

6.1.11. Accessory Uses (5/4/15)

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, conforming 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. agricultural employee housing (6.1.11.L.)
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. **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 guidelines established by the Teton County Housing Authority. The mechanism, and its specific provisions, for achieving the restriction shall be acceptable to the Teton County Housing Authority and shall be enforceable by the Teton County Housing Authority; or
 - ii. The occupants shall be members of the same family occupying the principle 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.
- b. **Primary Use Is Not Residential**
 - i. Accessory residential units may be counted to satisfy any requirements set forth in Div. 6.3.
- c. **Primary Use Is Residential**
 - i. The floor area of an ARU accessory to a residential unit shall be included in the maximum floor area/FAR and the maximum scale of development calculation for the primary dwelling unit.
 - ii. No more than 1 ARU shall be permitted accessory to a dwelling unit.
- d. **Rental Period.** An ARU rental period shall be a minimum of 90 days.
- e. **Outside Storage.** Only vehicles used for daily travel may be stored outside. All other possessions belonging to occupants of an accessory residential unit, such as recreational, secondary or inoperative vehicles, boats, motorcycles, canoes, kayaks, lumber and other construction materials not associated with an on-going construction project on the site, or other similar items contributing to an untidy appearance, shall be stored within an enclosed structure, such as a garage.

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
 - vi. Winery
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.
- j. A Home Business Winery operates for the limited purposes of processing grapes and other fruit products and manufacturing, packaging, and shipping of wine, pursuant to Wyoming Statute Section 12-4-412 (a)(ii).
 - i. The sale of wine produced by the Home Business Winery shall be permitted for consumption off-premises only.
 - ii. A Home Business Winery does not include public tours of the Home Business Winery and the sale of any other wines not manufactured by the Home Business Winery either on-premises or off-premises. Private tastings of wine produced on-premises are permitted.
 - iii. A Home Business Winery shall only be allowed on a parcel and/or lot of 15 acres or greater.

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 at least 3 but not more than 6 persons.
 - b. 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 at least 7 but not more than 11 persons.
- b. A home daycare center shall comply with the relevant provisions of the Wyoming Statutes and with local health, safety and fire codes.
- c. Each home daycare center shall have 35 square feet of indoor area per client (hallways or area with furniture does not qualify), and a fenced outdoor play area in the rear yard providing a minimum of 75 square feet per client. The fenced outdoor play areas shall be screened by shrubs or other vegetation if they are located within 12 feet of the property line.
- d. A home daycare center is permitted one free-standing sign not to exceed 16 square feet in area and not to exceed 10 feet in height.

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. Said evergreen hedge and 1.5 plant units shall be in addition to landscaping required in Div. 5.5.
- 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.

I. Agricultural Employee Housing

1. **Definition.** Agricultural employee is a dwelling unit provided for persons employed on a working ranch or farm.
2. **Primary Uses**
 - a. Agriculture
3. **Standards**
 - a. The occupant of the agricultural employee housing shall employed by the operator of the agricultural operation and work in the agricultural operation at least 20 hours per week for a minimum of 3 months a year. In addition, the immediate family of the occupant may also reside in the agricultural employee housing.
 - b. When not occupied by an employee of the agricultural operation, agricultural employee housing may be rented to others. Such rental shall be for a period of at least 30 days.
 - c. A mobile home may be used for agricultural employee housing provided it meets the standards of 6.1.4.E. and is screened at least 50% by landscaping or is located on the property to be unseen, as viewed from neighboring property and roads, and the color of the mobile home blends the structure into the site.
 - d. Agricultural employee housing shall not result in a density of more than one residence per 35 acres of actively farmed or ranched land. Agricultural employee housing is in addition to the allowed base density of principle residential use.

J. Cottage Industry

1. **Definition.** A cottage industry is a light industry or heavy service use conducted as a secondary use in connection with an agricultural use.
 - a. **Includes:**
 - i. Light industry
 - ii. Heavy service
 - b. **Does Not Include:**
 - i. Heavy retail
2. **Primary Uses:**
 - a. Agriculture

3. Standards

- a. Cottage industry shall be businesses related to agriculture, landscaping, snow plowing, trucking, small automotive repair, septic system service, well service, carpentry, upholstery, and woodworking.
- b. No more than 5 persons residing off-site may be employed on-site by the cottage industry. Additional persons may be employed, but shall not visit or work on the site on a daily basis.
- c. Outdoor storage areas may be permitted but shall be screened.
- d. The cottage industry use shall have no more than one free-standing rustic sign not exceeding 16 square feet in area and 10 feet in height, on site.

K. Receptions/Events

- 1. **Definition.** A reception or event is a public or private gathering held at an indoor or outdoor site rented on a regular or seasonal basis.
 - a. **Purpose.** The purpose of allowing Reception/Event sites on large open tracts of land is to support and encourage continued agricultural conservation of open space, while providing standards to mitigate potential negative impacts to neighboring property owners. Protecting open space via agriculture preserves the County’s scenic, wildlife and agricultural values. The repurposing of existing agricultural buildings to be used for indoor Reception/Event sites is encouraged to protect the historic western character of the community and is consonant with the goal of limiting development in the rural areas of the County.
 - b. **Includes:**
 - i. weddings
 - ii. corporate events
 - iii. retreats
 - iv. community events
 - v. private parties
 - vi. family gatherings/reunions
 - c. **Does Not Include:**
 - i. private parties hosted at a private home not renting their property to a third party specifically for the use of the reception/event site.
- 2. **Primary Uses:**
 - a. Agriculture

3. Standards

- a. **Use Management Plan.** A use management plan, subject to Board approval, shall be required. At a minimum, the use management plan shall include information relevant to, and demonstrate compliance with, these standards.
- b. **Approval Considerations.** When analyzing the site for compatibility under the Conditional Use Standards, the Board shall consider the following in addition to the Conditional Use standards:
 - i. Size of the parcel(s) where the use is being proposed.
 - ii. Proximity of the reception/event site to neighboring properties.
 - iii. Wildlife, open space, and natural resource values on the site.
 - iv. Types of events being proposed. The Board may limit the type and character of events permitted at any proposed reception/event site.
 - v. Maximum number of attendees.
 - vi. Adequacy and safety of access to and from the reception/event site, and possible maintenance and repair impacts to County Roads.
- c. **New Structure Prohibition.** Indoor sites are limited to structures existing as of December 31, 2012, to which the Board may allow minor alterations and expansions for public health, safety, and code compliance requirements. Any additional uses proposed on the site that diminish the open space values of the property (e.g. residential density exceeding one dwelling unit per 70 acres, additional nonresidential uses, etc.), as determined by the Board, may cause revocation of the Conditional Use Permit for the reception/event site.
- d. **Year-Round/Seasonal Use.** Reception/event sites may be used either year-round or seasonally.
 - i. **Maximum Number of Events.** Maximum number of events shall be established by the Board of County Commissioners, but in no instance shall there be more than two events permitted per week, and no more than 15 events permitted per summer or winter season, totaling no more than 30 events per year. The frequency of events (such as number of events per month) may be restricted at the discretion of the Board based upon the Conditional Use Standards and reception/event approval considerations. An "event" shall be defined as being no more than one calendar day in duration. Each season shall be defined as April 15 – October 15 and October 16 – April 14.
 - ii. **Tents.** Tents used for any event may only be set up 48 hours in advance and shall be taken down within 48 hours after each event.
- e. **Total Number of Attendees.** The maximum number of attendees shall be limited to 300 per event, but a lesser maximum number may be established by the Board of County Commissioners. The maximum number of attendees

shall be dependent upon available parking, building size and/or occupancy load, property size, any additional safety concerns expressed by the Fire Marshal or Building Official, as well as any concerns expressed by the Board.

- f. **Natural Resources Protection.** All proposals for a Reception/Event Conditional Use Permit shall require the preparation of an Environmental Analysis, unless specifically exempted under 8.2.2.B. If an exemption is warranted, a Natural Resources Review shall be required. The Environmental Analysis and Natural Resources Review shall discuss how the location of existing structures, and proposed temporary structures such as tents, support goals to preserve agriculture and open space, as well as provide an analysis of the uses proposed on the site and their potential impacts on wildlife, vegetation, wetlands, and waterbodies. Reception/event uses shall only be permitted subject to a use management plan, which complies with the requirements of Div. 5.1, and Div. 5.2.
- g. **Proposed Location.** A site plan is required that is to scale and depicts the proposed location of the reception/event use, parking, cooking/catering, and restroom facilities.
- h. **Setbacks.** The following minimum setbacks shall apply to all reception/event sites. The Board of County Commissioners may require increased setbacks in order to mitigate impacts to neighboring properties.
 - i. **Indoor Event Site Setbacks.** Event site structures shall be set back a minimum of 300 feet from all property lines and from all public road rights-of-way.
 - ii. **Outdoor Event Site Setbacks.** The area designated as the event site, including tents, restrooms, cooking areas, and eating areas shall be set back a minimum of 300 feet from all property lines and from all public road rights-of-way. This setback may be increased at the discretion of the Board due to site-specific conditions, including, but not limited to those listed in the reception/event approval considerations. Setbacks may be reduced to less than 300 feet by the Board if the property is adjacent to a river, in which case the river setback of 150 feet would apply. If the property is adjacent to public lands, or in other instances where the setback is not achieving the goal of mitigating impacts to neighboring property owners, the Board may also adjust the setback.
 - iii. **Parking Setbacks.** Parking may be permitted within the 300 foot setback, with permission from the Board of County Commissioners, but in no instance shall parking be located within 300 feet of any residences. Parking shall be required to meet all required parking setbacks for the zone.
 - iv. **Natural Resource Protection Setbacks.** All natural resource protection setbacks, as set forth in Div. 5.1, and Div. 5.2, shall apply to reception/event sites.

- i. **Transportation.** A transportation plan shall be required to mitigate transportation impacts. The following standards shall apply to all reception/event sites:
 - i. **Access.** The reception/event site shall have direct access to a State Highway or County Road or the site shall have a minimum access easement width of 60 feet.
 - ii. **Access Drives and Bridges.** The designated access to the event site shall be accessible by fire trucks and other emergency vehicles, and shall be approved by the Fire Marshal.
 - iii. **Directional Signage.** If the reception/event site is not visible from a public road, the applicant may be required to post directional signage the day of each event to provide adequate notification for emergency vehicle access. Signage shall be removed within 48 hours of each event.
 - iv. **Idling.** No vehicles shall be permitted to idle under any circumstances, except emergency vehicles.
 - v. **Parking.** Parking is prohibited along access drives. Unless otherwise noted in this Section, parking is required to meet the standards of Div. 6.2. A parking plan shall be required for all reception/event sites. The parking plan shall include the following:
 - a). **Location.** The location of proposed parking shall be shown on a site plan drawn to scale.
 - b). **Configuration.** A detailed site plan shall depict the number of parking spaces, dimension of spaces and drive aisles, and parking configuration.
 - c). **Surface.** The parking plan shall include the type of surface that is being used for parking, such as pavement, gravel, or agricultural meadow. A surety may be required by the Board of County Commissioners for reclamation of surfaces that are not pavement or gravel.
 - d). **Valet Parking/Shuttles.** Valet parking or shuttles may be required by the Board and/or proposed by the applicant. If valet parking or shuttles are used, the Board may approve a deviation from the requirement for on-site parking. If shuttles or valet parking is used, pick-up and drop-off areas shall be shown on the site plan. If off-site parking is proposed, it shall be reviewed and approved by the Board, and an agreement shall be required with the landowner whose property is being used as the alternate parking location.
- j. **Services and Facilities**
 - i. **Food and Beverage Service.** All food and beverage service shall be conducted in accordance with Wyoming and Teton County Public Health requirements.

6.1.12. Temporary Uses (1/1/15)

- a). **Food Preparation.** All caterers and on-site food preparers shall be licensed by the WY Dept of Agriculture through the Public Health office.
- b). **Beverages.** In the event any alcoholic beverage is served at a reception/event, adherence to all relevant provisions of Wyoming Statutes Title 12, Alcoholic Beverages, shall be required.
- ii. **Refuse and Recycling.** All refuse and recycling shall be removed from the site on a daily basis when events are in session and immediately following each event, and all refuse shall be stored in bear-proof canisters if left unattended on site at any time.
- iii. **Restroom Facilities.** Restroom facilities shall be provided at a rate dependent on the maximum number of attendees, to be reviewed and approved by the County Engineer.
- k. **Hours of Operation for Events with Music.** Amplified music may be prohibited by the Board due to proximity to residential properties and neighboring uses. All music, both amplified and unamplified, associated with the event shall end no later than 10:00 p.m. The event shall end no later than 11:00 p.m.
- l. **Noise.** Noise levels measured at the property line shall be in accordance with Sec. 6.4.3 and shall not exceed the maximum permitted sound level for the R-TC zone, which is 55 DBA.
- m. **Exterior Lighting.** All exterior lighting shall comply with Sec. 5.3.1.
- n. **Annual Review.** An annual report shall be submitted to the Planning Director by January 31st. This report shall at a minimum include the number of events that took place and noise decibel readings at the property boundary closest to the nearest residential development during each event. The report may also include transportation, parking monitoring, and any additional information as required by the Board. For the first three years, the report shall be reviewed at a public hearing with the Board of County Commissioners, following the mailing of neighbor notice letters to all property owners within 1,300 feet. After the third year, the Board may allow the report to be reviewed administratively by the Planning Director. If new issues of negative impacts to neighbors arise due to unanticipated consequences associated with this use, or if the standards or conditions of the Conditional Use Permit have not been met, the annual review shall be brought before the Board where mitigation measures and/or additional conditions may be required in association with the Conditional Use Permit. The Conditional Use Permit may be subject to revocation proceedings for failure to comply with the conditions of approval.

6.1.12. Temporary Uses (1/1/15)

A. All Temporary Uses

- 1. **Definition.** A temporary use is a use established for a fixed period of time.