County Commissioners. Particular consideration shall be given to the effects any zone change will have upon the delivery of services by any political subdivision providing public services, including the school districts, within the county. The Planning and Zoning Commission shall evaluate the request and consider the following findings to decide the extent and nature of the amendment or rezone application:

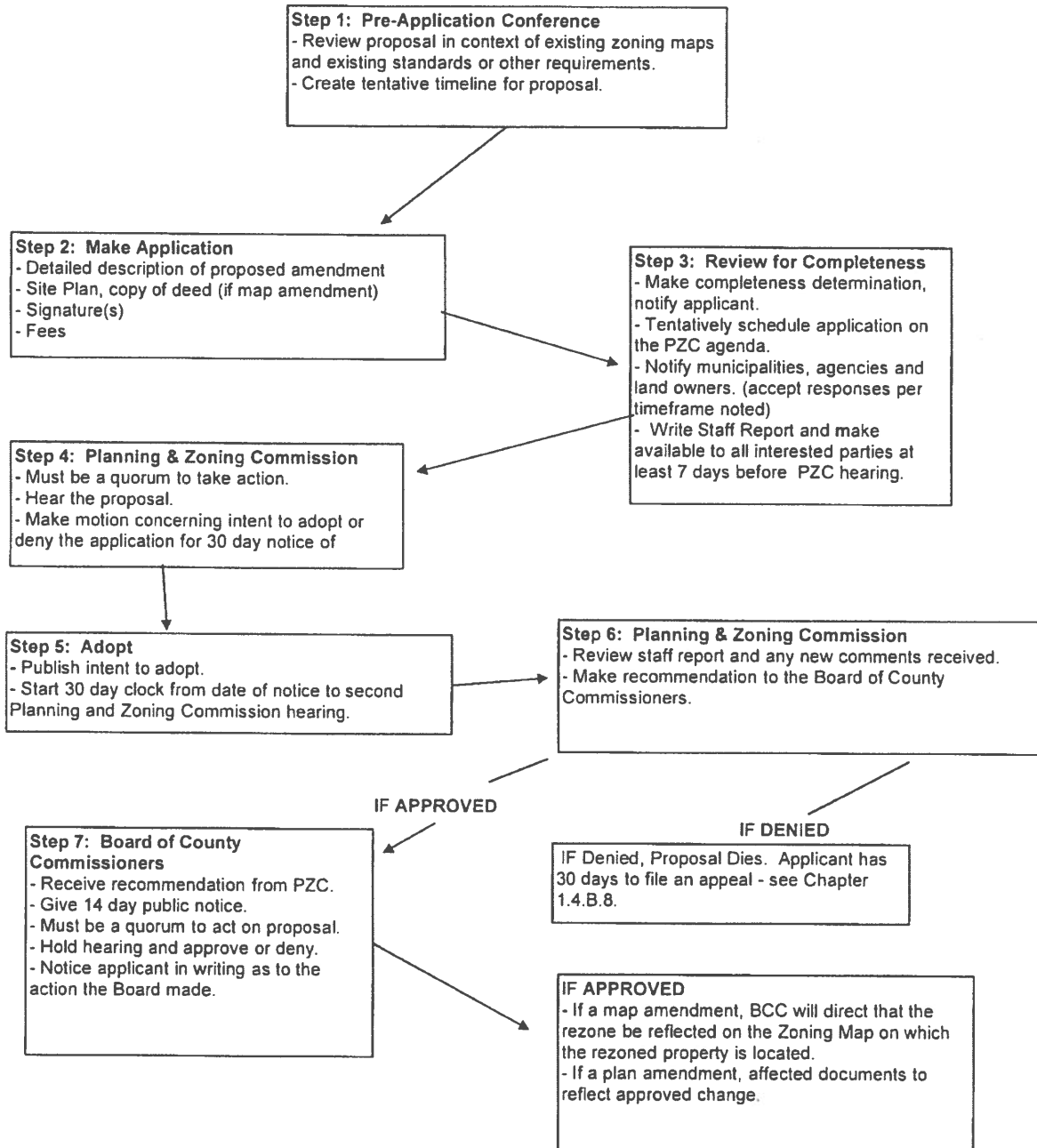
- a. Evidence that the proposal is consistent with the goals and objectives of the Lincoln County Comprehensive Plan.
  - b. If a rezone proposal, evidence that the proposal will not overburden existing road, utility and service infrastructure or that impacts will be adequately mitigated.
  - c. If a rezone proposal, evidence that the proposal does not adversely affect the rate of infill development of the requested zone in order to avoid: unnecessarily extending road and utilities; and, unnecessarily leapfrogging significant tracts of vacant land in the requested zone.
  - d. Evidence that the proposal will not disproportionately increase the cost to the public for providing services.
2. Complete rezone applications for land located within one (1) mile of municipal boundaries shall be sent to the governing body of the municipality with a request for response. City councils and Planning Commissions are encouraged to recommend a course of action to the Lincoln County Board of County Commissioners during the review period of an application.
3. Upon determination of completeness, a written notice with relevant information shall be mailed or delivered to the applicant, affected agencies, municipalities within one (1) mile, and all owners of private real property within a 300 foot radius of the proposed project in question as shown on said application for their comments. The notice will request a response within eight (8) days prior to the Planning and Zoning Commission Meeting to allow all received responses at that time to be included in the Planning Staff Report. All noticed parties shall have a deadline of 5:00 p.m. the Monday preceding the Planning and Zoning Commission Meeting or the Board of County Commission Meeting to respond. Agencies include, but are not limited to, the following:
  - a. School Districts;
  - b. County Engineer/Surveyor;
  - c. Recreation Commission;
  - d. Utility Companies;
  - e. Wyoming Game and Fish;
  - f. Fire Districts;
  - g. United States Department of Agriculture Forest Service;
  - h. United States Department of Interior Bureau of Land Management;
  - i. Wyoming State Engineer;

- j. Wyoming Department of Environmental Quality;
  - k. Commissioner of Public Lands;
  - l. Airport Boards;
  - m. Wyoming Department of Health;
  - n. Wyoming Department of Transportation;
  - o. Any affected Irrigation District.
4. The Planning Staff shall write a staff report and recommendation. The report and recommendation shall include a discussion of the relevant issues pertaining to the application and a recommendation of approval, denial, or tabling.
  5. The Planning Staff shall make available to all interested parties copies of the staff report and recommendation seven (7) days before the scheduled Planning and Zoning Commission hearing.
  6. The applicant or the applicant's representative is required to attend both Planning and Zoning Commission hearings and Board of County Commissioner's hearing on the request. If the applicant or applicant's representative is not present at the Planning and Zoning Commission hearings, or the Board of County Commissioner's hearing, the applicant shall reapply.
  7. There shall be a quorum in order to entertain motions at the meeting and make recommendations to the Board of County Commissioners. At this hearing, the Planning and Zoning Commission will consider the application, along with related development applications. When the Commission finds the application complete, it shall begin a 30 day official notice of hearing to adopt or to deny the application.
  8. After the 30 day notice, the Planning and Zoning Commission shall again review the application and the staff report by the Planning Office, and hear any new and relevant evidence from the applicant, neighbors, governmental agencies and other concerned citizens before taking final action on an application. If the amendment is adopted, the Planning and Zoning Commission shall make recommendations to the Board of County Commissioners and shall transmit to the Board of County Commissioners its recommendations and findings made. If the application is denied by the Planning and Zoning Commission, the applicant shall have 30 days to file an appeal to the Board of County Commissioners. The Board shall serve as Board of Adjustments and Appeals, in accordance with the provisions in Chapter 3 Conditional Uses and Variances.
  9. The Board of County Commissioners shall give fourteen (14) days public notice and shall hold a public hearing on the application after the Planning and Zoning Commission transmits its recommendations and findings to the Board.

10. There shall be at least a quorum of County Commissioners in order to entertain motions to approve, deny, or table the application.
11. The County Commissioners shall notify the applicant in writing as to the action the Board makes on the application.
12. The Board of County Commissioners shall, upon approval of a rezone, direct that the rezone approval be reflected on the appropriate Official Zoning Map on which the rezoned property is located and file the adopted changes in the Office of the County Clerk.

**Table 1.1**

**REZONE/AMENDMENT**



## **1.5 INTERPRETATION OF ZONE BOUNDARIES**

Whenever any uncertainty exists as to the boundary of any zone shown on the zoning maps, the following rules shall apply:

- A. Where any zone boundary line follows a road or public way, it shall be construed as following the centerline thereof.
- B. Where a zone boundary line is indicated as approximately following a lot, parcel, tract, or property line, such line shall be construed as being on the property line.

## **1.6 NON-CONFORMING USES**

Any uses lawfully occupying a building, structure or land at the effective date of these regulations, or of subsequent amendments hereto, which do not conform to the regulations for the zone in which it is located shall be non-conforming use and may be continued. Non-conforming uses are often said to be "grand-fathered". The following provisions apply to non-conforming uses:

- A. There shall be no limit on repairs or maintenance for non-conforming buildings, structures or uses. Repair or maintenance shall not significantly increase the degree of non-conformity. Only minor increases in nonconformity may be made to permit handicap access to a structure, as required by law.
- B. Changes in use of a non-conforming building, structure or land, provided that the new use has no greater impact in regards to traffic, noise generation, parking requirements and similar factors, than the existing use. A conditional use permit must be obtained prior to any expansion.
- C. Non-conforming uses may expand, but only on a lot or parcel occupied by the use on the effective date of these regulations. A conditional use permit must be obtained prior to any expansion.
- D. Whenever a non-conforming use of land, buildings or structures has been intentionally discontinued for a period of thirty-six (36) months the use shall be deemed terminated. Use of the premises thereafter shall be in conformity with the zone and applicable project standards.
- E. In order to replace a non-conforming building, a Conditional Use Permit must be obtained, including any non-conforming building destroyed by fire or other catastrophe.
- F. The right to a non-conforming use, building or structure runs with the land, not with the owner.



- G. A land use previously approved as part of a subdivision or master plan (multi-phase) development, but not yet developed, and which becomes non-conforming with the adoption of these regulations, may continue to be developed as approved. The procedures for obtaining a permit for any such non-conforming use shall be the same as if the use had been approved after the effective date of these regulations.
- H. Plan amendments or other actions that would eliminate livestock grazing on any private land or land owned by the county shall first comply with the provisions of this section.

## **1.7 MASTER PLAN PROJECTS**

- A. Projects proposing a single land use type (i.e. residential, commercial, industrial, etc) to be developed in phases shall file a master plan with the first phase of the project. The master plan shall illustrate the entire project. Planning staff will analyze the master planned project for the impacts that will be created at full build-out. Those phases that include subdivision, condominium or other land use, that require the submission and approval of maps, plats and documents by reviewing agencies, shall fully comply with those procedures.
- B. "Planned Unit Development" (P.U.D.) integrates residential densities, commercial and/or industrial development into a complete design. The aim of such projects shall be to concentrate development on the portion of the site most suitable for development in order to preserve open space and to contain or mitigate project impacts. All proposed uses shall be consistent with provisions of these Land Use Regulations. See Appendix D.
- C. In the event a Master Plan or P.U.D. is proposed in connection with a petition for a zone change, the application for the Master Plan or P.U.D. shall accompany the rezone petition.

## **1.8 PRE-EXISTING SUBDIVISION LOT DESIGNATIONS**

- A. Land use designations within existing subdivision shall be in accordance with the official Subdivision Plat as recorded or language in valid restrictions and covenants for subdivisions approved and recorded prior to March 2, 1998. Subdivision lots which are not otherwise designated shall be considered residential.
- B. Commercial development of lots in subdivisions which are designated as other than single family residential use shall be required to obtain a Zoning and Development Permit.

- C. A statement of disclosure shall be required for permit applications that are subject to valid covenants running with the land. This statement shall indicate whether the proposed development is consistent with those covenants.