

SOWERWINE ---- LUC 95

Permitted Uses

Listed Under Commercial

Retail

Advertising signs, billboards and structures
Amusement centers (indoor or outdoor)
Automobile (used or new) sales & service, rental & repair
Bakery & bakery goods store
Banks & Savings and Loans
Barber or beauty shops
Bars
Business college
Child care centers
Cleaning & laundry stores
Clothing stores
Dance, music or voice studio
Equipment rental and sales yard
Fast food restaurants and other restaurants
Florist
Food, delicatessen or grocery stores
Furniture & hardware stores
Furniture refinishing
Garage or facilities
Gas stations
Handcraft industry
Heavy equipment sales
Hotels, motels, lodges or resort cabins
Laundromats
Liquor stores
Medical, dental & optical clinics or laboratories
Mortuary
Nursery for flowers, plants or trees
Parking lots
Photography studios
Plumbing shops
Printing and blueprinting shops
Professional offices
Radio & television transmitting stations
Reducing salon or masseur
Retail lumber yards
Retail stores and services
Shops for building and construction contractors
Sign shops
Theaters (outdoor or indoor)
Tire Shop including repair & recapping
Trailers, mobile homes and recreational vehicle sales office and yard
All permitted uses within the Residential Single Family, Multiple Family and
Mobile Home Court or Park land use classifications

SOWERWINE ---- LUC 95

Permitted Uses

Listed Under Residential
Single Family

Accessory buildings and uses
Child Care Facilities
Home Occupations
Parks & open spaces
Places of worship
Planned unit residential developments
Public service facilities
Public utilities
Residential cluster subdivisions
Schools
Single family dwellings
Single family mobile homes

Permitted Uses

Listed Under Residential
Multiple Family

Items listed above in Residential Single Family ALONG with the following

Apartments
Boarding and rooming houses
Hospitals and clinics
Motels and hotels
Multiple family dwelling
Professional offices

Permitted Uses

Listed Under Residential
Mobile Home Court or
Park

Accessory buildings and uses
Child care facilities
Home occupations
Hospitals and clinics
Individual mobile homes
Mobile home park or courts
Parks or open spaces
Places of worship
Public utility and public service facilities
Recreational vehicle park or courts
Sale or rental of individual mobile homes within the boundaries of the residential mobile home court or park
Schools
Single family dwellings

SOWERWINE ---- LUC 95

Uses Not Permitted

Listed Under Commercial Retail All those uses permitted in the Light and Heavy Industrial/Manufacturing and Commercial Wholesale land use classifications, and all uses which may be offensive, hazardous, noxious, or detrimental to the public welfare by the emission of unusual and excessive amounts of dust, chemicals, smoke, fumes, odors, gas, noises or vibrations.

RESOLUTION NO. 2002-43

WHEREAS, the Board of County Commissioners of Park County, Wyoming held a hearing to determine a boundary location according to Division 4-300, Appeals of the Park County Zoning Resolution (September 1, 2000) as brought before the Board by Jon W. Sowerwine; and

WHEREAS, the Board of County Commissioners of Park County, Wyoming heard public testimony regarding the determination of boundary location; and

WHEREAS, the record is unclear as to the commercial zoning of the lands owned by Jon W. Sowerwine; and

WHEREAS, the Board of County Commissioners of Park County, Wyoming shall render a determination in accordance with Division 4-300, Appeals.

THEREFORE, BE IT RESOLVED that pursuant to Section 2-310 of the Park County Zoning Resolution, the Board determines the Commercial Retail District boundary for the Jon W. Sowerwine property to be that part of Lot 7 east of Trout Creek; and Lots 4, 5, 6 south of Highway 14-16-20 all within Tract 52, Section 15, T.52N., R.104W., 6th P.M., Resurvey, Park County, Wyoming and to exclude that part of Lot 18, Tract 52, T.52N., R.104W., presently zoned Commercial Retail.

DATED this 16th day of JULY, 2002.

BOARD OF COUNTY COMMISSIONERS
PARK COUNTY, WYOMING

Timothy J. Morrison
Timothy J. Morrison, Chairman

Tim A. French
Tim A. French, Vice Chairman

Charles W. Johnstone
Charles W. Johnstone, Commissioner





Zone A
2675D

LUC-95 (hatched area)

Bruce N. "Bo" Bowman, AICP
Planning Coordinator
Park County
527-8541 or (800) 786-2844



Park County Planning
& Zoning Department
Original Courthouse
Cody, Wyoming

County of Park

Jon Sowerwine
43 Streamside Dr.
Cody, WY 82435

April 7, 2005

Re: Commercial Use; Land Use Change 95

Dear Jon:

I am writing to follow up on our discussion yesterday, concerning your commercial property east of Trout Creek of the Yellowstone Highway. In the wake of your denial of a liquor license the other day, you had asked about the zoning status of this property.

LUC-95 was approved by the County in March of 1978, and is apparently the oldest LUC in our program (how it got number "95" is a mystery to me). The property was designated as "general commercial," although from my review of our old regulations it appears there was no definition of that category in effect at the time. The 1980 Land Use Implementation Plan, adopted two years later, established the "Commercial Retail" category as including:

"Amusement centers...automobile sales and service...bars; banks...hotels, motels, lodges or resort cabins...fast food restaurants...liquor stores...RV sales...theaters..."

The list is unbelievably exhaustive. But it is consistent with the general belief that any "commercial" zoning district involves a wide variety of retail, service, and office uses. For this reason, I consider a bar and/or liquor store to be an appropriate use in any commercial zoning district.

Separate from this zoning consideration, however, I understand that the BOCC's issuance of a *liquor license* has its own specific approval criteria. I will defer to Karen Carter and Deb Bush of the County Clerk & Recorder's Office to advise you in that area.

Jon, I hope this information is helpful to you. Please call me at 527-8541 if you have any questions. I can also be reached at bbowman@parkcounty.us.

Sincerely,

A handwritten signature in black ink, appearing to be 'Bo' followed by a horizontal line.

Bruce N. "Bo" Bowman, AICP
Planning Coordinator

CC: BOCC
Bryan Skoric, County Attorney
Jim Davis, Deputy County Attorney
Karen Carter, Clerk & Recorder
Deb Bush, Deputy Clerk & Recorder

Bruce N. "Bo" Bowman, AICP
Planning Coordinator
Park County
527-8541 or (800) 786-2844



Park County Planning
& Zoning Department
Original Courthouse
Cody, Wyoming

County of Park

Jon Sowerwine
43 Streamside Dr.
Cody, WY 82414

May 23, 2005

Re: Residential development in LUC-95;
Sign for commercial building

Dear Jon:



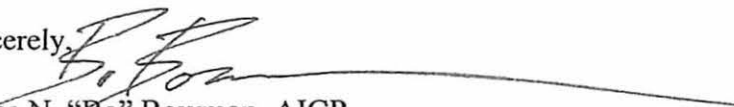
This is a follow-up to your recent inquiry, concerning the minimum lot size allowed for a residential subdivision within **LUC-99**. This Land Use Change designated the property as "Retail Commercial," which includes a variety of land uses described in the old Land Use Implementation Program. Although that program was repealed upon adoption of the present regulations in 2000, it is still used to determine the uses allowed for active LUCs.

I have looked into the language of the previous regulations, and you are correct in stating that the Land Use Implementation Program (being an example of old-style "inclusionary" zoning) incorporates the Residential District lot sizes by reference. These allow single-family residential lots as small as one acre, when served by individual well and septic.

On a separate matter, I drove past your Trout Creek property this morning and note that you are constructing a framework for a sign. Please note that Section 3-225 (Signs) of the Park County Zoning Resolution requires that illuminated signs be set back 20 ft. from road rights-of-way. Since this structure has no such setback, I assume it will not be illuminated. A Zoning Permit form for the sign is enclosed.

Jon, I hope this information is helpful. Please call me at 527-8540 if you have any questions. I can also be reached at bbowman@parkcounty.us.

Sincerely,


Bruce N. "Bo" Bowman, AICP
Planning Coordinator

CC: Jim Davis, Deputy County Attorney

PARK COUNTY LAND USE IMPLEMENTATION PROGRAM

ADOPTED MARCH 5, 1980

AMENDED OCTOBER 13, 1982

AMENDED JUNE 3, 1986 SETBACK REDUCED TO 20'

AMENDED OCTOBER 20, 1987 AIRPORT ZONE REGS ADDED

AMENDED DECEMBER 8, 1987 ✓

AMENDED DECEMBER 3, 1991

BY

PARK COUNTY

BOARD OF COUNTY COMMISSIONERS

05/20/03

injury to the well-being of persons or damage to property.

ll. Use. The purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged, or for which either a site or structure is or may be occupied or maintained.

mm. Viable Farm or Ranch Unit. For the purpose of these performance standards, the viability of a parcel as part of a farm or ranch unit shall be assessed by analyzing the following factors:

- (1) Land capability classification according to the Park County Assessor's Office.
- (2) Quality and reliability of water supply.
- (3) Size of the parcel or unit.
- (4) Access and neighboring land uses.
- (5) Production history and possibilities.
- (6) Past and potential management possibilities.

nn. Wildlife. All wild animals, birds, fish, amphibians, reptiles and mollusks within Wyoming as defined in W.S. 23-1-101 of the Wyoming Statutes of 1977, as amended.

oo. Wildlife Migration Route. A route instinctively and consistently selected by migratory land-bound animals in their seasonal movements.

CHAPTER IX

LAND USE CLASSIFICATIONS FOR LOCAL PLANNING AREAS

Section 1. Land Use Classifications. The following land use classification shall apply to all of the private lands within the local planning areas in Park County. In cases where there is no official land use classification map for a local planning area, a designated land use classification shall be made by an on-site inspection of the land affected by the Park County Planning and Zoning Office, a recommendation made by the Commission at a public hearing, and a subsequent approval of the designation by the Board after having held a public hearing.

Any change in the existing or designated land use classification shall be made by the landowner if the land is to be used for a use different than is existing or designated.

Section 2. Residential Land Uses. The following land use classifications shall be used to represent the residential

land uses in the local planning areas:

a. Residential Single Family (RSF)

(1) Permitted uses: single family dwellings; single family mobile homes; schools; places of worship; accessory buildings and uses; public utilities; public service facilities; parks and open spaces; planned unit residential developments; home occupations; residential cluster subdivisions; and child care facilities.

(2) Uses not permitted: any commercial trade, or industrial/manufacturing activity whether wholesale or retail; advertising; multiple family dwellings; mobile home courts or parks; rooming or boarding houses; professional offices; hospitals and clinics; and apartments.

(3) Conditional Uses; in accordance with Chapter III of the Park County Land Use Implementation Program the following uses shall be allowed only upon approval of a conditional use permit for any proposed use lying within the Airport Overlay Zone: schools; places of worship; planned unit residential developments; residential cluster subdivisions; and child care facilities.

(4) Minimum lot size: the minimum lot size shall be no less than one (1) acre unless the proposed lot will be served by a public (central) water supply system, or a public (central) sewage disposal system, or both.

(a) If the lot(s) will be served by only a public (central) sewage disposal system, then the minimum lot size shall be no less than fourteen thousand four hundred (14,400) square feet.

(b) If the lot(s) will be served by only a public (central) water supply system, then the minimum lot size shall be no less than one-half (1/2) acre.

(c) If the lot(s) will be served by both a public (central) water supply and sewage disposal system, then the minimum lot size shall be no less than seven thousand two hundred (7,200) square feet.

b. Residential Multiple Family (RMF)

(1) Permitted uses: Planned unit residential developments, residential cluster subdivisions; single family dwellings; single family mobile homes; multiple family dwelling; accessory buildings and uses; schools; places of worship; hospitals and clinics; boarding and rooming houses; professional offices; public utilities and public service facilities; parks or open spaces; apartments; home occupations; child care facilities; motels and hotels.

(2) Uses not permitted: Any commercial trade; industrial/manufacturing activity whether wholesale or retail; advertising; mobile home courts or parks; recreational vehicle parks or courts.

(3) Conditional Uses: In accordance with Chapter III of the Park County Land Use Implementation Program the following uses shall be allowed only upon approval of a conditional use permit for any proposed use lying within the Airport Overlay Zone: schools; places of worship; planned unit residential developments; residential cluster subdivisions; and child care facilities.

(4) Minimum lot sizes: The minimum lot size shall be no less than one (1) acre for a two (2) family dwelling if the lot is not served by a public (central) water supply system or a public (central) sewage disposal system.

(a) If the lot(s) will be served by only a public (central) sewage disposal system, then no more than a six (6) family dwelling may be built on no less than a one (1) acre lot(s).

(b) If the lot(s) will be served by only a public (central) water supply system, then no more than a four (4) family dwelling may be built on no less than a one (1) acre lot(s).

(c) If the lot(s) will be served by both public (central) water supply and public (central) sewage disposal system, then no more than an eight (8) family dwelling may be built on no less than a one (1) acre lot(s).

c. Residential Mobile Home Court or Park (RMH)

(1) Permitted uses: Mobile home park or courts; individual mobile homes; accessory buildings and uses; the sale or rental of individual mobile homes within the boundaries of the residential mobile home court or park; single family dwellings; public utility and public service facilities; home occupations; recreational vehicle park or courts; places of worship; schools; child care facilities; parks or open spaces; hospitals and clinics.

(2) Uses not permitted: Multiple family dwellings; any commercial trade; industrial/manufacturing whether retail or wholesale, excepting those activities clearly incidental and customarily associated with the operation of a mobile home court or park or those uses permitted in the residential mobile home court or park classification; professional offices; apartments.

(3) Conditional Uses; In accordance with Chapter

III of the Park County Land Use Implementation Program, the following uses shall be allowed only on approval of a conditional use permit for any proposed use lying within the Airport Overlay Zone: mobile home park or courts; sale or rental of individual mobile homes within the boundary of a residential mobile court or park; public utility and public service facilities; recreational vehicle park or courts; places of worship; schools; child care facilities; hospitals and clinics.

(4) Minimum lot size: The minimum size of a lot within a mobile home court or park shall be no less than six thousand (6,000) square feet. All lots shall be served by both a public (central) water supply system and a public (central) sewage disposal system.

Section 3. Agricultural Land Uses. The agricultural land use classification is designed to allow for agricultural use.

a. Agricultural (AG)

(1) Uses permitted: Agricultural, ranching and farming uses; single family dwellings; single family mobile homes; schools; places of worship; accessory buildings and uses; home occupations.

(2) Uses not permitted: Any commercial trade, industrial/manufacturing activity; mobile home courts or parks; multiple family housing; professional offices; hospitals and clinics; recreational vehicle parks or courts.

(3) Conditional Uses: In accordance with Chapter III of the Park County Land Use Implementation Program the following uses shall be allowed only upon approval of a conditional use permit for any proposed use lying within the Airport Overlay Zone: schools and places of worship.

(a) Under areas other than and including an Airport Overlay Zone conditional uses shall be: agribusiness.

(4) Minimum lot size: The minimum subdivision lot size shall be no less than twenty (20) acres.

Section 4. Commercial. The following land use classifications shall be used to represent the commercial land uses in local planning areas:

a. Commercial Retail (CR)

(1) Permitted uses: Amusement centers (indoor or outdoor); advertising signs, billboards and structures; automobile (used or new) sales and service, rental and repair; bakery and bakery goods store; bars; banks and savings and

loans; barber or beauty shops; business college; child care centers; cleaning and laundry stores; clothing stores; dance, music or voice studio; equipment rental and sales yard; florist; food, delicatessen, or grocery stores; gas stations; handcraft industry; hotels, motels, lodges or resort cabins; furniture and hardware stores; furniture refinishing; fast food restaurants and other restaurants; medical, dental and optical clinics or laboratories; laundromats; liquor stores; retail lumber yards; mortuary; nursery for flowers, plants or trees; professional offices; parking lots; garage or facilities; photography studios; plumbing shops; printing and blueprinting shops; reducing salon or masseur; shops for building and construction contractors; heavy equipment sales; retail stores and services; sign shops; trailers, mobile homes and recreational vehicle sales office and yard; tire shop including repair and recapping; radio or television transmitting stations; theaters (outdoor or indoor); all permitted uses within the Residential Single Family, Multiple Family and Mobile Home Court or Park land use classifications.



(2) Uses not permitted: All those uses permitted in the Light and Heavy Industrial/Manufacturing and Commercial Wholesale land use classifications, and all uses which may be offensive, hazardous, noxious, or detrimental to the public welfare by the emission of unusual and excessive amounts of dust, chemicals, smoke, fumes, odors, gas, noises or vibrations.

(3) Conditional Uses: In accordance with Chapter III of the Park County Land Use Implementation Program, the following uses shall be allowed only upon approval of a conditional use permit for all proposed uses lying within the Airport Overlay Zone: amusement centers (indoor or outdoor); bars; business college; child care centers; dance, music or voice studio; hotels, motels, lodges or resort cabins; fast food restaurants or other restaurants; professional offices; radio or television transmitting stations; theaters; and all uses permitted within the Residential Single Family, Multiple Family, and Mobile Home or Park Land Use Classification.

(4) Minimum lot size; The minimum lot size for the Commercial Retail land use classification shall be the same as Section 2., a., (3), (a), (b) and (c) of Chapter IX.

b. Commercial Wholesale (CW)

(1) Permitted uses: Wholesale stores and distributors; warehousing for wholesaling purposes.

(2) Uses not permitted: All those uses permitted in the Light and Heavy Industrial/Manufacturing land use classifications; all those permitted in the Commercial Retail land use classifications; all those uses permitted in the Residential Single Family, Multiple Family and Mobile Home

because (3) doesn't have a, b, c. distinctions!!

I think this should be a (4) a, b, c,

Court or Park land use classifications.

(3) Minimum lot size: The minimum lot size for the Commercial Wholesale shall be the same as Section 2 a,(3),(a), (b) and (c) of Chapter IX.

Section 5. Industrial/Manufacturing Uses. The following land use classifications shall be used to represent the Industrial/Manufacturing in the local planning areas:

a. Light Industrial/Manufacturing (LIM)

(1) Permitted uses: Beverage bottling plants; storage yards for contractors; dairy products processing; ice manufacturing and cold storage; wholesale lumber yards and sawmills; machine shops; oil field service companies and suppliers; stone monument works; public utility yards; heavy truck and tractor repair; commercial laundry or cleaning plants; warehousing for industrial/manufacturing purposes; rail yards; heavy equipment storage area; outdoor advertising; billboard manufacturing; and liquid waste disposal areas or ponds for non-hazardous material subject to the provisions of Chapter IX, Section 5.,b.(1),(a).

(2) Uses not permitted: All uses permitted in the Residential Single Family, Multiple Family, and Agricultural land use classifications, excepting lodging for employees; and all uses which may be offensive, hazardous, noxious or detrimental to the public welfare by the emission of unusual and excessive amounts of dust, chemicals, smoke, fumes, odors, gas, noises or vibrations.

(3) Conditional Uses: In accordance with Chapter III of the Park County Land Use Implementation Program, the following uses shall be allowed only upon approval of a conditional use permit for all proposed uses lying within the Airport Overlay Zone: beverage bottling plants; storage yards for contractors; dairy products processing; ice manufacturing and cold storage; wholesale lumber yards; heavy truck and tractor repair; commercial laundry or cleaning plants; warehousing for industrial/manufacturing purposes; rail yards; heavy equipment storage area; outdoor advertising, and billboard manufacturing.

(4) Minimum lot size: The minimum lot size for the Light Industrial/Manufacturing land use classification shall be no less than one (1) acre.

b. Heavy Industrial/Manufacturing (HIM)

(1) Permitted uses: Concrete batch plants; cement or clay products manufacturing; food processing plants; crude, oil and gas refineries; waste crude recovery and reclamation facilities; gypsum or lime products manufacturing; rail

Park County, Wyoming
OFFICIAL ZONING RESOLUTION

As Amended and Adopted By

The Board of County Commissioners on August 24, 1971

- (2) Hotels, motels, lodges and resort cabins, including incidental business within the principal buildings;
- (3) Outdoor recreational and camping areas and incidental facilities, provided all such uses retain natural environmental conditions, do not involve storage of equipment outside of a building and are not obnoxious, offensive or objectionable because of excessive noise, odors, dust or vibration; and
- (4) Lumber mills subject to the provisions of Section VIII of this Resolution.

5.2	MINIMUM AREA OF LOT	one acre
5.3	MINIMUM LOT WIDTH	150 ft.
5.4	MINIMUM FRONT YARD.	40 ft.
5.5	MINIMUM SIDE YARD.	20 ft.
5.6	MINIMUM REAR YARD.	40 ft.

**SECTION VI
B, BUSINESS DISTRICT**

6.1 USES PERMITTED

- (1) All uses permitted in the R, Residential District, subject to the provisions of Section VIII of this Resolution;
- (2) Hotels, motels, lodges and resort cabins;
- (3) Mobile home parks, subject to the provisions of Section VIII of this Resolution;
- (4) Any general business, commercial or wholesale activity, including but not limited to the following: automobile repair shops, bakeries, banks, barber and beauty shops, blacksmith shops, cleaning establishments, clothing stores, drug stores, frozen food lockers, gasoline stations, grocery stores, hardware stores, laundries, lumber yards, medical and dental clinics, places of amusement or recreation, places serving food or beverages, plumbing shops, shoe repair shops, sporting goods stores, theaters, tinsmith shops, upholstery shops, and used car lots;

6.2 MINIMUM AREA OF LOT

- (1) Where each lot is not connected to a public water and sewerage system, one acre; and
- (2) Where each lot is connected to a public water and sewerage system, three times the total floor area of the principal buildings.

6.3 MINIMUM FRONT YARD. 40 ft.