

**NOTICE OF INTENT TO ADOPT AMENDMENTS TO THE TETON COUNTY LAND
DEVELOPMENT REGULATIONS (LDRs) REGARDING THE DEFINITION OF
OPERATIONAL DISCONTINUANCE OF A USE
(AMD2020-0002)**

Notice is hereby given pursuant to Wyoming Statute §16-3-103 that the Teton County is considering adoption of amendments to the Teton County Land Development Regulations (LDRs) regarding the definition of operational discontinuance of a use, to exclude cessation of use due to certain government actions, natural disaster, unwilful acts of the owner such as catastrophic fire or pandemic and time spent maintaining, altering, replacing, or expanding a structure or site devoted to the use. This amendment proposal is made by Teton County Planning Division with the intent to exempt permitted uses discontinued due to the COVID-19 pandemic from expiring. It also addresses other reasons for exclusion from being considered a discontinued use such as government action, natural disaster, catastrophic fires, or construction that renders the use inoperable.

Pursuant to Wyoming Statute §18-5-202(b) the Teton County Planning Commission shall hold a public hearing at which a recommendation will be made on the proposed Teton County LDR amendments to the Teton County Board of County Commissioners. The Teton County Planning Commission public hearing will take place July 13, 2020 at 6 p.m. in the Commissioners Meeting Room of the Teton County Administration Building at 200 S. Willow St. in Jackson, Wyoming. The Teton County Board of Commissioners will hold a public hearing to make a decision on the proposed amendment on August 4, 2020 at 9:00 a.m. at the same location.

All interested parties may obtain a hard copy of the proposed new LDRs at the Teton County Planning Division office at 200 S. Willow St., Jackson, WY or may view a copy of the proposed new LDRs online at <http://jacksontetonplan.com/>. Written comments may also be submitted to the Teton County Planning Director, P.O. Box 1727, Jackson, WY 83001 or at kmalone@tetoncountywy.gov.

The following redline draft conveys the proposed amendment to the LDRs with language proposed to be added represented in red:

6.1.2. Classification of Uses (~~AMD2020-00021/1/17~~)

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. 8.6.1.) 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.

G. Discontinuance of Use

A use shall be considered operationally discontinued or abandoned if operations cease for a period of more than one year, whether or not the equipment or furniture is removed, unless cessation of the use is due to one or more of the following:

1. Government action other than those described in 1.9.1.l.
2. Natural disaster
3. Any other action not considered a willful act of or not a result of action by the owner or occupant that can be documented as the reason for discontinuance, such as catastrophic fire, pandemic, or other event which could not be reasonably anticipated and prohibits immediate reestablishment of the use.
4. Time spent maintaining, altering, replacing, or expanding a structure or site devoted to the use, provided:
 - a. All appropriate permits or approvals are obtained;
 - b. The maintenance, alteration, replacement, or expansion is completed within 18 months after commencement; and
 - c. The use is reestablished within 31 days after completion of the maintenance, alteration, replacement, or expansion.