

## LAND DEVELOPMENT REGULATIONS (LDR) UPDATE APPROACH ADOPTED 6/3/13

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### LDR Update Objective

As defined in Division 1200, Purpose, of the current LDR, “the purpose of these Land Development Regulations is to implement the Comprehensive Plan and to promote the health, safety, and general welfare of the present and future inhabitants of the [community].”

As defined in Section 10, Administration of the Jackson/Teton County Comprehensive Plan, “The Land Development Regulations (LDRs) and other implementation mechanisms provide the means to implement the community Vision with the force of law.”

Principle 3.3 – Manage growth predictably and cooperatively – of the Comprehensive Plan outlines the community’s LDR philosophy. The LDR philosophy is one of the biggest shifts from the 1994 to 2012 Comprehensive Plan. The community no longer desires flexible regulations that provide for landowner creativity and elected official discretion in balancing the community’s issues. The community now desires predictable, consistent, clear, nondiscretionary LDRs that build on the Character Districts to achieve desired future character and avoid negative impacts.

Combining the policies of Principle 3.3 with the Purpose of the current LDRs, the objective of the LDR Update is to implement the Comprehensive Plan and to promote the health, safety, and general welfare of the present and future inhabitants of the community by amending the LDRs based on:

- Coordination between jurisdictions (Policy 3.3.a)
  - We are one community with a joint vision and Comprehensive Plan for the future, Town and County LDRs will maintain common structure, format, and definitions.
  - Content will vary between zoning districts, but should be consistent within a zoning district regardless of the jurisdiction in which the district is located.
- Predictability and consistent, clear, nondiscretionary regulations and incentives (Policy 3.3.c)
  - Allowances and requirements should work together to aspire toward a desired future character, rather than exist as list of separate impacts to avoid.
  - Discretionary reviews should be minimized and based on clear standards and intents linked to Comprehensive Plan policy.
  - The LDRs should be openly updated through the plain language of the LDRs rather than footnotes or interpretations.
- The Character Districts (Policy 3.3.b)
  - LDRs should achieve the desired future character described in the Character Districts.
  - LDR updates should build on decisions already made in the Character Districts, not revisit or amend the Character District policy direction.
  - If additional detail is needed to describe desired future character of a specific area a neighborhood plan will be developed to inform the LDR update. (Policy 3.3.d)
- Comprehensive Plan policy (Policy 3.3.e)
  - LDRs should be based on the policy direction in the Comprehensive Plan.

- LDR updates should not amend or introduce policy that should be located in the Comprehensive Plan.
- Data analysis and best practices (Policy 3.3.a)
  - LDR updates should be based on the best available science and data on trends, projections, and impacts.
  - LDR update should be consistent with the adaptive management philosophy of the Growth Management Program

### LDR Update Approach

There are three components to the LDR Update:

1. **Structure** includes the style, format, and philosophy behind the LDRs;
2. **Process** is the method by which the LDRs will be updated;
3. **Content** is the specifics of the regulations themselves.

A diagnosis of the strengths and weaknesses of the 2012 LDRs in achieving the goals of the Comprehensive Plan is attached. The Diagnosis is primarily focused on the structure and content of the regulations. This LDR Update Approach draws from the Diagnosis. However the primary focus of the LDR Update Approach is on the structure and process of the LDR Update as the content will be determined through the process. As detailed below, a series of amendments will be pursued to update the content of the LDRs on specific topics and for specific areas. The Diagnosis, as well as other public and staff analyses of the current regulations will continue to be used throughout the LDR update process.

### LDR Update Structure

The shift in philosophy in the Comprehensive Plan necessitates a shift in structure of the LDRs. Under the guiding principle of flexibility and discretion the 2012 LDRs were designed as a series of requirements to be balanced by applicants and elected officials. A desired future character is not aspired to, instead a series of impacts are identified for avoidance. Under the Comprehensive Plan the philosophy is predictability and aspiration toward a desired character. Desired development should be clearly described and landowners, developers and neighbors should be able to understand what is allowed on a property.

An outline of the updated LDR structure is below. This structure is intended to address a number of the LDR Update Objectives especially the desire for coordination between the Town and County, Character basis of the LDRs and philosophy of predictability. A draft of a more detailed outline is attached, however the actual outline will likely change as the LDRs are restructured and analysis indicates which areas of content are most appropriately located under the various headings.

Proposed Structure	Content from 2012 Regulations
1. General Provisions	<ul style="list-style-type: none"> <li>• Article I: Title, Authority, Purpose, Applicability, Exemptions, Severability</li> <li>• Article II: Establishment of Districts</li> <li>• Article VII: Nonconformities</li> </ul>
2. Complete Neighborhood District Standards	<ul style="list-style-type: none"> <li>• Article II/ IV: District purpose, requirements, and district specific standards: ie Downtown districts, WC, etc.</li> </ul>
3. Rural Area District Standards	<ul style="list-style-type: none"> <li>• Article II/IV: District purpose, requirements, and district specific standards: ie Rural districts, etc.</li> </ul>
4. Special Purpose District Standards	<ul style="list-style-type: none"> <li>• Article II/IV: District purpose, requirements, and district specific standards: ie Resorts, P/SP, etc.</li> </ul>
5. Natural Resource Standards	<ul style="list-style-type: none"> <li>• Article II/III/IV: Environmental Standards, Scenic Standards</li> </ul>
6. Standards Applicable to All Districts	<ul style="list-style-type: none"> <li>• Article II/IV: Standards for development of allowances and requirements listed in each district ie road design standards</li> </ul>
7. Administrative Procedures	<ul style="list-style-type: none"> <li>• Article V: Duties, processes, submittal requirements, standards</li> <li>• Article IX: Enforcement</li> </ul>
8. Platting and Land Records	<ul style="list-style-type: none"> <li>• Article VI: Platting, boundary adjustment</li> </ul>
9. Definitions	<ul style="list-style-type: none"> <li>• Article VII: Definitions</li> </ul>

### *Organization by Zone*

While the titles of the current LDR Articles imply organization of standards by zone, in reality the current regulations are organized by impact. For a landowner, developer, or neighbor to understand what should be expected on a property he/she currently has to read through all of Articles II, III, and IV and understand how they interrelate. The updated LDR structure addresses the community's desire to achieve future character by making the allowances and requirements of a zone the most prominent organizing feature of the LDRs.

Each District in Articles 2-4 will include:

- Purpose
- Graphics and Tables outlining allowances/requirements/options such as:
  - Use
  - Dimensional Limitations
  - Landscaping
  - Parking
  - Etc.
- Zone specific standards

Placing all of the requirements for a zone in one place paints a picture of the type of development desired. By consolidating this information it also creates a guide for the use of the rest of the regulations. This consolidation also allows for the comparison of zones by a business owner or developer attempting to site a specific type of development.

Organization by zone locates zone specific information in the single place where it is applicable, but still relies on links to standards applicable in all zones. Staff considered a structure where all standards applicable to a zone were located within that zone. However, with the increasing use of digital forms of accessing and using the LDRs,

links are much more manageable now than they were in the past. With the guide to all standards applicable to a zone a user of the digital interface can flip back and forth between standards easily using links and pop-ups. The digital interface will also allow for management of the links and references and the addition of references such as interpretations.

Organization by zone also allows for zone specific standards to be designed based on the context of the zone, and organized in the context of the purpose of the zone. Development standards that have different purposes or best practices depending on the context (such as parking in Town versus parking on a rural lot) should be zone specific and designed to the context of the zone. Those aspects of the development of the requirement that are generally applicable (such as the size of a parking space) can still be located in the general section. The updated LDRs will clearly identify which regulations are context specific and locate those requirements in the specific zone. This organization also reduces the need for multiple overlays to achieve different use or character goals. The goals of a zone will all be stated within the context of that area.

### *Coordinated Structure*

The updated LDRs will use a consistent structure between the Town and County. Each jurisdiction will each have its own set of LDRs however the structure, processes and definitions will be shared in order to make use of the LDRs easier across jurisdictions. The Comprehensive Plan characterizes the community as either Complete Neighborhood or Rural Area. Jurisdiction is subordinate to character. The updated LDR structure is designed so the pieces that are not needed by one jurisdiction can be omitted with a place holder in case they become relevant in the future. This coordinated structure adds to the clarity and predictability of the regulations and implements the character basis of the Comprehensive Plan. Maintaining this shared structure into the future will require coordination between the Town and County. The formalization of that coordination will be evaluated through the update of the administrative procedures.

### *Consolidation of Use*

The current regulations separate over 60 uses into nine groups. However neither the uses nor the groups align with use specific standards such as parking and housing. The updated LDRs will consolidate uses and ensure that any use based standards use consistent definitions. Some of this consolidation will be a function of the move toward character specific standards that are context sensitive. This will remove the need to regulate the impacts of specific uses, because the desired character of a district will be better defined.

### LDR Update Process

The Town Council and Board of County Commissioners decided in June 2012 to approach the LDR update through a series of amendments rather than a single, complete document update. This approach was adopted for its following benefits:

- Allows for adoption of individual pieces without having to wait for adoption of pieces that require additional research, technical review, or public discussion.
- Allows for more focused dialogue on each specific issue.
- Allows the community to address priority issues sooner.

- Breaks one big contract into smaller contracts that are easier to manage and more specialized to the specific needs of the community.
- Breaks one big expenditure decision into smaller expenditure decisions over time that can evolve with the process.

### *Phase I Amendments*

In November 2012 the Town Council and Board of County Commissioners directed staff that the following three amendments should be addressed as Phase I of the LDR update to begin in 2013.

1. **(Joint) LDR Restructure and Update of the Purpose, Applicability, and Review Standards.** This amendment has two purposes. The first is to reorganize the LDRs based on the LDR Update structure described above. This effort will be primarily content neutral – the reorganization will not change the standards applicable to an existing zoning district. An exception to this content-neutrality will be in the consolidation and reorganization of the uses and use based standards. Content to be replaced in other Phase I amendments will also change – as dictated by those amendments.

This second purpose of this amendment is to bring the purposes, applicability, nonconformity, and review procedures and standards in the LDRs into alignment with the language in the 2012 Comprehensive Plan. This amendment will improve the defensibility of the LDRs and clarify the relationship between the LDRs and Comp Plan. It will also clarify the community’s policies regarding existing uses and standards by which future development will be reviewed so that the community can use that information in review of future amendments.

2. **(County) Rural Area zoning and development tools.** The purpose of this amendment is to review and amend the existing zoning and development tools (eg PRD) that apply in Rural Areas to better align them with the policies of the Comp Plan and goals for Conservation and Preservation subareas.
3. **(Town) Downtown and Lodging Overlay zoning and development tools.** The purpose of this amendment is to amend the regulations governing development and redevelopment in the downtown area to be more consistent with the mixed-use vision of the Comprehensive Plan. This amendment will also evaluate the boundary and standards of the Lodging Overlay.

### *Method for Adopting Amendments*

Updating the LDRs through a series of amendments requires a plan for incorporating those individual amendments into a coherent, complete set of LDRs. The first step in the process is the adoption of the content-neutral restructuring of the LDRs. Through this restructuring, existing zoning districts that do not meet the objectives of the updated LDRs (legacy districts) will be identified and organized with the goals of eventually removing them from the LDRs. Until such time as each property in each district is considered for a new character-based zoning district the existing legacy zoning will remain in place and in the regulations. In the initial restructuring of the LDRs a table of the movement of various standards will be produced for the purposes of tracking content and helping Staff and the public become familiar with the new structure.

Throughout the rest of the amendments content will be added, modified, and removed based on the topic of the amendment. Where legacy districts or other standards become obsolete they will be removed from the

LDRs. The result of this process will likely be that the LDRs grow before they shrink, however the end product of the LDR Update will be clearer more concise LDRs.

### *Update Process Administration*

Each amendment in the update process will require

- public participation and facilitation,
- legal review, and
- technical expertise in fields such as
  - design,
  - planning,
  - economics,
  - natural resource protections, and
  - others.

One of the benefits of updating the LDRs through a series of amendments is that staff can complete the amendments where it is capable of meeting the above requirements, while topic specific consultants can be retained for a particular amendment as needed. Determining the correct balance of Staff and consultant resources to ensure all areas of review receive proper attention will take coordination.

Staff management of the process and individual consultants will be used because of its following benefits:

- Staff is most familiar with the 2012 Plan and current LDR and can best manage the various consultants that will be needed.
- Avoids contracting for overhead and management costs that would come with a managing consultant.
- If desired, the community can retain some consultants (e.g. legal review or facilitation) for the duration of the process but only retain topic specific consultants in the short-term.
- Staff can ensure that the community prioritization of public participation does not get lost in content creation.
- Replicates the successful Character District process.

### *Public Participation Plan*

Public participation in the LDR update is critical to its success. The LDR update will be more technical than the Comp Plan update. The adopted policies of the Comprehensive Plan that inform each amendment will be the basis for each discussion. The LDR update is not a revisiting of the Comp Plan and will not be a broad visioning exercise like the Comp Plan update. However, the community will be asked in each amendment effort to help determine the appropriate tools for Comprehensive Plan implementation and identify the practical implications of amendments as they are drafted.

Each individual amendment will have its own specific public participation plan. Generally speaking each amendment will follow the below process. Public participation tools specific to each amendment will be employed throughout each amendment process to ensure that the technical considerations and design of the amendment do not proceed without the proper consideration of public input.

## General Amendment Process

1. Scoping – analysis of current regulations on the topic in relation to the Comp Plan
2. Background Study –collection of data needed to inform development of the amendment
3. Alternatives Review – public consideration of alternative tools and desired character
4. Amendment Development – draft regulations developed
5. Public Review – general public review of amendment
6. PC/Elected modification and adoption

## Updated LDR Content

The content of the updated LDRs will be determined throughout the process for each individual amendment. The LDR Update Objectives and this LDR Update Approach will serve to guide the individual amendments. Joint processes will be used to develop standards that apply in the Town and the County. However some amendments will apply only to one jurisdiction or primarily to one jurisdiction. In these processes each jurisdiction will look to the Comprehensive Plan policies and Character Districts for the high level coordination that is the basis for each amendment. Additional coordination will be ensured by the Joint Long-Range Planner and through cross-jurisdictional participation in each amendment. With the Jackson/Teton County Comprehensive Plan adopted, it is now time for each jurisdiction to complete its portion of the implementation while working toward the community's common goals.